

by the Chief Clerk, or the persons to whom they were sent and furnished, and that the said accounts are just and true as to the number and price, as provided in the preceding section. oath of publishers.

SEC. 3. The Secretary of State is hereby authorized to draw warrants on the State Treasurer, in favor of the respective publishers for the amounts found due to them, and there is hereby appropriated out of any moneys in the State Treasury, a sum sufficient to pay such accounts so audited. Secretary to draw warrants on State treasurer.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved May 12th, 1858.

Chapter 87.

Published May 14th, 1858.

AN ACT providing for the organization, enrolling and discipline of the Militia of the State of Wisconsin.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. All able bodied white male citizens, between the ages of eighteen and forty-five years, residing in this State, and not exempted by the laws of this State, shall be subject to military duty in time of war or insurrection, except ministers and preachers of the Gospel, licensed physicians and surgeons while they continue in practice; persons who may have been or who may hereafter be legally discharged in consequence of their performance of military duty, in pursuance of any law of this State; general, field and commissioned officers, who shall have served as such in the militia of this State or in any other of the United States, and have been legally and honorably discharged. Every person who, having been enrolled as a volunteer, and having equipped himself with the prescribed uniform, shall have performed military duty in accordance with the provisions of this act, for the term of seven years. All firemen and members of the hook and ladder companies, judges of the supreme, circuit and county courts, Of whom militia to be composed and who subject to military duty, and who exempt from same.

clerks of courts, cities, and towns, justices of the peace, sheriffs and their deputies, members of the Senate and Assembly not being commissioned military officers, with their attendant officers for the time being, all State officers residing at the capital; also the officers and attendants of the State lunatic asylum, public hospitals and the State and county prisons.

Division of militia.

SEC. 2. The organization of the militia in divisions, brigades, regiments, battallions, squadrons, troops and companies shall be conformed to the provisions of the laws of the United States. The State shall consist of eleven or more divisions, and each division shall consist of not less than two or more than four brigades, and each brigade shall consist of not less than two and not more than four regiments, and each regiment shall consist of not less than ten and not more than twenty companies, to which may be added two flank companies, one of flying artillery. Whenever, by the changes of population, the organization of new counties, or for other reasons, a change in the arrangement of the several divisions, brigade and regimental districts shall be deemed advisable, the Governor may at his discretion, in general orders, to be published in a newspaper at the capital, and in at least one newspaper in the district interested, direct such change as he shall deem necessary.

Active militia in time of peace—of whom composed.

SEC. 3. The active militia in time of peace shall be composed of general and field officers, in commission, with their respective staffs, and their successors, together with all legally organized companies, and such other officers and corps as may be duly authorized and organized under orders from the commander-in-chief. The officers of the militia shall be a Commander-in-Chief, one Major General to each Division, and one Brigadier General to each Brigade, one Adjutant General, one Commissary General, one Quarter Master General, one Pay Master General, one Inspector General, one Engineer in-Chief, one Surgeon General, Colonels, Lieut. Colonels, Majors, Captains, Lieutenants, and such other officers as shall hereafter be named.

Officers of militia.

Governor to be Commander-in-Chief.

SEC. 4. The Governor shall be Commander-in-Chief of the militia of this State, except when called into the service of the United States. The Major General, Brigadier Generals, Adjutant General, Commissary General, Quarter Master General, Pay Master General, Inspector General, Engineer in Chief, Surgeon General,

Officers appointed by the Governor.

Judge Advocate General, Military Secretary, Colonels, Lieut. Colonels and Majors shall be appointed by the Governor. The Adjutant General, Commissary General, Quarter Master General, Pay Master General, Inspector General, Surgeon General, Engineer in Chief, and Judge Advocate General, shall have the rank of Brigadier General. The Military Secretary and Aids-de-Camp in the staff of the Commander-in-Chief shall have the rank of Colonel.

Rank of Brigadier General.

Rank of Colonel.

SEC. 5. The Commander-in-Chief shall appoint as many Aids-de-Camp as he shall deem necessary in his staff; also one Chaplain with the rank of Lieut. Colonel. The Major Generals shall appoint for their staff the following officers: Two Aids-de-Camp, one Quartermaster, one Commissary, and one Division Engineer, one Paymaster, one Surgeon, one Judge Advocate, and a Division Inspector, each with the rank of Colonel. Also a Chaplain with the rank of Major. Each Brigadier General shall appoint for his staff the following officers: One Aid-de-Camp, one Quartermaster, one Paymaster, one Surgeon, one Judge Advocate, and a Brigade Inspector, each with the rank of Major. Also a Chaplain with the rank of Captain. Each Colonel shall appoint for his staff the following officers: One Adjutant, one Quartermaster, one Paymaster, one Surgeon, one Judge Advocate, each with the rank of Captain. Also a Chaplain and a (Chaplain and a) Surgeon Mate, with the rank of Lieutenant. All of which appointments shall be published in orders.

Appoint Aids-de-Camp.

Officers appointed by Major Generals

Officers appointed by Brigadier Generals.

Officers appointed by Colonels.

Appointments to be publish'd

SEC. 6. All company, commissioned and non-commissioned officers shall be chosen by their respective companies, the commanding officer of the regiment first causing notice to be given to those entitled to vote, that he is about to lead them to the choice of such officers; *Provided, however,* That if any company after having been twice ordered out for the choice of commissioned officers, shall at the expiration of three days from the second time of their being so ordered out, be destitute of commissioned officers, either in whole or in part, the commandant of the regiment to which such company is attached, may nominate to the commanding officer of the brigade to which such regiment belongs, suitable persons to fill all vacancies then existing among the commissioned officers of such company; and if such nominations shall be approved by

Company are non-commissioned officers—how chosen.

Proviso.

said commandant of brigade, the person so nominated and approved may be commissioned by the Commander-in-Chief. Said commandant of regiment shall also, at his discretion, grant warrants to each person who may be elected sergeant or corporal by any company under his command; and if any company shall fail to elect all the warrant officers necessary for said company, according to the provisions of this act, he may issue a warrant to such member of such company as he may deem proper; and said commandant shall further have power to reduce to the ranks any non-commissioned officer attached to his regiment, whom, on complaint made, and due notice given, he shall find guilty of misconduct or neglect of duty. The commanding officer of any company, when so ordered, shall call out his company for the choice of Captain or Subalterns, and may call out his company for the choice of non-commissioned officers at any time in the year. The return of commissioned officers elected in any company shall be forthwith made to the Adjutant General, and a duplicate of the same to the commander of the regiment to which such company is attached; and if within ten days after such election there shall be no objection or remonstrance, commission may be granted as aforesaid.

Who subject
to duty on
horseback and
who on foot.

SEC. 7. All general officers and their staffs, the Adjutant General, the Commissary General, the Quartermaster General, the Paymaster General, and the Engineer in Chief, and all field and staff officers, shall do duty on horseback. All other officers shall do duty on foot, except the officers of the cavalry and the horse artillery. The Commander-in-Chief shall cause each company, regiment and brigade, to be numbered in such manner as he shall deem proper and best calculated to secure uniformity; each company, regiment and brigade, shall be known by its number and designation, which shall be registered in the Adjutant General's office.

Each regiment
and brigade to
be numbered,
&c.

Officers of
companies.

SEC. 8. To every company there shall be one Captain, one First Lieutenant, one Second Lieutenant, and one Third Lieutenant; four Sergeants, four Corporals, and three musicians. Non-commissioned officers shall be chosen from the members of the company to which they belong, or from persons not members of other companies, and the musicians, not exceeding

three in number, shall be appointed by the commander of each company.

SEC. 9. The Commander-in-Chief is hereby authorized and empowered to disband any military company or band, as the interest of the militia, in his opinion may require; to discharge commissioned and non-commissioned officers, and all other persons who have performed the duty required by this act, or who from incompetency or other cause have failed to perform their duty; to delegate to the Major Generals and the Brigadier Generals the power to discharge officers and other persons, and generally to exercise all the powers necessary to carry into effect the provisions of this act.

Power to disband any military company or band, &c.

SEC. 10. Every officer of the line and staff, when so ordered by the Commander-in-Chief, shall furnish himself with a complete uniform, which shall be such as the Commander-in-Chief shall prescribe, and subject to such alterations as he may order, and all uniforms, arms, equipments, and instruments owned and used by any officer, musician or private, or by any legally organized military company or band, shall not be liable to attachment, or to be taken on execution for any debt contracted by such officer, musician, private, company or band. Every musician, officer, or private in the militia, whose duty it is to serve on horseback, shall provide for himself a good and sufficient horse.

Officers of line and staff to provide themselves with uniforms, &c.

SEC. 11. Whenever a regiment shall be ordered out for inspection, the Brigade Inspector shall inspect such regiment, agreeably to the rules adopted for the army of the United States, and he shall take an accurate account from personal inspection of the quality of the arms and accoutrements of both officers and privates, and whether they are unfit for service; and he shall also examine the clothing of the men and see whether they are in complete uniform, and make a report of the same to the Adjutant General. The commanding officer of each company shall make a return of the state of his company, with the number of men enrolled therein, and of all their arms and equipments and ammunition to the commanding officer of the regiment, within ten days after the drill of the school of practice required by law. The commanding officer of each regiment shall make a return of the state of his regiment, with the number of men enrolled therein, and all their

Inspection of regiments.

The commanding officers to make returns.

arms, equipments, and ammunition, together with a roster of the field and staff and commissioned officers of his regiment, to the commanding officer of the brigade within twenty days after the drill at the school of practice.

To establish a military school—meeting of same and object.

SEC. 12. For the purpose of increasing the efficiency of the military arm of the State, there shall be established under the direction of the Commander-in-Chief, a military school of practice, which shall assemble once in each year, at such times and place or places as the Commander-in-Chief may appoint, and for this purpose he shall apportion the State into one or more military districts, and may from time to time, at his discretion, alter the same, or increase or diminish the number thereof. All the uniform companies of the State shall be required to assemble at the time and place, or times and places appointed in their respective districts for such school of practice, and shall be subject to all the regulations governing the military discipline of the State; either as established by law, or by the orders of the Commander-in-Chief. The Commander-in-Chief shall direct the course of instruction to be pursued in each district at such schools of practice; and shall forward his orders to the senior officers of the respective districts, at least twenty days prior to the time fixed for such school of practice to meet; and it shall be the duty of such senior officer immediately to transmit such orders through the Colonels of regiments to the various company commanders in his district.

ANNUAL PARADE FOR A SCHOOL OF PRACTICE.

Annual parade SEC. 13. There shall be one parade annually for a school of practice, in the month of August or September, for not exceeding four successive days, as the Commander-in-Chief shall direct. The commanding officer of each company shall order his command to assemble at such time and place for a school of practice as may be designated by his superior officer, in pursuance of this act, for drill, inspection and review. The commanding officer of the division, when he deems it expedient, may, with the consent and approbation of the Commander-in-Chief, issue orders to the commandants of brigade, to assemble their respective brigades for a school of practice, not to exceed four

successive days, at such time as the commander of each brigade shall designate, between the tenth day of August and the twenty-fifth day of September, in each year; or if said commandant of division shall deem it more advantageous, he shall direct said commandants of brigade to issue orders to the commanding officers of their respective regiments, to order out their several regiments separately, within the above time specified for a school of practice, at such time as the commandants of said brigades shall designate.

SEC. 14. Whenever the members of any company are to be assembled for parade, or the choice of officers, a notice specifying the time and place of such parade or choice of officers, when read in the hearing of the person to be warned, or left with him at his usual place of abode, or addressed by mail to such person, three days previous to the day of such parade or choice of officers, shall be considered a legal notice. The commanding officer of the day at the school of practice, required by this act, may cause those under his command to perform any field or camp duty which he may deem proper, and may also put under guard for the day, any officer or soldier who shall disobey the legal orders of his superior officer, or in any wise interrupt the exercises of the day; also all other persons who shall trespass on the parade ground, or in any way interrupt or molest the orderly discharge of duty by those under arms. All orders for an encampment at the school of practice and for inspection and review, shall be published at least twenty days previous to such encampment; and all commanding officers may read such division, brigade, or regimental orders, and notify members of their command to appear as specified in said orders, for the purpose therein expressed, which notice shall be sufficient warning to all such members as are present.

What deemed legal notice for parade or choice of officers.

Commanding officer—power

Orders to be published.

SEC. 15. The Adjutant General shall be the active officer of the military organization of the State, and he shall be considered always on duty. He shall have an office at the seat of government, which shall be kept open during the usual office hours of the State officers. All general orders from the Commander-in-Chief shall be published and forwarded through the office of the Adjutant General, and the Adjutant General shall make out, countersign and transmit all military commissions

Adjutant General—general powers and duties.

conferred by the Commander-in-Chief in the organization of the militia of this State, and all reports on military affairs made to the Commander-in-Chief or to the Legislature, shall be made through the same channel. The Adjutant General shall keep a record of all the proceedings of his office, and annually on the first day of October in each year, shall furnish the Commander-in-Chief a Roster of the general and field staff, and other commissioned officers, and also to procure and furnish at the expense of the State, all necessary blanks, blank books, and forms, which blanks, blank books and forms shall not cost more than one hundred dollars per annum, and to perform all the duties necessary to carry into full effect the provisions of this act; and he may employ a clerk to assist him in the duties of his office, which said clerk shall be entitled to receive for his services, from the State, a salary not to exceed four hundred dollars a year; and the Secretary of State is hereby authorized to audit and allow the account of such clerk in the same manner as accounts of other clerks are audited and allowed. The Superintendent of Public Property is hereby required to furnish the Adjutant General with such stationery as he may require in his office in the discharge of his public duties, which stationery shall not exceed in amount one hundred dollars per annum.

SEC. 16. This act shall take effect from and after its passage and publication.

Approved May 12th, 1858.

Chapter 88.

Published May 18th, 1858.

AN ACT regulating fees of County Judges in certain cases.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

**Fees of county
judges or court
commissioners**

SECTION 1. The county judge, or a court commissioner of any county in this State, in proceedings supplementary to an execution, may be allowed to receive the following fees: For issuing an order requiring a