

## Militia

Section 1 The Militia of this State shall consist of all able-bodied male citizens between the ages of eighteen and forty five years except such persons as now are or hereafter may be exempted by the laws of the United States or of this State

Section 2 Persons whose religious tenets or conscientious scruples forbid them to bear arms shall not be compelled to do so in time of peace but shall pay an equivalent for personal service

Section 3 The Governor shall appoint the Adjutant General and the other chief officers of the General Staff and his own staff and all officers of the line shall be elected by the persons subject to military duty in their respective districts

Section 4 The Major General Brigadier General Colonels or Commandants of Regiments Battalions or Squadrons shall severally appoint their staff officers and the Governor shall commission all officers of the line and staff ranking as such

Section 5 The Legislative Assembly shall fix by law the method of dividing the Militia into divisions brigades regiments battalions and companies and make all other needful rules and regulations in such manner as they may deem expedient not incompatible with the Constitution or laws of the United States or of the Constitution of this State and shall fix the rank of all staff officers



Article on Militia

Passed Sept 4 1859

Engrossed



The Committee to whom was referred so much of the Constitution as relates to the Militia, having considered the duty assigned them, ~~respectfully~~ respectfully submit the following report to the Consideration of the Convention —

Sec. 1, The Militia of this State shall consist of all free able-bodied white male Citizens, residents of ~~this~~ <sup>the</sup> State between the ages of eighteen and forty five years, except such persons as now are or hereafter may be exempted by the laws of the United States or of this State —

Sec. 2, Any person whose religious tenets or Conscientious scruples forbid them to carry arms, shall not be Compelled to do so in time of peace, but shall pay an equivalent for personal service —

Sec. 3 The Governor shall appoint the Adjutant General and his other Staff officers The Majors General, Brigadiers General, Colonels, Lieutenant Colonels, Majors, Captains, and Subalterns, shall be elected by the persons subject to military duty in their respective districts —

Sec. 4 Majors General, Brigadiers General, Colonels, or Commandants of Regiments, Battalions, or Squadrons, shall severally appoint their Staff Officers —

Sec. 5 The Governor shall Commission all officers



of the line and staff ranking as such, and shall have power to call forth the Militia to execute the laws of the State to suppress insurrections and repel invasions—

Sec 6 The Legislature shall fix by law the method of dividing the Militia into divisions brigades regiments battalions and Companies and make all other needful rules and regulations in such manner as they may deem expedient not incompatible with the Constitution or laws of the United States or of the Constitution of this State and shall fix the rank of all Staff Officers—

John Kelsey  
Chairman—

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Report of Com on  
Militia.

Read 1st time. Aug 21  
Read 2<sup>d</sup> time Aug 22<sup>d</sup>—  
and referred to Committee  
of the whole—

The within article amended  
in the Committee of the whole  
Aug 25<sup>th</sup> and adopted by  
the Convention—

Ordered to be engrossed  
next—

Ordered to be engrossed  
and read a 3<sup>d</sup> time on  
Thursday next—



Mr Grover amendament first Section  
Strike out the word free adopted  
Strike out the word white adopted  
Strike out the word any in Second  
Section and the letter s in the word person  
in same Section

Mr Grover Strike out the word canny  
in first line Second Section and insert  
the word hear adopted

Mr Grover Strike out the word other  
in first line of 3<sup>rd</sup> Section as amended and  
insert after the word officers the words of  
the line adopted

Mr Pebles Strike out of Section 3 the  
words Majors General Brigadiers General  
Colonels Lieutenant Colonels Major Captains  
and Subalterns and insert all other officers  
adopted



Annals of  
to the article on  
Preliminary



Mr Kelly amended Section 4 by  
adding after the word officers and the  
Governor shall commission all officers  
of the line and Staff ranking as such  
adopted

Mr Kelly that Section 5 be stricken  
out adopted