

MAINE STATE LEGISLATURE

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Charles F. Rice

DOCUMENTS

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THE LEGISLATURE,

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1840.

AUGUSTA:

WM. R. SMITH & CO., PRINTERS TO THE STATE.

1840.

TWENTIETH LEGISLATURE.

NO. 35.

SENATE.

REPORT AND BILL

OF THE

COMMITTEE ON THE MILITIA.

[Wm. R. SMITH & Co.....Printers to the State.]



REPORT.

STATE OF MAINE.

THE Committee on the Militia to whom was referred so much of the Governor's Message as relates to that subject; the Adjutant General's Report; the Report on the Petition of Charles Megquier and als.; Petition of Joseph D. Bangs and thirty als.; Petition of Charles B. Dunn and sixty others; Petition of twenty-three inhabitants of Charlotte; Petition of Elijah Comins and fifty-three als.; Petition of Frederick Frye and twenty-nine als.; Petitions of Calvin Comins and twenty-six als.; order for pay Surgeons and Surgeons' Mates; an order directing this Committee to inquire into the expediency of reporting a Bill, &c.; Petition of David Dunn and als.; Petition of J. C. Anthony and thirty-three als.; Petition of Robert Long and als.; Petition of J. C. Glidden and thirty-nine als.; Petition of J. C. Wheeler and fifty als.; Petition of S. Leighton and thirty als.; Petition of Simon F. Harnden and eighteen als.; and the

Resolutions adopted at a Military Convention holden at Brownfield, respecting the organization of the Militia, having had the same under consideration ask leave to report the following Bill, which is herewith respectfully submitted.

JONATHAN MERRILL, *Chairman.*

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED
AND FORTY.

AN ACT to organize, govern and discipline the
Militia.

CONSTITUTION OF THE UNITED STATES.

Chapter VIII—Articles 14th and 15th.

“ X— “ 2d, last part.

Article IV—Section 14th.

Amendment—Article II and III.

MILITIA LAW OF THE UNITED STATES.

CONSTITUTION OF THE STATE OF MAINE.

Article I—Sections 14, 16, 17 and 18.

“ II— “ 3.

“ V, part 1st—Sections 7 and 10.

“ VII—Sections 1, 2, 3, 4 and 5.

“ IX— “ 1, 3 and 6.

MILITIA LAW OF MAINE.

CHAPTER 1.

ENROLMENT.

SECT. 1. *Be it enacted by the Senate and House of Representatives in Legislature assembled,* That every free able bodied white male citizen residing in this State who is or shall be of the age of eighteen and under the age of forty-five years (except such as are hereinafter exempted) shall be enrolled in the Militia by the commandant or clerk of the company within whose limits, in the city, town or plantation such citizen has resided, ninety days prior to any day fixed by this act for choice of officers, annual inspection, training, or the regimental inspection and review.

CHAPTER 2.

EXEMPTIONS.

SECT. 1. *Be it further enacted,* That the Justices of the Supreme Judicial Court, all regular ordained Ministers of the Gospel of every denomination while they shall ordinarily officiate as such and continue in regular standing, and all officers who have heretofore held or may

7 hereafter hold commissions in the Militia of this
8 State, five years, or who have been or may be
9 superseded, or whose corps or company has or
10 may be disbanded, and have been honorably dis-
11 charged, shall be exempted from military duty,
12 and also all such as are exempted by the fore-
13 going laws of the United States, and every per-
14 son of the religious denomination of Shaker,
15 who shall on or before the first Monday of April
16 annually produce a certificate to the Command-
17 ant of the company within whose limits such
18 Shaker resides; which certificate signed by two
19 of the Elders and countersigned by the clerk of
20 the society with which such Shaker meets for
21 religious worship, shall be in substance as fol-
22 lows: We the Elders of the society of Shakers
23 in the town of —— in the county of ——
24 do hereby certify, that —— —— is a member
25 of our society, and that he usually meets with
26 our society for religious worship and conforms to
27 the usages of the same, and we believe is con-
28 scientiously scrupulous of bearing arms.

A B } Elders of the society of
C D } Shakers in said town.

E F, Clerk.

SECT. 2. *Be it further enacted,* That all
2 engine men upon the conditions specified in the
3 acts under which they have been or may hereaf-
4 ter be appointed, shall be exempted from all
5 ordinary military duty. Provided, they shall
6 on or before the first day of May annually pro-
7 duce to the commandant of the military company
8 within whose limits they reside, the certificate of
9 the Selectmen or other officers by whom they
10 are appointed, that such person has been duly
11 appointed an engine man and that he faithfully
12 performs the duty thereof. But it shall be the
13 duty of the clerk of each engine company to
14 return to the commandants of military companies
15 a list of all the members of their respective
16 engine companies, and such list certified by the
17 clerk as being correct shall avail each member
18 the same as though he had personally returned
19 his certificate of membership, if presented by the
20 first day of May annually. Provided there is
21 not more than thirty-six engine men to any one
22 engine, except the engines belonging to the city
23 of Portland. And such engine men shall not
24 vote in the choice of company officers so long as
25 they claim exemption from other military duty.

SECT. 3. *Be it further enacted, That*
2 all minors of eighteen years of age and upward,
3 shall be exempted from the performance of all
4 ordinary military duty, by paying each one dollar
5 annually to the Treasurer of the city, town or
6 plantation, and depositing with the commandant
7 of the company within the limits of which they
8 reside, a duplicate receipt of the same on or
9 before the first Tuesday of May annually.
10 N. B. Ordinary military duty is annual in-
11 spection, 1st Tuesday of May, training 2d
12 Tuesday of September, Regimental review,
13 and days for the election of officers.

SECT. 4. *Be it further enacted, That* all
2 officers who have held or may hereafter hold
3 commissions in the army or navy of the United
4 States, or in the militia of any of the United
5 States, for the term of five years, and have been
6 honorably discharged, who come to reside in
7 this State, and all officers who have held or
8 may hereafter hold a commission in this State
9 for a term less than five years and discharged
10 otherwise than by a sentence of a court martial,
11 and all staff officers who have ceased to act as

12 such in consequence of resignation, promotion,
13 or removal of the officers who appointed them,
14 and all non-commissioned officers, privates or
15 musicians, who are between the age of thirty-
16 five and forty-five years, shall be exempted from
17 all ordinary military duty by paying three dol-
18 lars annually to the Treasurer of the city, town
19 or plantation where he resides, and depositing
20 with the commandant of the military company
21 within whose limits he resides, a duplicate re-
22 ceipt of the same on or before the first Tuesday
23 of May annually.

SECT. 5. *Be it further enacted,* That all
2 non-commissioned officers, privates or musicians
3 shall be exempted from ordinary military duty
4 by paying to the Treasurer of the city, town or
5 plantation where he resides, eight dollars annu-
6 ally, and depositing with the commandant of the
7 company within whose limits he resides, a du-
8 plicate receipt of the same on or before the first
9 Tuesday of May annually. Or each non-com-
10 missioned officer or private may be exempted
11 by paying five dollars annually as aforesaid, and
12 depositing the duplicate receipt aforesaid, and
13 keeping himself constantly armed and equipped

14 as the law directs, with his name engraven on his
15 gun and painted or engraven on his equipments,
16 so they may be known by the commandant of
17 companies as his, and have them inspected the
18 first Tuesday of May annually, at one o'clock in
19 the afternoon; but nothing in this section or the
20 three preceding, exempts the past officers, non-
21 commissioned officers, privates, musicians or
22 engine men, from being called forth, detached or
23 drafted to execute the laws of the United States
24 or of this State, to suppress insurrection or repel
25 invasion.

CHAPTER 3.

ORGANIZATION.

SECT. 1. *Be it further enacted,* That the
2 Governor be and he hereby is authorized and
3 empowered, by and with the advice and consent
4 of the Council, to organize and arrange the
5 Militia of this State conformably to the laws of
6 the United States, and to make such alterations
7 therein as from time to time may be deemed
8 necessary, and that all application for raising
9 companies at large and for alterations in the
10 arrangements of the Militia, shall be made to

11 the Governor, and he, by and with the advice
12 and consent of the Council, is hereby author-
13 ized to grant such petitions or applications as to
14 him may appear proper; and all companies
15 raised at large by voluntary enlistment may
16 establish by-laws and regulations not repugnant
17 to the laws of the State, for perfecting them-
18 selves in military knowledge and discipline, in
19 which they may determine what number of
20 company trainings they will have in each year,
21 and may establish penalties and forfeitures to
22 enforce the observance thereof, to be recovered
23 in the same way fines are assessed and collected
24 in standing infantry companies, and for any
25 other purposes necessary to the good order and
26 government of such companies, which by-laws
27 and regulations shall be binding on such of the
28 members thereof as subscribe their names to the
29 same; and every new Division shall be desig-
30 nated by the number next higher than that of
31 the Division formed next before it, and the
32 Divisions shall take rank according to the num-
33 bers, the first being highest in rank.

CHAPTER 4.**MILITARY TENURE.**

SECT. 1. *Be it further enacted,* That the
2 term of holding a military commission in this
3 State shall be seven years and no longer, unless
4 promoted, re-elected or re-appointed. And all
5 those who have held their present commission
6 seven years shall forthwith be discharged by the
7 Governor, and all those who now hold a com-
8 mission shall be discharged in seven years from
9 the date thereof, unless promoted, re-elected or
10 re-appointed. And all those who may hereafter
11 receive a commission, may hold the same seven
12 years and no longer. And all officers shall hold
13 their commissions five years from the date of
14 their first commission, unless superseded or by
15 representation of their Brigadier General that
16 they be discharged; at the expiration of which
17 they may be discharged by making application
18 and have the same regularly passed up to the
19 office of the Adjutant General. And all ap-
20 pointed officers shall be discharged at the same
21 time the officer who appointed them is dis-
22 charged, but eligible to be re-appointed by his

23 successor or any other military officer who by
24 this act is authorized to make appointment in
25 the Militia, and eligible to be elected to any mil-
26 itary office.

CHAPTER 5.

OFFICERS CHOSEN AND APPOINTED.

SECT. 1. *Be it further enacted,* That the
2 Governor, by the Constitution of the State,
3 being Commander-in-chief of the Militia of
4 Maine, it is his duty by the advice and consent
5 of the Council to appoint an Adjutant General,
6 who shall perform the duties of Quarter Master
7 General until otherwise directed, who shall rank
8 as Brigadier General. Also the Governor may
9 appoint four Aids-de-camp with the rank of
10 Lieutenant Colonels. To each Division there
11 shall be one Major General, to be chosen by the
12 Senate and House of Representatives, each
13 having a negative on the other, whose duty it
14 shall be to appoint one Division Inspector with
15 the rank of Lieutenant Colonel, two Aids-de-
16 camp and one Division Quarter Master each
17 with the rank of Major. To each Brigade
18 there shall be one Brigadier General, chosen by

19 the written votes of the field officers of their
20 respective Brigades, whose duty it shall be to
21 appoint one Brigade Inspector with the rank of
22 Major, one Aid-de-camp and one Brigade Quar-
23 ter Master each with the rank of Captain. To
24 each Regiment one Colonel, one Lieutenant
25 Colonel and one Major, to be chosen by the
26 written votes of the Captains and subaltern offi-
27 cers of their respective Regiments. It shall be
28 the duty of the Commandants of the several
29 Regiments to appoint one Adjutant, one Quar-
30 ter Master and one Pay Master, each with the
31 rank of Lieutenant, one Chaplain, one Surgeon
32 and one Surgeon's mate. To each Battalion
33 of Artillery or Cavalry there shall be one
34 Major, to be chosen by the written votes of the
35 Captains and subaltern officers of their respec-
36 tive Battalions, whose duty it shall be to appoint
37 one Adjutant and one Quarter Master each
38 with the rank of Lieutenant. To each Com-
39 pany of Infantry, Light Infantry and Riflemen,
40 one Captain, one Lieutenant and one Ensign.
41 To each Company of Artillery, one Captain and
42 two Lieutenants. To each Company of Cav-
43 alry, one Captain, two Lieutenants and one

44 Cornet, to be chosen by the written votes of the
45 non-commissioned officers, privates and musi-
46 cians of their respective Companies, and all the
47 before named officers in this section shall be com-
48 missioned by the Governor.

NON-COMMISSIONED OFFICERS APPOINTED.

SECT. 2. *Be it further enacted,* That the
2 Commanders of each Regiment, shall appoint
3 one Quarter Master Sergeant, one Sergeant
4 Major, one Drum Major, and one Fife Major
5 in their respective Regiments, and grant them
6 warrants accordingly. The Commanders of
7 each Battalion of Artillery or Cavalry shall ap-
8 point one Quarter Master Sergeant in their
9 respective Battalions and grant him a warrant
10 accordingly. The Commanders of the several
11 Companies of Infantry, Light Infantry, Rifle-
12 men, Artillery and Cavalry, shall appoint four
13 Sergeants each in their respective Companies,
14 and shall forthwith make return to the Com-
15 manders of their Regiments or Battalions, who
16 shall grant them warrants accordingly; but
17 when there is but one Company of Artillery or
18 Cavalry in a Brigade, the Captain may grant

19 the warrants. And to each company of Infantry,
20 Light Infantry, or Riflemen there shall be four
21 Corporals and the Commanding Officer may
22 enlist four Musicians and no more. And to
23 each company of Artillery there shall be four
24 Corporals, six Gunners and six Bombardiers,
25 and not exceeding four Musicians, and he
26 is further authorized to enlist three Drivers,
27 who when enlisted shall be exempted from other
28 military duty, except that of Drivers and keep-
29 ing the harnesses and apparatus of the carriages
30 clean and in good order. And to each company
31 of Cavalry there shall be four Corporals, one
32 Farrier, one Saddler and one Trumpeter.

CHAPTER 6.

ELECTIONS.

SECT. 1. *Be it further enacted,* That the
2 Major General shall order all elections for choice
3 of Brigadier Generals. Commanders of Brig-
4 ades shall order all elections for filling vacancies
5 of field officers in their respective Brigades, and
6 the electors shall have ten days notice. And
7 Commandants of Regiments and Battalions

8 shall order all elections of Captains and subal-
9 terns within their Regiment or Battalion, on the
10 first election day provided for in this chapter,
11 section second, after receiving the officer's dis-
12 charge, provided there is time to transmit the
13 discharge and order for election to the Comman-
14 dant of the Company in season for him to give
15 due notice, as is required in section second [of]
16 this chapter, (if not in time for the first) election
17 day, to order the election to be held on the
18 second. And in all cases where there is a va-
19 cancy in the office of Major General, Brigadier
20 General, Colonel, Battalion Major or Captain,
21 the officer next in grade shall be holden to per-
22 form all the duties of the vacant office, until an
23 officer is elected to fill the vacancy, and commis-
24 sioned. And no election for the choice of Brig-
25 adier General or field officer shall be valid,
26 unless a majority of all the electors qualified by
27 law to vote in such election (counting all exist-
28 ing vacancies in the offices of such electors) shall
29 be present. And all returns of elections or of
30 neglect or refusal to elect shall be regularly
31 passed up to the Commander-in-chief, who is
32 empowered when there is a neglect to elect, or

33 to elect a suitable person, to appoint some suit-
34 able person to fill the office, and commission him
35 accordingly.

SECT. 2. *Be it further enacted,* That for
2 the choice of captains and subalterns the days
3 for filling vacancies are fixed by this act, viz :
4 the first Tuesday of every month, except Sep-
5 tember, each year, at two o'clock in the after-
6 noon, and the following shall be legal notice and
7 binding on all non-commissioned officers, privates
8 and musicians of any company of Infantry,
9 Light Infantry, Riflemen, Artillery or Cavalry.
10 Whatever vacancy there is to be filled, the
11 Commandant of their respective companies,
12 having received orders from the Commandant of
13 his regiment or battalion, shall cause the Clerk
14 to post up, fifteen days prior to the first election
15 day after the vacancy occurs and he receives
16 orders, a written notice in three public places,
17 where a majority of the officers decide, within
18 the limits of the company, and the names of
19 those three places decided upon shall be recorded
20 on the company orderly book, and those places
21 for putting up notices shall not be changed,
22 unless two thirds of all the members require it;

23 and the places so made public by said vote shall
24 be recorded on the orderly book, as the place
25 for public notices for said companies, and bind-
26 ing on all who have resided within the limits of
27 the standing infantry companies ninety days, or
28 in volunteer companies on all those who have
29 enlisted in them. And no election of company
30 officers shall be valid, unless a majority of all
31 the non-commissioned officers, privates and mu-
32 sicians, borne on the company book of enrolment
33 are present, excepting those named in section
34 fourth, chapter second, and also those exempted
35 in chapter eighth, section second. And in case
36 of neglect or refusal to elect or performing any
37 duty prescribed by law, the Governor may ap-
38 point an officer or officers to fill the vacancy or
39 vacancies and commission him or them, or dis-
40 band said company, and have the non-commis-
41 sioned officers, privates and musicians enrolled
42 in the nearest standing company at his pleasure.
43 And all commissions shall be sent to the Major
44 General of the Division where they belong, and
45 regularly passed down to the officers entitled to
46 receive them. And any person who shall be
47 elected to any office aforesaid in this chapter,

48 and shall not, within half an hour after he is
49 notified by the officer who presides thereat (ex-
50 cepting the election of Major General, who is
51 allowed fifteen days after he is notified by the
52 Secretary of State), come forward or have it
53 stated in writing that he will accept the office,
54 the presiding officer shall consider that he de-
55 clines to accept, and will immediately call for
56 votes to fill the vacancy, if there is time before
57 sunset on the day of election, otherwise the
58 Commandant of the company shall verbally no-
59 tify those on parade to meet for the same pur-
60 pose, and cause his clerk to notify the absent
61 members also, to meet at the usual place of par-
62 ade, all at some future period within twenty
63 days, and giving the electors at least four days'
64 notice. And the commission of each officer
65 shall designate the Division, Brigade, Regiment
66 or Corps in which he is commissioned. And all
67 officers will take rank from the day of their
68 elections or appointments respectively, which
69 shall be designated in their commissions.

SECT. 3. *Be it further enacted,* That all
2 officers duly commissioned, shall at the time of
3 receiving his commission take and subscribe the

4 oaths required by the Constitution, before a jus-
5 tice of the peace or some superior officer, who
6 has previously taken and subscribed the oaths
7 himself. And on the back of every military
8 commission, the following form of certificate of
9 qualification shall be printed.

10 **STATE OF MAINE.**

11 This may certify, that
12 commissioned as within, on this day of
13 A. D. 18 , personally appeared and took and
14 subscribed the oaths required by the Constitu-
15 tion of this State to qualify him to discharge the
16 duties of his office.

17 Before me,

SECT. 4. *Be it further enacted*, That to
2 every company there shall be a clerk, who shall
3 be one of the sergeants, and he shall be appoint-
4 ed by the commandant of the company, and on
5 the back of the warrant as sergeant, he shall in
6 writing certify that he does thereby appoint him
7 clerk of his company. And before such clerk
8 enters upon the duties of his clerkship, he shall
9 be sworn by the commandant of his company
10 to the faithful discharge of his duty, by taking
11 the following oaths, viz: I, A. B. do solemnly

12 swear that I will faithfully and impartially per-
13 form all the duties incumbent on me as clerk of
14 the company to which I belong, according to the
15 best of my abilities and understanding. So
16 help me God. And the commandant of the
17 company shall at the time of administering said
18 oath, certify on the back of the warrant of the
19 sergeant appointed to be clerk, that he was duly
20 qualified by taking the oath required by law.
21 And in case of non-performance of duty, sick-
22 ness, absence, &c. of the clerk, the command-
23 ant has a right to perform the duty of clerk
24 himself, or to appoint a clerk pro tempore, who
25 shall be duly sworn before he enters on the
26 duties of his office, and shall until specially dis-
27 charged have all the power and be subject to all
28 the duties, and be liable to all the penalties of
29 the clerk. And in case there is no clerk nor
30 pro tempore, the commandant of the company
31 shall attend to all the duties of clerk, and see
32 that they are performed according to the true
33 intent and meaning of this act.

CHAPTER 7.**DUTIES OF OFFICERS.**

SECT. 1. *Be it further enacted,* That it shall be the duty of the Commander-in-Chief of the Militia of this State, to see that the Militia laws of this State and the United States, are promptly and faithfully executed according to the true intent and meaning thereof; and to cause all necessary repairs to be made in all the carriages and apparatus of the Artillery, and in all the Gun Houses belonging to the State; and also to cause Gun Houses to be erected for the safe keeping of the public property as aforesaid, where such have not been erected, good and sufficient deeds of land therefor being first given free of expense to this State. And the Governor, with the advice and consent of the Council, may organize independent Battalions of Infantry with a Battalion Staff, where the local situation of the troops is such that they cannot conveniently be connected to a regiment, or if there is a ferry of one mile in width, the troops shall not be compelled to cross it in time of peace, but may be inspected and reviewed by Battalions or such number of companies

24 as the commandant of the Regiment may think
25 proper. And the Commander-in-Chief may
26 issue such orders to commandants of Divisions,
27 Brigades, Regiments, or other military officers,
28 as he may deem necessary to carry into complete
29 effect the provisions of this act, and for perfect-
30 ing the organization and discipline of the Militia
31 of this State, which orders he shall cause to be
32 recorded in a book of records to be kept by the
33 Adjutant General in his office. And the returns
34 of the state of the Militia, with the Adjutant
35 General's report thereon, shall be presented to
36 the Legislature annually by the Commander-in-
37 Chief, the first Wednesday of January.

SECT. 2. *Be it further enacted*, That it
2 shall be the duty of the Adjutant General to
3 keep a record of all appointments in the Militia,
4 promotions and resignations of each officer; a
5 registry of the commissions issued and distribu-
6 ted to the several officers; to provide the proper
7 forms for commissions for the officers, and war-
8 rants for the non-commissioned officers; to issue,
9 sign and transmit all general orders, which em-
10 anate from the Commander-in-Chief, whether of
11 detail, instruction or movement of the Militia,

12 and all general regulations which may be estab-
13 lished by the proper authority, and transmit the
14 same to the several officers concerned, or whose
15 corps may be affected by them. He shall be
16 charged with all correspondence between the
17 Governor and officers of the several States and
18 Territories, with the Secretary of War, with
19 the Adjutant General of the army of the United
20 States, and other persons in the official stations
21 on the subject of military affairs. He shall keep
22 a record of all general orders of the Comman-
23 der-in-Chief, and of his own correspondence, and
24 regular files of all returns, reports, and papers
25 received. It shall also be his duty to distribute
26 blanks, forms of the different returns and other
27 papers and blank books which may be required
28 by the laws and customs of this State, for the use
29 of the Militia thereof, and to explain the princi-
30 ples on which they shall be made, and the uses
31 to which they shall be applied. It shall be his
32 duty, on or before the first day of January
33 annually, to make to the Commander-in-Chief a
34 consolidated general abstract of the Militia,
35 with a return of the arms and equipments
36 agreeable to the provisions of this act, and fur-

37 nish a duplicate of the same to the President of
38 the United States, on or before the first day of
39 January annually. It shall further be his duty
40 to attend all public reviews, when the Com-
41 mander-in-Chief shall review the Militia or any
42 part thereof; and furnish the militia law and
43 books of tactics for the use of the officers, such
44 as are recommended by law, whenever the Leg-
45 islature grants an appropriation for that purpose.
46 And it shall not be necessary that the seals be
47 affixed to any military order whatever.

SECT. 3. *Be it further enacted,* That the
2 Adjutant General, acting as Quarter Master
3 General, shall furnish each company of Artillery
4 with two good brass field pieces, of such calibre
5 as the Commander-in-Chief may direct, with
6 carriages and apparatus complete, an ammuni-
7 tion cart, fifty round shot and fifty cannister shot,
8 also tumbrel harness, implements, laboratory and
9 ordnance stores, which may from time to time
10 be necessary for their complete equipment for
11 the field. And he shall order to be issued to
12 each company of Artillery, who have two six
13 pounders, sixty pounds of powder; those who
14 have four pounders, forty pounds of powder, and

15 in the same proportion for larger or smaller guns,
16 annually, which shall be expended on days of
17 inspection and review, and in experimental gun-
18 nery. And he shall furnish each regiment of
19 Infantry and each battalion of Artillery and
20 Cavalry with the State colors, and each com-
21 pany of Infantry, Light Infantry, Riflemen and
22 Artillery, with a drum and fife, or keyed bugle,
23 and each company of Cavalry with a bugle or
24 trumpet, whenever there is an appropriation
25 made for that purpose, and their respective Brig-
26 adier Generals shall draw orders for the same.
27 And it shall be his duty to make a return of the
28 ordnance, apparatus, arms, ammunition, stand
29 of colors, musical instruments and other military
30 property of this State in his possession in the
31 arsenals, and the condition of the same. And
32 also from the regimental and battalion returns,
33 the ordnance, arms, apparatus, and other mili-
34 tary property distributed to each brigade, regi-
35 ment or battalion.

SECT. 4. *Be it further enacted,* That it
2 shall be the duty of the Aids-de-camp to the
3 Governor to execute all such orders as they shall

4 from time to time receive from him; and when
5 the Commander-in-Chief reviews the Militia or
6 any part thereof, two of his Aids-de-camp shall
7 accompany him.

SECT. 5. *Be it further enacted,* That it
2 shall be the duty of the several Major Generals
3 to order out their Divisions by Brigades (when
4 they can conveniently meet) and Regiments or
5 Battalions for inspection and review, between
6 the fourteenth day of September and the fif-
7 teenth day of October annually, and to execute
8 all such orders received from the Commander-
9 in-Chief, and to issue all such orders as they
10 may deem expedient for the proper regulation
11 and government of their respective Divisions,
12 not inconsistent with the laws of this State, and
13 the United States, and cause the same, together
14 with all orders and returns received, to be
15 recorded in a book of records to be kept for that
16 purpose by the Orderly Aid-de-camp, and to
17 transmit all returns that may be required by this
18 act, and shall review his Division by Regiments
19 equal to once every three years, and cause his
20 Orderly Aid to keep a correct roster of all com-
21 missions, with the name, date, rank and resi-

22 dence of the officer, and discharges by him
23 received, and have them regularly passed down
24 to those officers who are entitled to receive them.

SECT. 6. *Be it further enacted,* That it
2 shall be the duty of the Division Inspector to
3 accompany his Major General when he shall
4 review any Regiment or Brigade in his Divis-
5 ion, and to execute all orders he may receive
6 from his Major General or others his superior
7 officers, and do and perform all other duties
8 which by this act, custom or military usage,
9 devolve on him as Division Inspector.

SECT. 7. *Be it further enacted,* That it
2 shall be the duty of the Orderly Aid-de-camp
3 to the Major General, to record all orders re-
4 ceived by their respective Major Generals from
5 the Commander-in-Chief, and all orders made
6 by their Major Generals; and he shall keep a
7 correct roster of all commissions, with the name,
8 rank, date and residence of the officer, and also
9 all discharges shall be noted by him on said
10 roster, and regularly passed to the next officer
11 entitled to receive it, and all returns received
12 from the commandants of Brigades and Regi-
13 ments, he shall cause to be passed up. And

14 both Aids are to execute such orders as they
15 may receive from their Major Generals or other
16 superior officers, and to attend their Major Gen-
17 erals on all military occasions when ordered to,
18 and perform all other duties which custom and
19 military usage would devolve on them as Aids-
20 de-camp.

SECT. 8. *Be it further enacted,* That it
2 shall be the duty of the Division Quarter Mas-
3 ter to attend at public reviews whenever the
4 Major General of their respective Divisions shall
5 review any brigade or regiment in his Division,
6 and to execute such orders as they may receive
7 from their Major Generals or other superior
8 officers, and perform all other duties which by
9 this Act, custom and military usage would de-
10 volve on him as Division Quarter Master.

SECT. 9. *Be it further enacted,* That it
2 shall be the duty of the Brigadier Generals,
3 whenever a brigade review is ordered, to ap-
4 point the place as central as convenience will
5 admit, and give notice to the commander of his
6 Division, and to execute all orders received from
7 the Commander-in-Chief or other snperior offi-
8 cers, and to issue such orders as they may deem

9 necessary for the proper regulation and govern-
10 ment of their respective brigades, not inconsis-
11 ent with the laws of this State and of the United
12 States, and cause the same, together with all
13 orders and returns received, to be recorded in
14 books of record kept for that purpose by their
15 respective Aids-de-camp, and to transmit all
16 returns required by this act, and they shall
17 cause a brigade Roster to be kept by their Aids,
18 in which all commissions for officers, with their
19 name, date, rank and residence, shall be entered
20 and the discharges noted, and cause their Aids
21 to have them passed to the next officer entitled
22 to receive them, and shall cause all returns of
23 elections to be passed up to the next officer en-
24 titled to receive them, and they shall receive
25 and cause their Aids to forward to the several
26 commandants of regiments and battalions, all
27 such blanks, blank books, &c. which are for-
28 warded by the Adjutant General, and it shall fur-
29 ther be their duty to draw orders on the Adjutant
30 and Acting Quarter Master General for colors for
31 the several regiments and battalions, and musical
32 instruments for the companies, and books of
33 tactics, Militia law, blanks and blank books of

34 records, rosters and returns, whenever in the
35 opinion of the respective Brigadier Generals it
36 is absolutely necessary; and it shall further be
37 their duty to attend the regimental inspection
38 and review if duly notified by the respective
39 commandants of regiments in their respective
40 brigades each year. And whenever any of the
41 gun houses in this State shall be so far injured
42 or decayed that the Brigadier General within
43 whose brigade the gun houses are situated, finds
44 it inexpedient to repair the same, he is hereby
45 authorized to sell such gun house, either at pub-
46 lic or private sale, whichever would be most
47 advantageous to the State, and deposit the pro-
48 ceeds thereof in the Treasury of the State for
49 the use thereof.

SECT. 10. *Be it further enacted*, That it
2 shall be the duty of the Brigade Inspector to
3 attend the Brigade, Regimental and Battalion
4 Inspections and Reviews in their several Brig-
5 ades, during the time of their being under arms, to
6 inspect their arms and equipments, superintend
7 their exercise and manœuvres, and introduce the
8 system of military discipline throughout the
9 Brigade agreeably to law, and to execute all

10 such orders as they may receive from their **Briga-**
11 **dier Generals** or others their superior officers,
12 and to make a return to the **Adjutant General**
13 on or before the fifteenth day of **November** each
14 year, of the state of their respective **Brigades,**
15 reporting therein the actual situation of the arms
16 and equipments of the several corps, and such
17 other things as their **Brigadier Generals** may
18 deem necessary for the promotion, good order,
19 and discipline of the **Militia.**

SECT. 11. *Be it further enacted,* That it
2 shall be the duty of the **Aid-de-Camp** to the
3 **Brigadier General** to record all orders received
4 by their **Brigadier Generals** from the **Command-**
5 **er-in-Chief** or other superior officers, all orders
6 made by their **Brigadier Generals,** and to exe-
7 cute all such orders so received agreeable to this
8 act, to keep a **Brigade Orderly** book for the
9 registry of such orders, and keep a roster of the
10 commissions of the officers, with the name, date,
11 rank and residence, and note all discharges on
12 the same, and all returns made by the **command-**
13 **ants of Regiments,** and do and perform all duty
14 which by this act, custom or military usage, de-
15 volves on them as **Aid-de-Camp,** and attend

16 the Brigadier General whenever he is on mili-
17 tary duty.

SECT. 12. *Be it further enacted,* That it
2 shall be the duty of the Brigade Quarter Mas-
3 ter to attend their Brigadier Generals whenever
4 they attend Brigade, Regimental or Battalion
5 inspection or review, and to take an exact ac-
6 count of the colors, musical instruments, &c.
7 belonging to the State within their Brigades,
8 and the condition of the same, and keep a record
9 and make a return to the Brigade Inspector in
10 the month of October annually, and also to exe-
11 cute all such orders as they may receive from
12 their Brigadier Generals or others their superior
13 officers, and do and perform all duty which by
14 this act, custom or military usage, devolves on
15 them as Brigade Quarter Master.

SECT. 13. *Be it further enacted,* That it
2 shall be the duty of the Commandants of regi-
3 ments to obey all orders from the Commandants
4 of their respective brigades or others their supe-
5 rior officers, and to issue such orders as are
6 necessary to complete their execution, and cause
7 the Adjutant to record all orders received and
8 all issued by himself, in a regimental orderly

9 book, to be kept for that purpose, and to make
10 a record of the state of the companies in his
11 regiment on the first Tuesday of May each year
12 and transmit a copy of the same to the office of
13 the Adjutant General on or before the first day
14 of August annually, and also to keep a roster of
15 the commissions of every officer belonging to his
16 regiment, with the name, rank, date and resi-
17 dence, and note all discharges on the same; and
18 the commandant shall further cause his Adjutant
19 to give seasonable notice to all the officers who
20 are entitled to vote, whenever an election is to
21 be held for the choice of field officers; also to the
22 Lieutenant Colonel, Major, commandants of
23 companies, Staff officers, commandant of the
24 band and non-commissioned Staff officers, for
25 regimental inspection and review, naming the
26 place to meet, and whenever a regimental review
27 is ordered the commandant of the regiment shall
28 appoint the place of parade as near the centre of
29 his regiment as in his opinion convenience will
30 admit and give seasonable notice thereof to the
31 commandant of his brigade.

SECT. 14. *Be it further enacted,* That it
2 shall be the duty of the Lieutenant Colonel of

3 each regiment to obey all orders from his Colonel
4 or others his superior officers, to attend the regi-
5 mental inspection and review as prescribed by
6 law, and to discharge all the duties named in
7 this act for the commandant of the regiment to
8 perform in case of the absence, sickness or de-
9 cease of the Colonel.

SECT. 15. *Be it further enacted,* That it
2 shall be the duty of the Major of each regiment
3 to obey and execute all orders from the Colonel
4 or others his superior officers, to attend the reg-
5 imental inspection and review as prescribed by
6 law, and in case of absence, sickness or decease
7 of the Colonel and Lieutenant Colonel to per-
8 form all the duties of commandant of his regi-
9 ment.

SECT. 16. *Be it further enacted,* That it
2 shall be the duty of the Adjutant of each regi-
3 ment to distribute all orders from the command-
4 ant of his regiment to the several officers and
5 non-commissioned officers entitled to receive
6 them, to attend the commander of his regiment,
7 whenever he shall be on military duty, and see
8 that his orders are properly executed, to keep
9 an orderly book and record all orders which may

10 be received by the commandant of his regiment,
11 and all orders and other official communications
12 which may be issued by him, to obey all orders
13 of the commandant of his regiment or others his
14 superior officers, to receive from the command-
15 ants of the several companies in his regiment the
16 annual returns as the companies were inspected
17 the first Tuesday of May, of the strength, arms
18 and equipments of the respective companies and
19 record the returns in a book kept for that pur-
20 pose, and forward a copy of the same to the
21 office of the Adjutant General in the month of
22 July annually. He shall receive and forward
23 all returns to the commandant of the brigade of
24 the election of all company officers within his
25 regiment whenever any election takes place, and
26 shall leave at the usual place of abode or deliver
27 to the commandants of each company in his reg-
28 iment the necessary blank forms for all returns
29 which may be required, and explain the princi-
30 ples on which they are to be filled out and all
31 orders he shall deliver in person, or mail them
32 sufficient time to be received in season for the
33 purpose they were sent, and pay the postage;
34 he shall under the direction of the commandant

35 of the regiment keep a correct roster of the com-
36 missions, of all the officers' names, rank, date
37 and residence in his regiment; he shall also keep
38 a roster of the non-commissioned officers with
39 the dates of their appointments and to what
40 company they belong; and it also is the duty of
41 the Adjutant to send a certified copy of the names
42 and places of residence of all commandants of
43 companies belonging to their regiments to their
44 respective Surgeons and Surgeons' mate, in the
45 month of February annually, and also do and
46 perform all duties which by this act, custom or
47 military usage would devolve on an Adjutant.

SECT. 17. *Be it further enacted,* That it
2 shall be the duty of the Regimental Quarter
3 Master, to obey all such orders as they may re-
4 ceive from the commandant of their regiment or
5 other their superior officer, to meet at the reg-
6 imental review of his regiment and take an exact
7 account of the colors and musical instruments of
8 his regiment and the condition of the same, and
9 record the same in a book kept for that purpose,
10 and perform all other duties which by this act,
11 custom or military usage devolves on them as
12 Regimental Quarter Masters.

SECT. 18. *Be it further enacted,* That it
2 shall be the duty of the Pay Master to attend
3 the regimental inspection and review of his regi-
4 ment, and to obey such orders as he may receive
5 from the commandant of his regiment and others
6 his superior officers, and perform all the duties
7 which by this act, custom or military usage de-
8 volves on them as Regimental Pay Master.

SECT. 19. *Be it further enacted,* That it
2 shall be the duty of the Chaplain to attend the
3 regimental inspection and review of his regiment
4 and perform such duties as are by custom re-
5 quired of Chaplains.

SECT. 20. *Be it further enacted,* That it
2 shall be the duty of the Surgeon and Surgeon's
3 mate, or either, if there is but one in commis-
4 sion, some time between the first and twentieth
5 days of March each year, to send a written
6 notice to the commandant of each company be-
7 longing to their regiment, that they will attend
8 at such times as shall be stated in such notice,
9 between the tenth and twenty-first days of April
10 following, and the name of the towns, and the
11 public places shall be designated in such notice,

12 not less than three in each regiment, as will best
13 accommodate the soldiers of such regiment, to
14 receive and examine such applications as may
15 be made to them for certificates of exemption
16 from military duty on account of bodily infirm-
17 ity, and it shall be the duty of such Surgeon or
18 Surgeon's mate to attend at the time and place
19 stated in such notice, and there publicly to re-
20 ceive such applications as may be made to them,
21 which shall be in writing, stating concisely the
22 disease or infirmity, under oath, and to make
23 critical examination into the nature and degree
24 of such infirmity; and if they shall be of opin-
25 ion upon such examination that the person so
26 applying is unable to perform the duties required
27 by law of soldiers in the militia, they shall give
28 to the person so applying, a certificate thereof,
29 which shall be recorded in the orderly book of
30 the company, by the clerk in which such appli-
31 cant would otherwise be liable to do military
32 duty, which shall exempt him from the perform-
33 ance of military duty for such term as they may
34 think such disability will continue, not exceed-
35 ing one year; but if such Surgeon and Surgeon's
36 mate shall be of opinion that the infirmity of

37 any person is incurable and of such a nature that
38 he can never be able to perform military duty,
39 they may give to such person a certificate thereof,
40 which being recorded as aforesaid, shall abso-
41 lutely exempt such person from military duty,
42 and no certificate shall be granted by such Sur-
43 geon or Surgeon's mate at any other time or place
44 than those designated in such notice, unless the
45 person so applying shall satisfy such Surgeon or
46 Surgeon's mate by his statement under oath in
47 his said application, that such infirmity has arisen
48 since the time so appointed, or that he had no
49 notice or was unable to attend at either of such
50 times; and if any Surgeon or Surgeon's mate
51 shall demand or receive of any non-commission-
52 ed officer, private or musician any fee or reward
53 for any certificate or examination, he shall forfeit
54 and pay a fine equal to four times the amount of
55 the fee so recovered or demanded.

SECT. 21. *Be it further enacted,* That it
2 shall be the duty of the commandant of each
3 standing company to, or cause his clerk to enrol
4 each and every person liable to do military duty
5 who have resided within the limits of his com-
6 pany sixty days, and cause his clerk to notify

7 such person thirty days before the first inspec-
8 tion, training, or regimental review, after his
9 first enrolment in the standing company, that
10 such person is within the limits of such a com-
11 pany, and the usual place of parade of the com-
12 pany, which is due notice of his enrolment; and
13 it is the duty of the commandant of any compa-
14 nies to execute all orders from the commandant
15 of regiments or others, his superior officers, and
16 to examine at each inspection, training and reg-
17 imental review, the arms and accoutrements of
18 each non-commissioned officer and private, and
19 cause a complete return to be made out of the
20 state of his company the first Tuesday of May
21 each year, and cause the same to be sent to the
22 Adjutant of his regiment in the month of May;
23 he shall inspect the arms and equipments as
24 aforesaid on the day of regimental inspection and
25 review, and cause a return to be made and
26 handed to the Brigade Inspector when he ap-
27 pears on the right of his company; he shall
28 cause his clerk to warn all who belong to his com-
29 pany, for the regimental inspection and review,
30 unless warned verbally on parade, and he shall
31 appear on parade on days of inspection, training

32 and choice of officers at the precise hour named
33 in this act, and to meet at the hour the soldiers
34 are notified to meet for regimental inspection
35 and review, and shall immediately cause the roll
36 to be called at all trainings, and shall examine
37 all arms and equipments and uniforms of officers,
38 non-commissioned officers and privates, and
39 cause all those who are fully uniformed, armed
40 and equipped, and also all delinquents to be
41 noted on said roll; and after instructing the offi-
42 cers and privates in the discipline prescribed by
43 law, he shall again at the close of the training
44 cause the roll to be called and all delinquents
45 noted, and fifteen days prior to any day fixed by
46 law for choice of officers when there is a vacancy
47 he shall cause his clerk to post up notices in the
48 places made public for said company that an
49 election will be held and the vacancy to be filled,
50 and on receiving notice from the Surgeon or
51 Surgeon's mate in the month of March named in
52 this act in the preceding section, he shall cause
53 his clerk to post up in the places made public
54 for notices for his company fifteen days prior to
55 the tenth day of April, copies of the notices of
56 the Surgeon or Surgeon's mate; and he shall

57 cause his clerk to record all orders received from
58 superior officers and also all orders issued by him-
59 self; and it is also the duty of the commandant
60 of each company to deposit with the Treasurer
61 of each city, town or plantation in which he re-
62 sides a true copy of the rolls of his company under
63 oath, attested by the clerk, of all those who
64 have performed the military duty or any part
65 thereof (and have been armed and equipped as
66 this act requires) for which compensation is
67 allowed for trainings that year, within five days
68 after the regimental review of his regiment.

SECT. 22. *Be it further enacted,* That it
2 shall be the duty of the subaltern officers of
3 companies to attend to all the trainings provided
4 for in this act at the precise hour named in this
5 act, and at the regimental review precisely at
6 the hour the soldiers are notified to appear, and
7 to obey all orders from their commanding officer
8 or others their superior officers, and the senior
9 officer to command the company in case of sick-
10 ness, death or absence of the commandant of
11 the company.

SECT. 23. *Be it further enacted,* That it
2 shall be the duty of the clerk to obey all orders

3 from the commanding officer of his company or
4 others his superior officers, to distribute all
5 orders to the non-commissioned officers, privates
6 and musicians of his company, and see them
7 executed and recorded in an orderly book to be
8 by him kept for that purpose; record all orders
9 and other official communications received by the
10 commandant of his company; he shall keep an
11 exact book of enrolment of the state of his com-
12 pany on the first Tuesday of May, and assist
13 the commandant in making a correct return of
14 the same; he shall assist the commandant in
15 enrolling all persons liable to do military duty
16 who have resided within the limits of his com-
17 pany sixty days, without partiality or favor, and
18 thirty days before any choice of officers, inspec-
19 tion, training or review, notify such person or
20 persons that they reside within the limits of such
21 company and the usual place of parade of the
22 company, which shall be sufficient notice of his
23 enrolment; he shall record the appointment and
24 discharge of all non-commissioned officers and
25 the orders and proceedings of his company, in
26 the orderly book, and keep an exact detail of
27 drafts and detachments; he shall keep an ac-

28 count in an orderly book of all absences or delin-
29 quencies at any choice of officers, inspection,
30 training and review, and shall record all Surgeon
31 or Surgeon's mate certificates presented to him
32 for that purpose, which book shall not be alien-
33 ated from the company; and under the direction
34 of the commandant of the company, shall do and
35 perform all other things which by law or custom
36 appertain to the office of clerk; and if their be
37 no commissioned officer in the company, the clerk
38 has all the power of both commanding officer and
39 clerk until a captain is chosen and commissioned.

SECT. 24. *Be it further enacted*, That it shall
2 be the duty of all non-commissioned officers,
3 privates and musicians of the standing compan-
4 ies to appear on parade precisely at the hour
5 directed by this act for choice of officers,
6 inspection or training, and at the regimental
7 review at the precise hour notified, dressed in a
8 neat and appropriate dress for military duty.

SECT. 25. *Be it further enacted*, That it
2 shall be the duty of all officers, non-commis-
3 sioned officers, privates and musicians, whose
4 duties are not fully defined, to do and perform
5 all such duties as by this act and military princi-

6 ples and usage, are attached to their offices res-
7 pectively, if such duties shall be required of them
8 by their senior and proper commanding officer.

CHAPTER 8.

VOLUNTEER COMPANIES AND BANDS OF MUSIC.

SECT. 1. *Be it further enated,* That the
2 commandant of any company of light infantry,
3 riflemen, artillery or cavalry, may fill up his
4 company by enlistment of those between eigh-
5 teen and twenty-one years of age, the parent,
6 master or guardian first giving their consent in
7 writing; and also from any of the standing com-
8 panies in their respective regiments, unless such
9 enlistment reduces the standing companies below
10 forty-two officers, non-commissioned officers,
11 privates and musicians, between the ages of
12 twenty-one and thirty-five years, active men,
13 who do duty or pay an equivalent.

SECT. 2. *Be it further enated,* That all
2 non-commissioned officers, private and musician
3 who has heretofore or may enlist, who has here-
4 tofore done, or whenever they may do military
5 duty in any volunteer company duly organized,

6 and keep themselves well armed and equipped
7 as the law directs, and uniformed with such
8 suitable uniform as their Brigadier General may
9 direct, for the term of ten years, such non-com-
10 missioned officers, privates or musicians shall be
11 discharged from all further ordinary military
12 duty by producing evidence of the fact to their
13 Brigadier General, who is hereby authorized to
14 discharge such persons from military duty afore-
15 said, which discharge shall be recorded in the
16 company orderly book by the clerk, but such
17 non-commissioned officer, private or musician
18 shall stand enrolled on the book of enrolment of
19 his company, or of the nearest standing com-
20 pany, at his election, at the time of discharge;
21 but shall be liable to stand an equal draft with
22 the active soldiers, or detached and called forth
23 to execute the laws of the United States or this
24 State, to suppress insurrection or repel invasion.

SECT. 3. *Be it further enacted,* That if
2 any commandant of a volunteer company shall
3 enlist any non-commissioned officer, private or
4 musician in his company, he shall notify the com-
5 mandant of the standing company within whose
6 limits he resides, within five days of the time of

7 his enlistment, otherwise the enlistment shall be
8 void, although the standing company is not re-
9 duced below the number fixed by law.

SECT. 4. *Be it further enacted,* That if
2 any non-commissioned officer, private or musi-
3 cian of any volunteer company shall neglect for
4 the term of three months to keep himself pro-
5 vided with the uniform of the company to which
6 he belongs, may be discharged from his company
7 by application to the commandant of the brigade
8 by the commandant of the company to which
9 such person belongs, and be enroled in the stand-
10 ing company in which he resides; and any per-
11 son after enlisting in any volunteer company who
12 shall neglect or refuse to arm and equip himself
13 and do duty as required by law and the by-laws
14 of such company, shall be liable to be fined and
15 dealt with in the same manner as a private in
16 the standing companies would be for neglect or
17 deficiency.

SECT. 5. *Be it further enacted,* That
2 whenever any non-commissioned officer, private
3 or musician shall be discharged from any volun-
4 teer company, who has not served ten years, it
5 shall be the duty of the commandant of the vol-

6 unteer company to forthwith notify the com-
7 mandant of the standing company within whose
8 limits such person resides, of his discharge, who
9 shall forthwith cause such person to be enrolled
10 in his company, and such person shall be liable
11 to duty therein immediately after he is enrolled
12 as much so as if he had never enlisted in a vol-
13 unteer company.

SECT. 6. *Be it further enacted,* That the
2 commandant of every company of Artillery shall
3 be accountable for the careful preservation of the
4 field pieces and all apparatus belonging to their
5 equipments and for the proper expenditure of
6 the ammunition supplied by the State.

SECT. 7. *Be it further enacted,* That in
2 each brigade where there are now or may here-
3 after be two companies of Artillery they shall
4 form a battalion and be entitled to a Major,
5 Adjutant, Quarter Master and a Quarter Mas-
6 ter Sergeant; and if there are three companies
7 they will still be a battalion, but whenever there
8 are four companies in any brigade they shall
9 form a regiment and be entitled to a Colonel,
10 Lieutenant Colonel, Major, and Regimental
11 Staff, the same as the Infantry regiment; and

12 whenever a new division or brigade is formed,
13 or by the disbanding of any company of Artillery
14 there shall be but three companies left they shall
15 still constitute a regiment, and all the officers
16 shall return their command and rank.

SECT. 8. *Be it further enacted,* That any
2 volunteer company raised and not annexed to
3 any regiment shall be subject to the orders of
4 the commandant of the brigade in which such
5 company was raised, and shall make their elec-
6 tions of officers in the same manner as other
7 companies, but shall make their returns of elec-
8 tions to the commandant of their brigades. And
9 at all parades of regiments the companies com-
10 manded by the two senior captains shall act as
11 Light Infantry, except where companies of
12 Light Infantry or Riflemen have been or may
13 be hereafter raised and annexed to the regiment.

SECT. 9. *Be it further enacted,* That
2 where there now are or may hereafter be two
3 companies of cavalry in a brigade, they shall
4 form a battalion, and be entitled to a Major,
5 Adjutant, Quarter Master, and Quarter Mas-
6 ter Sergeant; and if there are three companies
7 they will still be a battalion. But whenever

8 there are four companies of cavalry in a brigade,
9 they shall form a regiment and be entitled to a
10 Colonel, Lieutenant Colonel, Major, and a regi-
11 mental staff, the same as an infantry regiment.
12 And where by the division of any corps a new
13 division or brigade shall be so formed as to leave
14 but three companies of cavalry in any regiment,
15 or where by the disbanding of any company of
16 cavalry their regiment shall be reduced to three
17 companies, such three companies shall constitute
18 a regiment, and all the officers thereof shall re-
19 tain their command and rank, the same as
20 though the corps had not been reduced. And
21 if any non-commissioned officer, private or musi-
22 cian of any company of cavalry, shall be desti-
23 tute of a suitable horse and furniture, for more
24 than three months at any one time, it shall be
25 the duty of the commandant of the company
26 immediately to apply to the commandant of the
27 brigade who may discharge such non-commis-
28 sioned officer, private or musician from such
29 company, and if he be a non-commissioned offi-
30 cer he shall be reduced to the ranks in the
31 standing company where he is next to be en-

32 rolled. And when any draft or detachment
33 shall be made from any company of cavalry for
34 actual service, the men drafted or detached
35 shall march with their own horses, and before
36 they march, if there is time, the horses shall be
37 appraised by three impartial men, to be appoint-
38 ed by the commandant of their brigade.

SECT. 10. *Be it further enacted,* That
2 whenever any number of person not less than
3 ten nor more than twenty within any regiment
4 shall form themselves into a company for the
5 purpose of instructing themselves in the art of
6 instrumental music, and provide themselves with
7 suitable instruments for that purpose, and hav-
8 ing equipped and uniformed themselves to the
9 acceptance of the commandant of their regiment,
10 and chosen a commandant and clerk, the com-
11 mandant of the regiment may grant them war-
12 rants accordingly, and they shall constitute a
13 band of music for such regiment. And there
14 shall be but one band of music to any regiment,
15 and the commandant of the several bands of
16 music which may or shall be organized agreea-
17 ble to this act, shall have the same power for
18 calling the bands together for instruction and

19 regimental review as commandants of other vol-
20 unteer companies, and they may establish by-
21 laws which shall be binding on all those who
22 subscribe the same, and on the two days fixed
23 by law for other companies to do military duty,
24 at one o'clock in the afternoon, the several
25 bands shall turn out and be inspected by their
26 commandants and all non-appearance and defi-
27 ciencies noted on a book of enrolment to be kept
28 for that purpose, and the commandants of bands
29 on the two days of inspection shall use his best
30 endeavors to instruct the members in instrumen-
31 tal music, and the commandant, clerk and mem-
32 bers shall be subject to the same fines for delin-
33 quencies and deficiencies as non-commissioned
34 officers and privates in other volunteer compa-
35 nies are by law and their own by-laws. And it
36 shall be the duty of the clerk to do and perform
37 all the duties required of clerks of other volun-
38 teer companies, and all commandants, clerks
39 and members of bands who enlist and keep
40 themselves furnished with suitable musical in-
41 struments and uniformed with a serviceable uni-
42 form and do duty as required by law ten years,
43 shall be exempted from all further ordinary mili-
44 tary duty.

CHAPTER 9.**ARMS AND EQUIPMENTS.**

SECT. 1. *Be it further enacted,* That all
2 General, Field and commissioned staff officers
3 who have a rank assigned them, shall be armed
4 with a sword and a pair of pistols, and shall sev-
5 ally be furnished with a good horse, of at least
6 fifteen hands high, a good saddle, bridle, martin-
7 gal, vallise, holsters, and pair of spurs.

SECT. 2. *Be it further enacted,* That all
2 Captains, Subalterns, Clerks and non-commis-
3 sioned staff officers shall be armed with swords.

SECT. 3. *Be it further enacted,* That each
2 non-commissioned officer (except the clerk) and
3 private belonging to the Infantry, or Light In-
4 fantry, shall be armed with a good musket, the
5 bore sufficient to carry balls of the eighteenth
6 part of a pound, with a steel or iron ramrod and
7 bayonet; and equipped with a bayonet scabbard
8 and belt, a cartridge box that will contain twen-
9 ty-four cartridges suited to the bore of his mus-
10 ket, a priming wire and brush, two spare flints
11 and a knapsack.

SECT. 4. *Be it further enacted,* That each

2 non-commissioned officer and private belonging
3 to any company of Riflemen, shall be armed
4 with a good Rifle and equipped with a good
5 powder horn, bullet pouch, priming wire and
6 brush, two spare flints and a knapsack.

SECT. 5. *Be it further enacted,* That each
2 company of Artillery shall be furnished at the
3 expense of the State with two good brass or
4 iron field pieces, with carriages and apparatus
5 complete; and each non-commissioned officer,
6 gunner, bombardier and private shall arm him-
7 self with a sword and belt.

SECT. 6. *Be it further enacted,* That each
2 non-commissioned officer and private of a Cav-
3 alry company, shall be armed with a sword and
4 a pair of suitable pistols, a cartridge box to con-
5 tain twelve cartridges for pistols; and shall sev-
6 erally be furnished with a good horse at least
7 fourteen hands and a half high, a good saddle,
8 bridle, martingal, vallise, holsters and pair of
9 boots and spurs.

SECT. 7. *Be it further enacted,* That the
2 officers of the militia (Chaplains excepted) while
3 on duty, shall wear a uniform dress to consist of

4 a blue cloth coat, and other articles of dress of
5 such color and fashion, and with such equip-
6 ments as shall be prescribed by the Commander
7 in Chief, except where the same is regulated by
8 the laws of the United States.

CHAPTER 10.

INSPECTIONS, TRAININGS AND REVIEWS.

SECT. 1. *Be it further enacted,* That the
2 commandant of every company, with his officers,
3 non-commissioned officers, privates, musicians
4 and the members of bands, who have enlisted
5 in any volunteer company, or who have resided
6 within the limits of any standing company ninety
7 days, and been notified by the commandant or
8 clerk, or some person authorized by either of
9 them; thirty days prior to any inspection, train-
10 ing or review, shall be holden to appear at the
11 usual place of parade of said company, the first
12 Tuesday of May, for inspection, and the second
13 Tuesday of September, both days precisely at
14 one o'clock, each year, armed and equipped as
15 is required in this act, chap. — and the com-
16 mandant of companies shall, on the inspection
17 day examine and take an exact account of every

18 man's arms and equipments, at which time
19 every article required by this act, shall be
20 brought to the place of parade, and note all de-
21 linquencies and deficiencies on the company book
22 of enrolment; and on the day of inspection and
23 training, which is fixed by this act on the sec-
24 ond Tuesday of September, the commandant
25 shall use his best exertions in instructing and
26 perfecting his men in their company exercise
27 and evolutions; and the troops of each division
28 shall be paraded by brigades, regiments or bat-
29 talions, on some day between the fourteenth of
30 September and the fifteenth day of October
31 annually. And when by reason of the resi-
32 dence of any part of the troops on any of the
33 Islands, or on the main land, where there is a
34 dangerous ferry to cross, and it is deemed expe-
35 dient by the Major General of the division to
36 which such troops belong, they may be reviewed
37 in less bodies than battalions; and whenever the
38 commandant of a company shall order out his
39 company for any battalion, regimental, brigade
40 or division inspection or review, he may notify
41 his officers, non-commissioned officers, privates
42 and musicians verbally on parade, or by issuing

43 his order to the clerk to notify the men belong-
44 ing to his company, to appear at the time and
45 place appointed for the regimental review; and
46 it shall be the duty of the clerk so ordered as
47 aforesaid, to give notice of the time and place
48 appointed for the parade of said company on the
49 day of review, to each and every man he shall
50 have been ordered to notify, verbally or by leav-
51 ing a written or printed order at his last and
52 usual place of abode. And no notice shall be
53 legal for any battalion, regimental, brigade or
54 division inspection or review unless the same
55 shall be given four days previous to the time ap-
56 pointed therefor; and no officer, non-commis-
57 sioned officer, private or musician, shall be
58 obliged to travel more than fifteen miles to any
59 division or brigade review.

CHAPTER 11.

COMPENSATION.

SECT. 1. *Be it further enacted,* That the
2 following shall be the yearly compensation for all
3 such officers who do and perform their duties as
4 such, viz:—Major General thirty dollars, Brig-
5 adier General twenty dollars, Colonels ten dol-

6 lars, and the Adjutant and Quarter Master
7 General such compensation for their service to
8 be allowed by the Legislature.

SECT. 2. *Be it further enacted,* That in
2 addition to the officers named in the preceding
3 section the following staff officers shall receive
4 annual compensation as follows: the Division
5 Inspector twenty dollars, Orderly Aid twenty-
6 five dollars, junior Aid fifteen dollars, and Div-
7 ision Quarter Master fifteen dollars, Brigade
8 Inspector twenty-five dollars, Aid to Brigadier
9 General twenty-five dollars, Brigade Quarter
10 Master fifteen dollars, to the Adjutant of each
11 regiment twenty-five dollars, to the Adjutant of
12 each battalion of Artillery or Cavalry ten dol-
13 lars, to the clerk of each company of Infantry,
14 Light Infantry, Riflemen, Artillery or Cavalry
15 five dollars, to the clerk of each band of music
16 two dollars. *Provided* they perform their duty
17 faithfully and are well armed, equipped and uni-
18 formed, and get a certificate from their command-
19 ing officer to that effect.

SECT. 3. *Be it further enacted,* That each
2 officer whose duty it is to preside at an election
3 shall receive one dollar per day for his service,

4 and five cents per mile travel from his place of
5 residence to the place where the election is held,
6 and returning.

SECT. 4. *Be it further enacted,* That all
2 officers, non-commissioned officers, musicians and
3 privates shall receive compensation for the mili-
4 tary service they perform, as follows: if they are
5 well armed and equipped as this act provides,
6 for the inspection the first Tuesday of May fifty
7 cents; for the training the second Tuesday of
8 September fifty cents; for the regimental review
9 one dollar.

SECT. 5. *Be it further enacted,* That each
2 commandant of an Artillery company shall re-
3 ceive for the payment for horses to haul the field
4 pieces and tumbrel to a brigade or regimental
5 review when ordered, two dollars for the use
6 and keeping of each horse actually employed for
7 that purpose, not exceeding five horses to any
8 one company, in proportion to the size of the
9 field pieces.

SECT. 6. *Be it further enacted,* That the
2 Surgeon and Surgeon's mate of any regiment
3 shall receive one dollar per day and five cents
4 per mile for all time actually employed and miles

5 travelled between the tenth and twenty-first
6 days of April, in examining applicants and grant-
7 ing certificates to infirm soldiers, by which it is
8 made their duty by this act, Chapter 7th, section
9 twenty.

CHAPTER 12.

FINES AND PENALTIES ON NON-COMMISSIONED OFFICERS, PRIVATES AND MUSICIANS.

SECT. 1. *Be it further enacted*, That every
2 non-commissioned officer, private, and musician,
3 who by this act are obliged to appear at the
4 time specified in this act, and at the usual place
5 of parade of their company for the choice of
6 officers, when the notices are posted up, and at
7 May inspection and September training and
8 regimental review, shall unnecessarily neglect to
9 appear at the time and place, shall forfeit for eve-
10 ry such neglect, the sums hereinafter named :

11 For non-appearance at the company inspection
12 on the first Tuesday of May, two dollars.

13 At the company training the second Tuesday
14 of September, two dollars.

15 At any brigade, regimental or battalion inspec-
16 tion or review, four dollars.

17 At any meeting for the choice of officers, one
18 dollar.

19 In none of which cases, in time of peace, shall
20 any substitute be received.

SECT. 2. *Be it further enacted*, That every
2 non-commissioned officer or private, who shall
3 appear at the company inspection on the first
4 Tuesday of May, or at any company training
5 the second Tuesday of September, or for any
6 battalion, regimental or brigade inspection or
7 review, and shall not be armed and equipped as
8 the law directs, shall for each article in which
9 he is deficient or which shall be of bad quality
10 or in bad condition, forfeit as follows :

11 If deficient of a good musket, in good order,
12 of a bore sufficient for balls of the eighteenth
13 part of a pound, a sufficient bayonet and belt,
14 and an iron or steel ramrod, all of which arti-
15 cles are to be considered as one, and a deficiency
16 in either a deficiency of the whole, he shall for-
17 feit seventy-five cents.

18 If deficient of a cartridge box capable of con-
19 taining twenty-four cartridges suited to the bore
20 of his musket, or if deficient of a serviceable
21 knapsack, two spare flints, and priming wire and

22 brush, or either of them, he shall forfeit twenty-
23 five cents.

24 *Provided nevertheless,* That none of the
25 above forfeitures shall be incurred by any pri-
26 vate, in case he appears with a good rifle, knap-
27 sack, shot pouch and powder horn.

28 In any company raised at large, for appearing
29 without uniform of the company, three dollars.

30 Knapsacks may be dispensed with at company
31 trainings without fine.

SECT. 3. *Be it further enacted,* That every
2 non-commissioned officer or private who is per-
3 mitted to carry his arms and equipments for
4 inspection the first Tuesday of May and is ex-
5 empted from further duty, agreeably to this act,
6 chap. 2, sec. 5th, who lends or sells them to be
7 inspected on the second Tuesday of September,
8 or at the regimental inspection, shall forfeit two
9 dollars for each offence.

SECT. 4. *Be it further enacted,* That if
2 any non-commissioned officer, musician or pri-
3 vate in any military company shall, on any day
4 of parade, appear with such company in a fan-
5 tastic or improper dress, or with any article
6 attached to his dress, arms, or accoutrements,

7 calculated or intended to excite ridicule, such
8 non-commissioned officer, musician, or private,
9 shall forfeit a sum not less than ten nor more
10 than twenty dollars for each offence.

SECT. 5. *Be it further enacted*, That every
2 non-commissioned [officer] or private, guilty of
3 any of the neglects and offences hereinafter
4 mentioned, shall forfeit and pay for each offence
5 or neglect, the sums severally prescribed there-
6 for.

7 For quitting his guard, section, platoon or com-
8 pany, or for not returning after a temporary
9 leave of absence from any parade, without leave
10 of his officer, not less than two nor more than
11 ten dollars.

12 For unnecessarily and without orders, dis-
13 charging his musket, rifle or pistol, in going to,
14 or returning from, or while on the place of par-
15 ade, or while under arms, not less than five nor
16 more than twenty dollars for each offence.

17 For being on the place of parade with his mus-
18 ket, rifle or pistol, loaded with ball, slug or shot,
19 not less than five nor more than twenty dollars.

20 For the clerk of any company refusing or neg-
21 lecting to give any notice or warning, when or-

22 dered thereto, by the commanding officer of the
23 company to which he belongs, not less than one
24 nor more than four dollars for each member of
25 the company whom he shall neglect or refuse to
26 notify or warn.

SECT. 6. *Be it further enacted,* That every
2 non-commissioned company officer, who shall be
3 guilty of any disobedience of orders, neglect of
4 duty, or other unmilitary conduct, may be re-
5 duced to the ranks, by the commanding officer
6 of the regiment, by and with the advice of the
7 commanding officer of the company to which
8 such non-commissioned officer belongs.

SECT. 7. *Be it further enacted,* That
2 every sergeant major, quarter master sergeant,
3 drum major or fife major, who shall neglect to
4 appear at the regimental inspection and review,
5 when duly notified, shall forfeit five dollars, to be
6 assessed and collected in the same way fines are,
7 of non-commissioned officers and privates, the
8 Adjutant acting as clerk, and authorized to sum-
9 mon delinquents, and receive the same fees as
10 clerk. And any non-commissioned staff officer,
11 drum or fife major, who is guilty of any disobe-

12 dience of orders, or other unmilitary conduct,
13 shall be dealt with in the same manner, and lia-
14 ble to the same fines, as non-commissioned
15 officers of companies are, and may be reduced
16 to the ranks by their Brigadier General, with
17 the advice of the commandant of their regiment.

SECT. 8. *Be it further enacted,* That in
2 all cases of doubt respecting the age of any free
3 white male citizen, intended to be enrolled, the
4 party questioned as to his age, shall prove the
5 same to the satisfaction of the enrolling officer;
6 and if any such person upon application to him
7 personally, by the commandant or clerk of the
8 company within the bounds of which such per-
9 son resides, shall either refuse to give his name,
10 or not give it truly, every such person so offend-
11 ing, shall forfeit and pay ten dollars.

SECT. 9. *Be it further enacted,* That any
2 non-commissioned officer or private, who shall,
3 while under arms, or when on duty, behave
4 himself with contempt to an officer, or shall con-
5 duct in a disorderly manner, or excite or join in
6 any tumult or riot, or be guilty of any other
7 unmilitary conduct, may be put under guard
8 and so kept for a longer or shorter time, at the

9 discretion of the commanding officer of the com-
10 pany, not beyond, however, the time when the
11 company to which he belongs is dismissed; and
12 shall moreover forfeit a sum not less than five,
13 nor more than twenty dollars for each offence,
14 according to the degree and aggravation thereof.

SECT. 10. *Be it further enacted,* That if
2 any non-commissioned officer, private or musi-
3 cian, shall in the due course of law be convicted
4 of any infamous crime, he shall forthwith be
5 disenrolled from the militia—such persons shall
6 not disgrace the ranks.

SECT. 11. *Be it further enacted,* That all
2 parents, masters and guardians are liable to the
3 same fines and penalties that the minor under
4 their care would be if he were of the age of
5 twenty-one years, for non-performance and de-
6 ficiency of said minor, at any meeting for mili-
7 tary duty named in this act, and the mode of
8 procedure against the parent, master or guar-
9 dian, for the enforcing the payment and collec-
10 tion of the fines, &c., shall be the same as they
11 are against a soldier of the age of twenty-one
12 years.

CHAPTER 13.**MODE OF COLLECTING FINES.**

SECT. 1. *Be it further enacted,* That all
2 fines and forfeitures incurred by non-commission-
3 ed officers and privates under the provisions of
4 this act, the recovery and the mode of recovery
5 of which are not herein and hereby specially
6 provided for, shall be prosecuted for and recov-
7 ed by the respective clerks of the companies to
8 which such non-commissioned officers or privates
9 incurring any fine or forfeiture as aforesaid be-
10 long, in an action of debt in any Court proper to
11 try the same; and such action may be brought
12 before any Justice of the Peace for the county
13 where the company is located, or where the non-
14 commissioned officer or privates, who may be
15 liable therefor may reside, and such action shall
16 not be commenced till after ten days, and shall
17 be commenced within sixty days after such pen-
18 alty, fine or forfeiture shall have been incurred.

SECT. 2. *Be it further enacted,* That if
2 the said clerk shall unreasonably neglect or re-
3 fuse to prosecute for any of the fines aforesaid,
4 he shall pay a fine of five dollars for each and
5 every such neglect, to be recovered by an action

6 of debt, to be brought for the use of the company
7 by the commanding officer thereof, before any
8 Justice of the Peace, in the county where such
9 clerk resides.

SECT. 3. *Be it further enacted,* That if
2 there be no clerk to prosecute as aforesaid, the
3 captain or commanding officer of the company
4 shall prosecute for said fines for the use of the
5 company, and upon trial, neglect so to do, shall
6 be subjected to trial by a Court Martial; and if
7 found guilty shall be removed from office.

SECT. 4. *Be it further enacted,* That the
2 clerk or commanding officer in any action by him
3 commenced or prosecuted for any fines or pen-
4 alties provided in this act, may amend his writ
5 in any stage of the process, before the rendition
6 of final judgment therein without payment of
7 cost.

SECT. 5. *Be it further enacted,* That no
2 clerk shall be liable to pay any defendant's cost,
3 in any case which the commanding officer of the
4 company has endorsed his approval on the writ
5 of such clerk.

SECT. 6. *Be it further enacted,* That no

2 appeal shall be allowed from any judgment of
3 a justice of the peace, or judge of a municipal or
4 police court, when the forfeiture by him adjudged
5 does not exceed ten dollars, exclusive of costs.

SECT. 7. *Be it further enacted,* That when
2 the commanding officer is by virtue of any of
3 these provisions of this chapter, required to pros-
4 ecute for any fine or penalty, he shall in no case
5 be liable to pay any cost to the defendant, if he
6 should not recover in any action or suit by him
7 commenced.

SECT. 8. *Be it further enacted,* That the
2 commission of the captain or commanding officer
3 of any company, shall in all cases be deemed
4 sufficient evidence of the organization of such
5 company.

SECT. 9. *Be it further enacted,* That all
2 commanding officers, subaltern officers, and all
3 clerks of companies, and other non-commissioned
4 officers and privates, are hereby made competent
5 witnesses in law to testify to all or any facts
6 within their knowledge, in any suit commenced
7 by said clerks or commanding officers, for the
8 collections of any fines or forfeitures incurred or
9 imposed by any provisions in this act, notwith-

10 standing any interest which they or their respec-
11 tive companies may have therein.

SECT. 10. *Be it further enacted*, That
2 whenever any action shall have been commenced
3 for any fine or forfeiture by any clerk of any
4 company, and said clerk shall die, resign, or
5 refuse, or in any other way be disqualified to
6 prosecute said suit so commenced, it shall be
7 lawful, and it is hereby made the duty of the
8 commanding officer of the company to assume
9 and prosecute said suit to final judgment and
10 execution; and whenever any fine or forfeiture
11 shall have been incurred by any [member] of any
12 company, and there be no clerk, or he shall
13 resign, or die, or be disqualified, it shall be law-
14 ful for any clerk appointed after said fine or for-
15 feiture has been incurred, to sue for and recover
16 the same; *Provided*, said action shall be com-
17 menced within the time prescribed by law.

CHAPTER 14.

OFFICERS HOW DISCHARGED.

SECT. 1. *Be it further enacted*, That no
2 officer shall be discharged, otherwise than in
3 pursuance of the sentence of the Court Martial,

4 except by the Commander-in-Chief, on request
5 of such officer in writing, or by actual removal
6 of residence, out of the bounds of his command,
7 and to such distance that the Major General
8 shall think it inconvenient for him to discharge
9 the duties of his office, or by twelve months'
10 absence, without leave of the commanding offi-
11 cer of his division, or by the corps to which he
12 belongs, being disbanded by law—and when-
13 ever any division, brigade, regiment or battalion
14 shall be divided and the residence of any Staff
15 officers attached thereto, shall be without the
16 bounds of the corps in which he was commis-
17 sioned, such Staff officer shall be entitled to an
18 honorable discharge, and shall cease to do duty,
19 in such office after such division is made, and
20 the commanding officer may proceed to fill the
21 vacancy occasioned thereby.

SECT. 2. *Be it further enacted,* That no
2 officer shall be permitted to resign while under
3 arrest; and no resignation of any officer shall be
4 approved, if such resignation be offered between
5 the first day of May and the first day of Nov-
6 ember, unless the reason offered by the officer
7 wishing to resign within those days, be very
8 urgent.

SECT. 3. *Be it further enacted,* That no
2 General or Field officer shall approve a resigna-
3 tion, until the orderly and other books and pro-
4 perty of the State in possession of the resigning
5 officer, are taken care of for the use of the corps
6 to which such officer belongs, in order that such
7 books and property may be delivered to his suc-
8 cessor.

SECT. 4. *Be it further enacted,* That if
2 any person having held an office in the militia,
3 shall after his discharge or removal from office,
4 neglect or refuse, after demand made upon him
5 by his successor in office, to deliver over to his
6 said successor any property in his possession be-
7 longing to the State, said person shall forfeit and
8 pay a sum not less than twenty dollars nor more
9 than one hundred dollars, to the use of the State,
10 to be recovered by indictment before the District
11 Court.

SECT. 5. *Be it further enacted,* That no
2 officer shall be considered as exempted from the
3 duties of his station, except when under arrest,
4 until he shall have been discharged by one of
5 the methods or causes pointed out in this chap-

6 ter, section first, or shall have received a certifi-
7 cate of discharge from the Commander-in-Chief.

SECT. 6. *Be it further enacted,* That if
2 any officer shall in due course of law be con-
3 victed of any infamous crime, he shall be forth-
4 with discharged, such persons shall not disgrace
5 the militia.

SECT. 7. *Be it further enacted,* That
2 no idiot, lunatic, common drunkard, vagabond,
3 pauper, nor any person convicted of any infa-
4 mous crime, nor any other than white, able
5 bodied, male citizen, shall be eligible to any
6 office in the militia; and whenever it shall appear
7 to the Commander-in-Chief, that any person
8 thus ineligible has received a majority of votes
9 cast at any election of officers, he shall not com-
10 mission him, but with the advice and consent of
11 the Council, shall declare said election null and
12 void, and appoint some person to fill the vacancy.

CHAPTER 15.

MISCELLANEOUS.

Commission lost, officer entitled to new one.

SECT. 1. *Be it further enacted,* That when
2 an officer does by any casualty lose his commis-

3 sion, upon his making affidavit thereof, before
4 any justice of the peace for the county in which
5 he resides, and on filing the same in the office
5 of the Adjutant General, he shall be entitled to
7 receive a new commission, of the same tenor
8 and date as the one lost.

Commission oldest of same grade highest in rank.

SECT. 2. *Be it further enacted,* That all
2 officers when on duty shall take rank by the
3 dates of their commissions of equal grade, the
4 oldest being highest in rank, and when two or
5 more of the same grade are on duty together,
6 and their commissions bear equal date, then
7 their relative rank shall be determined by lot,
8 to be drawn by them before the commanding
9 officer present, and when on court martial, be-
10 fore the President thereof.

Uniform and equipments exempt from attachment.

SECT. 3. *Be it further enacted,* That every
2 officer, non-commissioned officer, private or mu-
3 sician, shall hold his uniform, arms, equipments,
4 or musical instruments exempted from all suits,
5 distresses, executions or sales for debt, or the
6 payment of taxes; neither shall they be arrest-

7 ed on any civil process during his going to,
 8 while in the performance of, or returning from
 9 military duty. And no officer shall be arrested
 10 on any civil process, while going to, serving up-
 11 on, or returning from any court martial, or court
 12 of enquiry or board of officers, upon which it
 13 may be his duty to attend.

*Company without officers and clerk—Appointment of
 clerk by commandant of regiment.*

SECT. 4. *Be it further enacted, That*
 2 whenever a company shall have neither officers
 3 nor clerk, the commandant of the regiment or
 4 battalion in which such company belongs, shall
 5 appoint a suitable person to be clerk, and grant
 6 him a warrant accordingly; and shall endorse
 7 on his warrant, and administer the oath to him
 8 as is required by the commandants of compa-
 9 nies, chap. 6, sec. 4,—and his power and duty
 10 are the same as commandant and clerk, chap.
 11 seventh, sect. twenty-three.

*Soldiers not obliged to perform more duty than required in
 this act.*

SECT. 5. *Be it further enacted, That no*
 2 non-commissioned officer, private or musician,

3 shall be compelled to perform any other military
4 duty in one year (except those who enlist in
5 volunteer companies, and bands of music, who
6 are obliged to perform as many day's military
7 duty as are specified in their by-laws which they
8 have subscribed to) than is herein provided, ex-
9 cept in time of war or public danger, nor after
10 sunset, but on the approach of public danger,
11 when in the opinion of the Commander-in-Chief,
12 any of the exigencies are likely to happen, upon
13 which the militia could by the Constitution of
14 the United States be called into actual service,
15 he shall have power to order such other and fur-
16 ther trainings, and disciplining the militia or any
17 part thereof, as he may deem necessary.

Limits to parade grounds to be fixed by Commandants.

SECT. 6. *Be it further enacted,* That every
2 commanding officer, when on duty, is hereby
3 authorized to fix necessary limits and bounds to
4 his parade, (no road in which people usually trav-
5 el included) within which no spectator shall have
6 a right to enter, without liberty from such com-
7 manding officer. And in case any person shall
8 intrude within the limits of the parade after be-
9 ing once forbidden, he shall be subject to be

10 confined under guard during the time of the
11 parade of the troops.

*Officers and Soldiers not obliged to perform military duty
on certain days.*

SECT. 7. *Be it further enacted,* That no
2 officer, non-commissioned officer, private or mu-
3 sician, shall be holden to perform any military
4 duty on any day (except on days which are or
5 may be specially prescribed by law) on which
6 the Selectmen of the town in which such per-
7 sons reside, shall appoint a meeting for the elec-
8 tion of a Representative to the Legislature, nor
9 shall there be any military parade on the day
10 pointed out by the Constitution of this State
11 for the election of Governor and Senators, nor
12 on any day which may be appointed for the
13 choice of electors of President and Vice Presi-
14 dent of the United States or Representatives to
15 Congress. And it shall not be lawful for any
16 officer to parade his men on either of said days,
17 unless in case of invasion made, or threatened,
18 or in obedience to the orders of the Commander-
19 in-Chief.

Colors and musical instruments to be furnished by the State.

SECT. 8. *Be it further enacted,* That each
2 regiment of infantry and each battalion of cav-
3 alry or artillery, shall be furnished by the State
4 with the State colors; and each company of
5 infantry, light infantry, artillery and riflemen,
6 shall be furnished with a drum, fife, and keyed
7 bugle, and each company of cavalry with a
8 trumpet; and the commanding officers of regi-
9 ments and battalions shall be responsible for the
10 safe keeping of their colors; and the command-
11 ing officers of companies shall be responsible
12 for the safe keeping of the drums, fifes, keyed
13 bugles, and trumpets, delivered to them for the
14 use of their companies.

Just and reasonable relief to be allowed to wounded officers and soldiers, &c.

SECT. 9. *Be it further enacted,* That
2 if any officer, non-commissioned officer, private
3 or musician, shall be killed, or die of wounds
4 received, when on military duty required by this
5 act, his widow, child or children, or widow
6 mother, if an unmarried person, shall receive
7 from the Legislature such relief as shall be just

8 and reasonable. And if any officer, non-com-
9 missioned officer, private or musician, shall be
10 wounded, or otherwise disabled, when in the
11 actual discharge of his duty, under the command
12 of an officer on parade, or in doing his duty, go-
13 ing to or returning from the place of parade, he
14 shall receive from the State, just and reasonable
15 relief.

Penalty for Commandant who neglects to make returns.

SECT. 10. *Be it further enacted,* That if
2 any captain or commanding officer, shall neglect
3 or refuse to make, or cause to be made, a return
4 of the state of his company, as it existed on the
5 day of the annual inspection, in **May**, to the
6 commanding officer of the regiment, on or before
7 the first day of **June**, annually, and shall so
8 continue to neglect, for fifteen days thereafter,
9 being notified by the adjutant of the regiment to
10 which such company belongs, that said return
11 has not been received, he shall forfeit and pay a
12 fine of ten dollars.

*Return of Artillery und Cava'ry companies not attached
to any regiment.*

SECT. 11. *Be it further enacted,* That the
2 commanding officer of each company of artillery

3 or cavalry not attached to any regiment or bat-
4 talion, shall cause the clerk of his company to
5 make an abstract return of the state of his com-
6 pany on the day of annual inspection, to the
7 office of the Adjutant General, on or before the
8 first day of July, annually.

*Returns to be transmitted by mail to the Adjutant Gen-
eral's office.*

SECT. 12. *Be it further enacted,* That the
2 returns named in this act, to be sent by
3 clerks and adjutants to the office of the Adju-
4 tant General, shall be conveyed by mail, and
5 the certificate of the postmaster of the office
6 where the same is deposited, that the adjutant
7 or clerk, or other officer as aforesaid, did depos-
8 ite, for transmission to the office of the Adjutant
9 General, copies of returns as aforesaid, shall be
10 conclusive evidence of his performing the duties
11 required of him in transmitting the returns
12 aforesaid.

*No military parade allowed within fifty rods of a Court
house while the Court is sitting.*

SECT. 13. *Be it further enacted,* That if
2 the commanding officer of any company, battal-
3 ion, regiment or brigade of the militia of this

4 State, shall parade, march or exercise the same
5 within the distance of fifty rods from any Court
6 house of any county, whilst any judicial Court
7 shall be in session therein, unless when called
8 out to suppress insurrection, repel invasion, or
9 enforce the laws, he shall for every such offence
10 forfeit and pay a fine not less than twenty nor
11 more than one hundred dollars, to be recovered
12 by indictment to the use of the State.

*Commandants of companies to take rank according to
date of commission.*

SECT. 14. *Be it further enacted,* That at
2 all regimental and battalion parades, the several
3 companies shall form in regiment or battalion,
4 according to the rank of the officers present,
5 actually commanding them; and the same rule
6 shall apply in all cases, excepting those in which
7 Artillery, Cavalry, Light Infantry and Riflemen
8 may by usage and necessity be detached from
9 the regiments and battalions.

*Different Corps doing duty together, senior officer
present to command.*

SECT. 15. *Be it further enacted,* That when-
2 ever different corps shall parade, join, or do
3 duty together, the senior officer present accord-

4 ing to rank, shall command without regard to
5 corps.

CHAPTER 16.

Towns to provide ammunition, &c.

SECT. 1. *Be it further enacted, That*
2 whenever the Governor, on account of any pub-
3 lic exigency, shall issue his proclamation to that
4 effect, every town and plantation within this
5 State, shall provide and deposit, and constantly
6 keep provided and deposited in some suitable
7 and convenient place, within said town or plan-
8 tation, one hundred pounds of musket balls, each
9 of the eighteenth part of the pound; one hun-
10 dred and twenty-eight flints, suitable for mus-
11 kets; three copper, iron or tin camp kettles, for
12 every sixty-four soldiers enrolled within said
13 town or plantation, except artillerist; and also
14 with powder, at the rate of thirty-two pounds
15 for every sixty-four soldiers, enrolled within said
16 town or plantation, and the same proportion of
17 the aforesaid articles for a greater or less num-
18 ber of soldiers, enrolled as aforesaid. And
19 every town or plantation, which shall neglect to
20 keep constantly provided with the articles afore-
21 said, and in the proportions aforesaid, shall for-

22 feit and pay to the use of the State, a sum not
23 exceeding five hundred dollars, nor less than
24 twenty dollars, according to the nature and de-
25 gree of the neglect, to be recovered by indict-
26 ment or information in any court of competent
27 jurisdiction.

Duty of Regimental Quarter Master in certain cases.

SECT. 2. *Be it further enacted,* That it
2 shall be the duty of each Quarter Masters of reg-
3 iments of infantry, to cause to be prosecuted
4 every town or plantation within the bounds of
5 his regiment, which he shall upon his inspection
6 find to be deficient, either in quality or quantity
7 of military stores, required to be provided as
8 aforesaid, in this chapter, section first, or which
9 he shall find to have neglected to make the pro-
10 visions, or any part thereof, required as afore-
11 said.

Duty of Treasurer in certain cases.

SECT. 3. *Be it further enacted,* That it
2 shall be the duty of each town or plantation
3 treasurer, when such town or plantation, by
4 virtue of the first section of this chapter, shall
5 make any expenditure, to make out an account
6 thereof, and present the same, verified by his

7 oath, to the Legislature, who shall examine and
8 allow such sum as shall appear to be properly
9 vouched and expended.

Duty of town and plantation clerk in certain cases.

SECT. 4. *Be it further enacted,* That it
2 shall be the duty of the clerk of every city, town
3 and plantation, at the expense thereof, on the
4 request and presentment of the orderly book of
5 his company, by the commandant or clerk of
6 any standing company of militia, therein to re-
7 cord a copy of the records of the limits of his
8 company, established under former laws, and
9 recorded on the books of such town and planta-
10 tion, certified by the clerk of the town or plan-
11 tation, as a true copy of the record. And in all
12 prosecutions for the non-performance of military
13 duty, such certified copy on the orderly book
14 shall be conclusive evidence of the bounds of
15 such company.

*Duty of Treasurer of town in relation to money received
for fines, &c.*

SECT. 5. *Be it further enacted,* That the
2 treasurers of the several cities, towns and plan-
3 tations, shall each keep a fair account of all
4 monies received by them, by virtue of any of

5 these acts, and on or before the first Wednesday
6 of January, annually, transmit to the State Trea-
7 surer, a fair account of all monies so received,
8 (and also the amount paid out to officers, non-
9 commissioned [officers,] privates and musicians,
10 agreeable to law, and for cartridges to be used
11 at the regimental review) which shall constitute
12 a fund towards paying the Militia.

*Duty of treasurer of towns, &c. in relation to furnishing
powder, &c.*

SECT. 6. *Be it further enacted,* That the
2 treasurer of every city, town and plantation,
3 shall supply, at the expense of the State, or
4 cause the commandant of each company of
5 Infantry, Light Infantry, Riflemen and Cavalry
6 to be supplied with a quarter of a pound of good
7 gunpowder, made into suitable blank cartridges,
8 for each and every non-commissioned officer and
9 private borne on the company roll of his com-
10 pany, exclusive of exempts, whenever such
11 commandant's company is ordered to parade for
12 review. And such commandant shall make a
13 written application therefor four days before
14 such review, and the Treasurer shall annually
15 present his account for the expense of the pow-

16 der and making the cartridges, to the Legisla-
17 ture for allowance.

SECT. 7. *Be it further enacted,* That the
2 commandant of each company shall pay over to
3 the Treasurer of the city, town or plantation,
4 where he resides, on or before the first day of
5 December, annually, all monies he has received
6 for fines for non-appearance and deficiencies, and
7 account of which he shall cause his clerk to
8 keep on the orderly book of the company, and
9 the Treasurer shall give him a receipt for the
10 same, which shall also be entered on the orderly
11 book of his company, and no commandant shall
12 retain for his own or for the officers' use, any
13 money so recovered, neither shall he be obliged
14 to pay any cost if he has just reasons for bring-
15 ing the action against the defendant, which may
16 be decided by the Colonel of his regiment, but
17 the legal cost on the part of the State, as fol-
18 lows, (for the writ, fifty-seven cents; for service,
19 twenty-five cents; travel, four cents per mile;
20 Justice fee for trial, fifty cents; witness atten-
21 dance, twenty-five cents; travel four cents per
22 mile; and in no case shall there be more than
23 three witnesses fees allowed) may be paid from

24 the military fund in the hands of the Treasurer,
25 who shall keep a fair account of all monies so
26 received and paid out, which shall be entered
27 in the general account to be sent to the State
28 Treasurer, named in this chapter, section fifth.

CHAPTER 17.

COURTS MARTIAL.

SECT. 1. *Be it further enacted,* That all
2 Courts Martial shall consist of three members
3 to be detailed in the manner hereinafter directed.
4 One of the members of each court, shall be
5 designated in the order under which they shall
6 act, as the president thereof, and in case of his
7 absence at the trial of any cause within their
8 jurisdiction, the senior officer of such court, who
9 shall be present, shall officiate as president pro-
10 tempore.
11 And any two members of said court, shall con-
12 stitute a quorum for the trial of all causes coming
13 before them in the manner hereinafter provided.
14 And any member of said court may, and it
15 shall be his duty to adjourn the proceedings
16 thereof from time to time, as to him may appear
17 just, in the absence of the other members.

SECT. 2. *Be it further enacted*, That when-
2 ever any such court shall be in session the pres-
3 ident thereof shall appoint a marshal, whose
4 duty it shall be to preserve order therein, and
5 with the concurrence of either of the associate
6 members, he may also appoint a warrant officer
7 to attend upon the same.

SECT. 3. *Be it further enacted*, That when-
2 ever the Commander-in-Chief shall deem it
3 necessary to assemble any general Court Mar-
4 tial for the trial of any officer above the rank of
5 captain, it shall be lawful for him to appoint the
6 president and members thereof from any division
7 or divisions of the militia which the circumstan-
8 ces of the case and the ends of justice may, in
9 his opinion require.

SECT. 4. *Be it further enacted*, That every
2 Court Martial for the trial of officers of and un-
3 der the rank of captain, including the regimen-
4 tal staff, shall be ordered by the Major General
5 of the division to which the officer to be tried
6 belongs, to be held within the limits thereof,
7 and he shall regularly detail the members there-
8 of from the roster of his division according to
9 rank; provided however, that it shall be the

10 duty of the Major General to pass such officer
11 or officers as in his opinion may be interested or
12 implicated in the result of the trial; and all offi-
13 cers so detailed, shall, while in the same office,
14 be ineligible to serve on such Court Martial a
15 second time, until all other officers in the divis-
16 ion, who are not legally disqualified shall have
17 been detailed as aforesaid.

SECT. 5. *Be it further enacted,* That sum-
2 mary inquiry may be made into the truth and
3 circumstances of any matter contained in any
4 complaint or allegation against the conduct of
5 any officer or corps of the militia, by an officer
6 specially, appointed for that purpose.

7 If the complaint be made against any officer
8 above the rank of captain, or corps of militia,
9 greater than the command of a captain, the ap-
10 pointment shall be made by the Commander-in-
11 Chief; if against any other officers or corps, the
12 inquiry shall be made by appointment of the
13 Major General of the division to which those
14 complained against belong; and it shall be the
15 duty of any officer appointed to make such in-
16 quiry, to report the result of his inquiry and
17 investigation, as soon as may be after he shall

18 have completed the same, to the Adjutant Gen-
19 eral's office, if ordered by the Commander-in-
20 Chief—and to the Major General if directed by
21 him.

22 In either of the above cases, the officer making
23 and reporting such summary inquiry shall file
24 his account for such services in the Adjutant
25 General's office to be presented to the Legisla-
26 ture for allowance.

SECT. 6. *Be it further enacted,* That there
2 shall be appointed and commissioned by the
3 Governor, a Division Advocate for the militia, of
4 suitable learning in the law, for each division,
5 with the rank of Major, to continue in office for
6 the term of five years whose duty shall be as
7 follows—

8 To reduce to proper form the charges and
9 specifications of charges contained in every writ-
10 ten complaint, of any person aggrieved or of any
11 commissioned officer which may be lodged with
12 him, against any military officer within his di-
13 vision upon any alleged offence by such officer
14 committed and cognizable by the Court Martial
15 within his division.

16 And when the officer against whom complaint

17 is made shall be above the rank of captain he
18 shall transmit the same, so reduced to form, to
19 the Adjutant General's office, within fifteen days
20 next after the receipt of such complaint for the
21 consideration of the Commander-in-Chief.

22 And whenever the officer so complained
23 against shall be of the rank of captain and under,
24 including regimental Staff officers, he shall trans-
25 mit in like manner, the complaint so reduced to
26 form, to the Major General of the division to
27 which the officer belongs, for his consideration.

SECT. 7. *Be it further enacted,* That when-
2 ever a Court Martial is ordered by the Com-
3 mander-in-Chief, or by the Major General of
4 any division for the trial of any officer on char-
5 ges and specifications of charges preferred against
6 him, the Division Advocate shall prosecute the
7 same, and in all cases the Division Advocate
8 shall be furnished by the Adjutant General, if
9 the court be ordered by the Commander-in-
10 Chief, and by the Major General if the court
11 be ordered by him, forty days at least before the
12 time of trial, with a copy of the general division
13 order convening the court and of the charges
14 and specifications preferred, and cause the res-

15 pondent to be served with a copy thereof, twen-
16 ty days at least before the trial.

SECT. 8. *Be it further enacted,* That the
2 Courts Martial hereby authorized, shall be
3 convened from time to time, according to the
4 appointment and order of the Commander-in-
5 Chief, or of the Major Generals of the several
6 divisions for the trial of such officers as are by
7 the provisions of this chapter made amenable to
8 the jurisdiction of said courts respectively.

SECT. 9. *Be it further enacted,* That all
2 persons summoned to testify in any cause order-
3 ed for trial or pending before either of said
4 courts, by virtue of a subpœna issued by the Di-
5 vision Advocate, if for the State, or by any Jus-
6 tice of the Peace, if for the respondent, shall be
7 held to obey such subpœna under the same pen-
8 alties and liabilities for neglect, as are provided
9 in other public prosecutions : all oaths required
10 of persons testifying in said courts may be ad-
11 ministered by any member thereof; depositions
12 may be taken and used in like manner as in cases
13 pending in courts of common law, by consent
14 of the Division Advocate and respondent.

SECT. 10. *Be it further enacted,* That if

2 the respondent shall be found guilty by said
3 court either upon admission, trial or default of
4 any charge preferred against him, involving an
5 offence against military law, or the principles of
6 duty and usage attached to his office, the court
7 shall sentence him to be reprimanded in orders,
8 and to pay a fine of not less than ten nor exceed-
9 ing fifty dollars, together with part or all of the
10 costs of court, or to either, according to the na-
11 ture of the offence; or to be removed from office
12 with or without the payment of such fine and
13 costs, at the discretion of the court, and in addi-
14 tion thereto, if the court think proper, to be dis-
15 qualified for and incapable of holding any mili-
16 tary office under this State, for life or for a term
17 of years. And the judgment or sentence of the
18 court shall, as soon as may be, be certified by
19 the president under seal of the court, to the
20 Commander-in-Chief, to be promulgated and
21 carried into effect.

SECT. 11. *Be it further enacted,* That the
2 Division Advocate shall keep a summary record
3 of the proceedings of each court, from day to day
4 under the direction of the court.

SECT. 12. *Be it further enacted,* That a

2 copy of the record of any Court Martial certified
3 by the president of any such court, together with
4 a duly authenticated copy of the order convening
5 said court, shall be sufficient and conclusive evi-
6 dence to sustain in any court, any action com-
7 menced for the recovery of any fine or costs, or
8 part of costs, or either, agreeably to the provis-
9 ions of the two following sections.

SECT. 13. *Be it further enacted,* That in
2 the order of the Commander-in-Chief, promul-
3 gating the sentence of any Court Martial as here-
4 in directed, if such sentence shall include the
5 payment by any officer of any fine and costs, or
6 either, the Division Advocate of such division,
7 shall be directed, and it shall be his duty to en-
8 force the payment of such fine and costs by an
9 action of debt, to be commenced in his own
10 name, within thirty days next succeeding such
11 order, unless the same shall be sooner paid to
12 him by such officer.

SECT. 14. *Be it further enacted,* That in
2 all actions now pending, or which may hereafter
3 be commenced in the name of any Division Ad-
4 vocate in this State, to recover any fine and
5 cost, or either, in accordance with the sentence

6 of any Court Martial, such suit shall not abate
7 in consequence of the resignation, removal,
8 death or expiration of the term of office of the
9 Division Advocate who may have commenced
10 the same, but such action may be continued and
11 prosecuted to final judgment, in the name of such
12 Division Advocate, in the same manner as if
13 such resignation, removal, death or expiration
14 of term had not occurred. Provided, however,
15 in case of the death of such Division Advocate,
16 such action may be presented to final judgment
17 by his successor.

SECT. 15. *Be it further enacted,* That
2 the court before whom such action shall be com-
3 menced, shall render judgment therein, and issue
4 execution accordingly against the property and
5 body of the defendant, for the amount of such
6 fine and costs, including the costs of such action,
7 upon proof that the same has been awarded by
8 the sentence of a court martial in the manner
9 herein provided. The fine and costs which shall
10 be included in such sentence shall be paid over
11 by the Division Advocate when collected, to the
12 Treasurer of the State, for the use of the State,
13 and the compensation of the members shall be
14 as follows—

SECT. 16. *Be it further enacted*, That to
2 each member of the court, and to the Division
3 Advocate, for each day spent in holding a session
4 of said court, two dollars, and for every mile's
5 travel five cents. All witnesses duly summoned
6 and attending any court as aforesaid, shall be
7 allowed one dollar a day for attendance and five
8 cents a mile for travel to and from court; but no
9 witness shall be taxed against the State, until
10 he has certified his travel, and attendance, and
11 unless summoned by the direction of the Divi-
12 sion Advocate. And in addition to the per diem
13 pay and travel of the Division Advocate as now
14 fixed by law, in each case, he may charge in the
15 pay roll as follows, and no more: For drawing
16 charges and specification, and filing the same,
17 three dollars—preparing the case for trial, three
18 dollars—subpœnas, ten cents each—copies of the
19 case for service on respondent, one dollar—re-
20 cording the case, two dollars. A pay roll shall
21 be made up, including all said fees and reasona-
22 ble expense for room and stationery, at the close
23 of each session of said courts by them respec-
24 tively, and certified by the President and Divi-
25 sion Advocate, and filed in the office of the

26 Adjutant General, and the same shall be paid
27 out of the treasury of the State, after being
28 audited by committee of the Legislature.

SECT. 17. *Be it further enacted,* That it
2 shall be the duty of the president of a court
3 held as aforesaid, to prepare compendious reports
4 of all questions of law, arising and adjudged in
5 trials had before them, respectively, and of the
6 decisions made thereon, stating in substance so
7 much of the evidence as may be necessary for a
8 correct understanding thereof, and deposit the
9 same in the office of the Adjutant General.

SECT. 18. *Be it further enacted,* That
2 every officer to be tried by a court martial, shall
3 be put in arrest, so as to be suspended from the
4 exercise of his office, and shall have a copy of
5 the charges exhibited against him, and notice of
6 the time and place of trial twenty days at least
7 before his trial is commenced.

SECT. 19. *Be it further enacted,* That any
2 officer for the trial of whom a court martial is
3 appointed shall neglect to appear and make
4 defence or if appearing, shall afterwards with-
5 draw in contempt of court, or being arraigned
6 before a Court Martial, shall from obstinacy or

7 deliberate design, stand mute, or answer foreign
8 to the purpose, the court may proceed to trial
9 and judgment as if he had regularly pleaded not
10 guilty.

SECT. 20. *Be it further enacted,* That
2 every commissioned officer shall be liable to be
3 tried by a court martial for the following offen-
4 ces—

5 For any unmilitary conduct, neglect of duty or
6 disobedience of orders, or behaving in an unoffi-
7 cerlike manner when on duty.

8 For wilfully oppressing or injuring any under
9 his command.

10 For setting on foot or joining in any combina-
11 tion to resist or evade the lawful orders of any
12 commissioned officer.

13 For presuming to exercise any command while
14 under arrest, in which case if convicted, he shall
15 be removed from office.

16 For neglect or refusal as commanding officer to
17 call out his company, when, and as often as, and
18 at the times required by law, or at any other
19 time when lawfully required thereto by his supe-
20 rior officer.

21 For excusing any under his command for
22 unnecessary absence or deficiency.

23 For neglect or refusal to make a draft or de-
24 tachment when legally ordered, under the au-
25 thority of the Commander-in-Chief.

26 For parading his men on either of the days of
27 election, mentioned in chapter fifteenth, section
28 seventh, contrary to the provisions thereof.

SECT. 21. *Be it further enacted,* That no
2 officer shall be tried by a court martial for any
3 offence which shall have been committed more
4 than one year previous to the time, when a com-
5 plaint shall have been made in writing therefor,
6 unless he shall have repeated such offence in two
7 or more successive years, or by reason of having
8 absented himself—or some other manifest im-
9 pediment, he shall not have been amenable to
10 justice within that period.

SECT. 22. *Be it further enacted,* That no
2 arrest on the field for offences committed on pa-
3 rade, shall be legal, unless made by the com-
4 manding officer present in writing; and unless
5 such commanding officer shall within fifteen days
6 exhibit to the competent authority his complaint
7 in writing, setting forth the cause of arrest.

CHAPTER 18.*Drafts and detachments for actual service.*

SECT. 1. *Be it further enacted,* That when-
2 ever in case of actual or threatened invasion,
3 insurrection, or other public danger or emer-
4 gency, the militia shall be ordered out, or any
5 part thereof, shall be ordered to be detached or
6 drafted by the Commander-in-Chief, any person
7 who shall be ordered out, detached or drafted,
8 in pursuance of and obedience to such orders,
9 and being notified thereof, and ordered to march
10 to the place of rendezvous, shall neglect or re-
11 fuse to obey such orders, and shall not within
12 twenty-four hours after he shall be notified as
13 aforesaid, pay a fine of fifty dollars to the com-
14 manding officer of the company to which he
15 belongs, or procure an able bodied man, in his
16 stead; such person shall be considered as a sol-
17 dier belonging to the detachment, and be dealt
18 with accordingly.

SECT. 2. *Be it further enacted,* That all
2 fines paid as aforesaid, shall be appropriated to
3 the hire of men to complete the detachment.

SECT. 3. *Be it further enacted,* That the
2 officers of any detachment ordered to be made

3 as aforesaid, shall be regularly detailed from the
4 rosters, and the non-commissioned officers and
5 privates by lot, from the company rolls.

SECT. 4. *Be it further enacted,* That when
2 any company shall not be organized, the officer
3 commanding the brigade or regiment shall, either
4 by himself or some officer under him, proceed
5 to make and complete the detachment from such
6 unorganized company.

SECT. 5. *Be it further enacted,* That when-
2 ever the militia or any part thereof, after having
3 been ordered out or detached as aforesaid, shall
4 be ordered to march for the service of the State,
5 each non-commissioned officer and private, so
6 ordered to march, shall provide and take with
7 him three days' provisions, unless otherwise
8 ordered.

SECT. 6. *Be it further enacted,* That the
2 Selectmen of every town, and Aldermen of ev-
3 ery city, and the Assessors of every plantation,
4 to which the men detached as aforesaid and
5 ordered to march for the service of the State
6 belong, shall provide and cause carriages to
7 attend them with further supplies and provisions,
8 and also the necessary camp equipage and camp

9 utensils, until notice shall be given them by the
10 commanding officer of the detachment to desist;
11 and the Selectmen, Aldermen, and Assessors,
12 shall present their accounts for supplies to the
13 Legislature for allowance.

SECT. 7. *Be it further enacted, That*
2 whenever the Selectmen of any town, Aldermen
3 of any city, or Assessors of any plantation, from
4 which a detachment or part thereof, as afore-
5 said, shall march, being notified by the com-
6 manding officer of such detachment or part
7 thereof belonging to such town, city or planta-
8 tion, shall neglect or refuse to furnish the neces-
9 sary supplies, camp equipage, and camp utensils,
10 the town, city or plantation to which the Select-
11 men, Aldermen or Assessors, neglecting or re-
12 fusing as aforesaid belong, shall forfeit not less
13 than two hundred nor more than five hundred
14 dollars, to be sued for and recovered by any per-
15 son who may prosecute for the same, in any
16 action on the case, in any court of competent
17 jurisdiction, one moiety to the prosecutor and
18 the other to the use of the State.

SECT. 8. *Be it further enacted, That the*
2 officer by whom or to whose order any camp

3 equipage, or camp utensils, shall be delivered,
4 shall be accountable for the same, unless injured
5 or lost by some accident not in his power to pre-
6 vent.

SECT. 9. *Be it further enacted,* That when-
2 ever any officer neglecting or refusing to make a
3 draft or detachment, when ordered as aforesaid,
4 shall be arrested; the officer next in command
5 shall be ordered to make the draft or detach-
6 ment.

SECT. 10. *Be it further enacted,* That the
2 rules and articles for governing the Militia when
3 in actual service, shall be a true copy of the
4 rules and articles approved March 8th, 1834.

SECT. 11. *Be it further enacted,* That all
2 acts and parts of acts relating to the Militia,
3 passed and approved by the Governor, prior to
4 this act, be, and the same are hereby repealed.

STATE OF MAINE.

IN SENATE, March 12, 1840.

This Bill was read once, and

ORDERED, That one thousand copies of the same be printed
for the use of the Legislature.

[Extract from the Journal.]

Attest : WILLIAM TRAFTON, *Secretary.*