

LAWS

MADE AND PASSED

BY THE

GENERAL ASSEMBLY

OF THE

STATE OF MARYLAND,

AT AN

EXTRA SESSION

*BEGUN AND HELD AT THE CITY OF ANNAPOLIS, ON MONDAY THE
SEVENTEENTH, AND ENDING ON SUNDAY THE THIRTIETH
DAY OF MAY, IN THE YEAR OF OUR LORD ONE THOUSAND
EIGHT HUNDRED AND THIRTEEN.*



PUBLISHED BY AUTHORITY.



ANNAPOLIS:

PRINTED BY JEHU CHANDLER,

PRINTER TO THE STATE.

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1813.

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or failure to comply with the said requisition, then it shall and may be lawful for the said person, or his executors or administrators, to whom the said bond was executed, to sue immediately on the said bond, and to distress for the rent for which the same was given, in the same manner as he, she or they might or could have done before the passage of this act.

Rent.

9. AND BE IT ENACTED; That if after the end of the next session of the general assembly of Maryland, the tenant or tenants, or any person claiming by, through or under him, her or them, shall hold and occupy the lands or tenements, for the rent due for the occupation whereof bond hath been given as aforesaid, that then and in that case the landlord or landlords, his, her or their executors or administrators, may proceed to distress for the same in the manner that he, she or they might or could have done before the passage of this act.

Justices' fees.

10. AND BE IT ENACTED; That the following fees shall be allowed to each of the said justices for services performed under this act: for taking bond, twelve and a half cents; for issuing summon, six cents; for supersedeas, twelve and a half cents; for every certificate, six cents.

Attornies.

11. AND BE IT ENACTED; That no attorney shall be entitled to collect by execution any fee or fees now due, or that may hereafter become due, during the continuance of this act: *Provided*, The same shall be superceded in the same manner that judgments and decrees are to be superceded by this act.

Proviso.



CHAPTER 19.

Passed May
29, 1813.

An act providing for the calling out and detaching the Militia of this state, and for other purposes.

Preamble.

WHEREAS, great obstacles to the public defence, and much inconvenience to the citizens of this state, arise from the want of uniformity in the manner of ordering into service the militia of this state, and from a deficiency in forcing their attendance, when so ordered: *Therefore,*

Companies to
be divided into
ten divisions--
tours of duty,
&c.

Sec. 1. BE IT ENACTED *by the General Assembly of Maryland*, That it shall be the duty of the commanding officers of companies, to proceed immediately to divide their companies into divisions, by lot, from one to ten, for the purpose of an equal routine of duty; and when ordered into actual service he shall begin with the first, and so on in succession, and to return a roster of each division, and its number to the commanding officer of his battalion, who shall transmit

the same to the commanding officer of the regiment. The same regulations shall be observed by every commanding officer of a company on the subsequent enrollment of any person therein, unless such person shall produce a certificate of his having been before drawn for the above purpose, in which case he shall be enrolled according to his draught; and it shall be the duty of every commanding officer of a company, to give any person removing out of his company limits, a discharge, certifying the class wherein he was arranged, and whether he had performed his tour of duty or not, and also the time and date of such service; which said certificate the said militiaman shall produce to the commanding officer of the company into whose limits he shall so have removed, within ten days after his removal; and such officer is hereby instructed to enrol him in the numerical class mentioned in such certificate; and every militiaman so removing, and failing to produce the certificate as aforesaid, shall be enrolled in the class destined to perform the next tour of duty; and it shall be the duty of every commanding officer of a company, upon application, to grant such certificate to every militiaman so removing, under the penalty of twenty dollars, to be recovered by the person applying for the same, in the same manner that small debts are now recovered.

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2. AND BE IT ENACTED, That the governor, by and with the advice of the council, for the accommodation and support of the militia at any time to be called forth, may appoint such commissaries and such staff officers as shall seem proper, and shall have full power to adopt such measures as he may deem necessary for the transporting and issuing all supplies and orders requisite; and whenever any calls are made upon the militia, the same shall be made upon the commanding officers of divisions, who shall immediately take measures for detaching the same, with the necessary number and ranks of officers, by detail, and according to a regular rotation of duty.

Appointment
of staff officers
—calls on the
militia.

3. AND BE IT ENACTED, That in case of an insurrection or threatened insurrection within, or invasion or threatened invasion of any part of the state, a major general, brigadier general, or a commanding officer of a regiment or battalion, extra battalion or squadron, shall have full power to order out the militia, or any part thereof, belonging to their respective districts, where the insurrection or threatened invasion may be or is expected to take place; and it shall be the duty of any such officer to give notice of such insur-

Insurrections,
&c.

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rection or threatened insurrection, or invasion, or threatened invasion, with every circumstance attending the same, as early as possible, to their immediate commanding officer, by whom such information shall be transmitted with the utmost expedition to the commander in chief of this state—and in such cases, it shall be the duty of the commanding officer of the regiment, battalion, extra battalion or squadron, within the limits of which such danger as aforesaid may be apprehended, to assemble his regiment, battalion, extra battalion or squadron, or such part thereof as he may deem necessary, and to take such measures as he may deem requisite for the protection and the peace of the state, till the orders of the commanding officer of the brigade shall be by him received; and it shall be the duty of every commanding officer of a brigade, immediately upon such information, to give such orders, and, if necessary, such aid from his brigade, by causing detachments therefrom as aforesaid, as in his judgment shall be required; and the militia shall be ordered out as aforesaid when any two justices of the peace shall require, and state in writing, that they have good reason to believe that the peace and quiet of the state is likely to be endangered by an insurrection or opposition to the laws.

Default of officers to give information of insurrections, &c.

4. AND BE IT ENACTED, That if any such officer shall neglect to give such information as is required of them by the preceding section, he shall forfeit a sum not exceeding five hundred dollars, at the discretion of a regimental court martial, to be collected & applied as fines are directed to be collected & applied when levied by a regimental court martial under the act entitled, "an act to regulate and discipline the militia of this state," and the several supplements thereto.

Transporting & issuing supplies, &c. in cases of emergency.

5. AND BE IT ENACTED, That in the cases provided for in the preceding section, the commanding officer of a brigade shall have full power and authority to take such measures for transporting and issuing such supplies and orders within his brigade, as he may deem requisite, till the orders of the commander in chief shall be known.

Detachments of militia shall not serve longer than 60 days—how to be relieved.

6. AND BE IT ENACTED, That when any of the militia shall be detached by this law, they shall not remain in service longer than sixty days, to be calculated from their arrival at the place of rendezvous till their discharge from camp, and, if required by the exigencies of the state, they shall be relieved by a detachment as aforesaid.

Substitutes.

7. AND BE IT ENACTED, That it shall and may be lawful for any person called to do a tour of duty

to find a substitute, who, if approved of by the commanding officer of the company in which such person is enrolled, may serve in the place of such person; and whenever such substitute shall have been approved of by the commanding officer of the company, he shall subscribe his name to the following form: "I, A. B. do acknowledge myself as a substitute for C. D. in class No. , belonging to the company commanded by E. F." and the person thus acknowledging himself as a substitute, shall be considered to all purposes provided for by this act, as being in the place of his principal, and the principal shall be deemed thereafter to have performed his rotation of duty.

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8. AND BE IT ENACTED, That whenever any drafts of the militia, made as aforesaid, shall be called to perform any tour of duty, the commanding officer of the company shall cause each and every person so called, to be notified of such call, by a written notice being delivered to him personally, or left at his usual place of abode, by some officer or suitable person employed for that purpose by the commanding officer of the company, at least three days before the time of assembling the said militia, unless such militia shall be ordered into immediate and actual service, and then the note mentioning such special order, shall be given for immediate attendance; and any person refusing or neglecting to perform such tour of duty or to procure a substitute, unless prevented by sickness, or other reasonable excuse, shall pay a fine not exceeding fifty dollars for such neglect or refusal, at the discretion of a regimental court martial, to be paid to the commanding officer of the company to which such militia-man may belong, to be applied to the hiring of substitutes to supply the place of the delinquents belonging to such company.

Notifications
for tours of du-
ty.

9. AND BE IT ENACTED, That no person serving as a substitute shall thereby be excused standing a draught himself.

Substitutes to
stand drafts.

AND WHEREAS, Many of the militia-men of this state have already performed a tour of duty: Therefore,

10. BE IT ENACTED, That the commanding officer of the company be, and he is hereby instructed, to include all such in the class allotted to perform the last tour of duty.

Those having
served a tour
of duty.

AND WHEREAS, The state has distributed many of its arms among the militia of this state, and it is necessary to make some provision for their safe keeping: Therefore,

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Receipts for
arms—arms to
be kept in good
order, &c.

11. BE IT ENACTED, That it shall be the duty of non-commissioned officers and privates, who shall receive any arms, to grant a receipt for the same, (which said receipt shall be taken in a book to be by the commanding officer of the company kept for that purpose,) making themselves liable for the safe keeping thereof, and for their delivery when legally called on for that purpose. It shall be the duty of all persons in the militia who receive into their possession public arms, to keep the same in neat and good order, the musket barrel and bayonet free from rust, and bright, the lock clean, well oiled, and with a good flint, and to appear with such arms at every muster where by law they are obliged to appear, and at all other times when they may be called on duty; and at all musters the officers in their respective stations shall be diligent and careful in inspecting their arms, in noting delinquencies, and making report thereof, as herein after directed

Persons be-
coming ex-
empt from mi-
litia duty.

12. AND BE IT ENACTED, That if any person in the militia, possessed of public arms as aforesaid, shall be about to remove out of the limits of the company to which he belongs, or during such possession arrive at the age of forty-five years, or otherwise shall be exempt from militia duty, he shall deliver to the officer commanding the company to which he belongs in good order and unimpaired, such public arms as may have been delivered to him; and if any person so possessed shall die, it shall be the duty of the officer commanding the company to which he belonged, immediately to take possession of such arms, inspect and take care of them, in the manner herein after directed, to be delivered to some other person in his company in manner before directed.

Arms to be in-
spected—Em-
bezzlement of
arms—how to
be recovered.

13. AND BE IT ENACTED, That it shall be the duty of the commanding officers of companies, from time to time, to inspect the public arms in the possession of the non-commissioned officers and privates of their companies, and where it shall appear to him that any such arms are not in the condition required by this act, it shall be the duty of such officer to report the same as other delinquencies; and if it shall at any time come to his knowledge, that any one of his company has embezzled or disposed of his arms, or has removed out of the limits of his company, without delivering them up, as herein before directed, in all such cases it shall be his duty immediately to proceed by and under the authority of a warrant, according to law, issuing from any justice of the peace of the county or counties

where such arms, or any part thereof, are supposed to be, to regain the possession of such arms wherever the same may be found; and it shall moreover be the duty of such captain to proceed as is herein after directed, to bring to punishment, according to this act, every person offending in the disposing, buying or concealing such arms.

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14. AND BE IT ENACTED, That any non-commissioned officer or soldier who shall attempt to transfer a right to the said arms in his custody, or to any part thereof, by sale or otherwise, to any person or persons, accompanied with actual delivery, as well every person so offending as every person purchasing or concealing the said arms, knowing the said arms to be the property of the public, shall forfeit and pay, for each offence, the sum of forty dollars, to be recovered in the name of the State of Maryland, by motion in the county court of the county wherein the offence may have been committed: *Provided*, Such person shall have ten days previous notice of such motion, or notice of such motion shall have been previously left ten days at his last place of abode, and the right of the state to such arms shall not, by such, or any other mode of transfer, be impaired or taken away.

Persons disposing of public arms—penalty

15. AND BE IT ENACTED, That in case of loss of arms, satisfaction for the same to be awarded by a company court martial, shall be made by the person or persons who shall have received the same to the state, at the following prices: for a musket, twenty dollars; for a ramrod, one dollar; for a bayonet, two dollars; for a cartouch box, two dollars; for a pistol, five dollars; for a sword, ten dollars; for a pair of holsters, five dollars; and for a rifle, thirty dollars.

Prices of arms, &c.

16. AND BE IT ENACTED, That if any militia-man, or other person, shall sell, buy, or give away any part of the public arms, or carry the same out of the bounds of his regiment, with intent to defraud the state, he shall be considered as guilty of a misdemeanor, and being convicted thereof at any time within five years, on information or indictment in any county court, shall be amerced in a sum not exceeding one hundred dollars, and imprisoned for a term not exceeding sixty days, at the discretion of the court.

Penalty for disposing of arms.

17. AND BE IT ENACTED, That each non-commissioned officer or private who shall have been, or may be armed by the public, shall be fined not exceeding one hundred cents for each article of his accoutrements which shall be out of order; and it shall be the duty of the captain or commanding officer of

Penalty for permitting arms, &c, to be out of order

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every company armed as aforesaid, to note down, at every muster, each and every breach of this law, and make report of the same to the presiding officer of the company court martial.

Arms out of order to be reported & collected.

18. AND BE IT ENACTED, That it shall be the duty of every captain, in the hands of whose company there are or may be public arms, at the next muster, and at every subsequent muster, to examine the same, and make report of such arms as are out of order to the colonel, whose duty it shall be to have the same collected and delivered to the order of the commander in chief.

AND WHEREAS, It has been found detrimental to the militia service in the city of Baltimore, that company districts should be attached to regiments composed of volunteer uniformed companies:

Commanding officers of uniformed volunteer companies in the 3d brigade shall not command company districts.

19. BE IT ENACTED, That from and after the passage of this act, no commanding officer of an uniformed volunteer militia company in the third brigade shall command a company district, but in all such cases, it shall be the duty of the brigadier general of the third brigade to cause such districts to be distributed among other commanding officers of districts in the same regiment, not commanding volunteer uniformed companies, if such officers shall not have sufficient men in their districts to form full companies; and if there shall be none such, then among other regiments which shall be either deficient in men or in districts, in the proportion in which they shall be so deficient: *Provided always*, That in every instance where a district shall be taken from the commanding officer of a uniformed company, it shall be the right of such officer, or his successor, to keep his company full by volunteers from other districts of the brigade.

Proviso.

Artillery in Baltimore.

20. AND BE IT ENACTED, That the regiment of artillery in the said city shall not exceed ten companies, to consist of eighty privates each, beyond which number no persons residing within the limits of the third brigade shall be admitted into the said artillery companies.

A rifle battalion may be raised in Baltimore.

21. AND BE IT ENACTED, That a battalion of riflemen, consisting of five companies, not exceeding ninety privates each in number, may be raised within the said brigade to be attached thereto.

Company fines.

22. AND BE IT ENACTED, That it shall be the duty of the commanding officer of each company of the brigade to account quarter yearly with, and pay over to the pay-master of the regiment to which such company belongs, all company fines which shall be receiv-

ed by such commanding officer during each quarter, under the provisions of the act entitled, "an act to regulate and discipline the militia of this state," deducting therefrom all company expences, for which proper vouchers shall be produced, which in case of the neglect or refusal of such commanding officer to pay the same, may be recovered from him by such pay-master, by action of debt in Baltimore county court, in the name of such pay-master, whose duty it shall be to institute suits for the recovery thereof; which money when received, shall be applied to the payment of the expences incurred in the battalion and regimental musters of the several regiments of said brigade, and to the purchase of arms and music for the use of the same.

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23. AND BE IT ENACTED, That if any officer or private of the militia of this state shall be disabled while in service, he shall be entitled to half pay during life.

Pensioners.

24. AND BE IT ENACTED, That the sixth section of the act entitled, "an act to regulate and discipline the militia of this state," and all such parts of any acts of assembly as are repugnant to or inconsistent with the provisions of this act, be, and the same are hereby repealed.

Sixth section of the original act & parts of other acts repealed.

CHAPTER 20.

An act to authorise and empower the levy court of Montgomery county to appoint a constable for the town of Brookville, in said county.

Passed May 29 1813.

Sec. 1. BE IT ENACTED by the General Assembly of Maryland, That from and after the passage of this law, the levy court of Montgomery county be, and they are hereby authorised and empowered to appoint a constable annually for the town of Brookville, in Montgomery county.

A constable may be appointed annually.

2 AND BE IT ENACTED, That any constable who may or shall be appointed under the direction of this act, before he proceeds to act in his office, shall qualify according to the form and manner prescribed by law, and shall give bond with security for the faithful performance of his duty, and shall be entitled to the same fees as other constables appointed by law.

Constable to qualify.

CHAPTER 21.

An act relating to lunatics, idiots and persons insane.

Passed May 29, 1813.

Sec. 1 BE IT ENACTED by the General Assembly of Maryland, That the chancellor shall have full power, on the application of any trustee of a luna-

Chancellor's power in case of application.