OCTOBER SESSION, 1815.

CHAP. 1.

An Act in addition to an Act entitled "An Act concerning Turnpike Roads, and for keeping the same in repair."

§ 1. BE *it enacted by the Governour and Council, and House of Representatives in General Court assembled*, That the several turnpike companies in this state, shall be, and they are hereby authorized to collect and receive in the following cases, the toll following, at each gate where a whole toll is allowed by law, viz:

	Cts.	*Mills.*
Rates of toll		
For each waggon drawn by one horse,	6	
For each four wheeled pleasure carriage drawn by one horse - - - -	8	
For each waggon or four wheeled carriage for transporting loads when drawn by two beasts only - - - -	12	5
For each additional beast - -	3	
If such waggons or four wheeled carriages are empty, only half the sums aforesaid.		
For loaded carts drawn by four beasts,	12	5
For each additional beast, - -	3	

For empty carts only half the aforesaid sums; and at each gate where only a half toll is by law collectable, half the aforesaid tolls, and no more, shall be collected in the cases aforesaid.

§ 2. *Whereas it appears to this assembly that in the acts of incorporation of several turnpike companies, no exemptions are allowed; and that in others such exemptions are so indefinite that disputes arise:*

Be it further enacted, That no turnpike company shall take benefit of the provisions of this act, after the 20th day of May next, unless such company have, or shall pass a by-law or vote making the following

CHAP. XI.

An Act for forming and conducting the military force of this State.

WHEREAS the Congress of the United States did on the eighth day of May, A. D 1792, *pass an Act entitled, "An Act more effectually to provide for the national defence, by establishing an uniform Militia throughout the United States," which is in the words following, viz.*

Act of Congress recited.

§ 1. **BE** *it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That each and every free, able-bodied, white male citizen of the respective States, resident therein, who is or shall be of the age of eighteen years, and under the age of forty-five years, except as is hereinafter excepted, shall severally and respectively be enrolled in the militia by the captain or commanding officer of the company within whose bounds such citizen shall reside; and that within twelve months after the passing of this act, it shall at all times hereafter be the duty of every such captain or commanding officer of a company to enrol every such citizen as aforesaid, and also those who shall from time to time arrive at the age of eighteen years, and under the age of forty-five years, except as before excepted, shall come to reside within his bounds; and shall without delay, notify each citizen of the said enrollment, by a proper non-commissioned officer of the company, by whom such notice may be proved.—That every such citizen, so enrolled and notified, shall, within six months thereafter, provide himself with a good musket or firelock, a sufficient bayonet and belt, two spare flints and a knapsack, a pouch with a box therein, to contain twenty-four cartridges suited to the bore of his musket or firelock, each cartridge to contain a proper quantity of powder and ball; or with a good rifle, knapsack, shot-pouch and powder-horn, twenty balls suited to the bore of his rifle, and a quarter of a pound of powder; and shall appear so armed, accoutred and provided, when called out to exercise, or into service, except that, when called out on company days to exercise only, he may appear without a knapsack:—That the commissioned officers shall severally be armed with a sword or hanger, and espontoon; and that from and after five years from the passing this act, all muskets for arming the militia shall be of bores suffi-

What persons to be enrolled;

and by whom.

Notice of enrolment to be given.

Arms and accoutrements.

Commissioned officers, how to be armed.

Muskets, of what bore.

CHAP. XI. Militia.

cient for balls of the eighteenth part of a pound: And every citizen so enrolled, and providing himself with the arms, ammunition and accoutrements, required as aforesaid, shall hold the same exempt from all suits, distresses, executions, or sales for debt, or for the payment of taxes.

Arms &c. to be exempt from execution.

§ 2. *And be it further enacted*, That the vice-president of the United States; the officers, judicial and executive, of the United States; the members of both houses of Congress, and their respective officers with their clerks; all post-officers and stage-drivers who are employed in the care and conveyance of the mail of the post-office of the United States; all ferrymen employed at any ferry on the post-road; all inspectors of exports; all mariners actually employed in the sea-service of any citizen or merchant within the United States; and all persons who are, or may hereafter be exempted by the laws of the respective States; shall be and are hereby exempted from military duty, notwithstanding their being above eighteen, or under the age of forty-five years.

Persons exempt from military duty.

§ 3. *And be it further enacted*, That within one year after the passing this act, the militia of the respective States shall be arranged into divisions, brigades, regiments and companies, as the Legislature of each State shall direct; and each division, brigade and regiment, shall be numbered at the formation thereof, and a record made of such numbers in the adjutant general's office in the State: each division, brigade and regiment, shall respectively take rank according to their numbers, reckoning the first or lowest number highest in rank: That if the same be convenient, each brigade shall consist of four regiments, each regiment of two battalions, each battalion of five companies, each company of sixty-four privates: That the said militia shall be officered by the respective States as follows; to each division one major-general, and two aids-de-camp with the rank of major; to each brigade one brigadier-general, with one brigade-inspector, to serve also as brigade-major with the rank of a major; to each regiment one lieutenant-colonel commandant, and to each battalion one major; to each company one captain, one lieutenant, one ensign, four sergeants, four corporals, one drummer, one fifer or bugler: That there shall be a regimental staff, to consist of one adjutant, one quarter-master to rank as lieutenant, one pay-master, one surgeon and surgeon's mate, one sergeant-major, one drum-major, and one fife-major.

Militia, how to be arranged, &c.

Rank, how determined.

How to be officered.

Regiment. staff.

Grenadiers &c.

Artillery;

how officered and armed.

§ 4. *And be it further enacted*, That out of the militia enrolled as is herein directed, there shall be formed, for each battalion, at least one company of grenadiers, light infantry, or riflemen; and that to each division there shall be at least one company of artillery and one troop of horse. There shall be to each company of artillery, one captain, two lieutenants, four sergeants, four corporals, six gunners, six bombardiers, one drummer and one fifer; the officers to be armed with a sword or hanger, fusee, bayonet and belt, with a cartridge-box to contain twelve cartridges; and each private or matross shall furnish himself with all equipments of a private in the infantry, until proper ordnance and field artillery is provided. There shall be to each troop of horse, one captain, two lieutenants, one cornet, four sergeants, four corporals, one saddler, one farrier, and one trumpeter; the commissioned officers to furnish themselves with good horses of at least fourteen hands and a half high, and to be armed with a sword and pair of pistols, the holsters of which to be covered with bear-skin caps; each dragoon to furnish himself with a serviceable horse at least fourteen hands and a half high, a good saddle, bridle, mail pillion and valice, holsters, and a breast-plate and crupper, a pair of boots and spurs, a pair of pistols, a sabre, and cartridge-box to contain twelve cartridges for pistols. That each company of artillery, and troop of horse, shall be formed of volunteers from the brigade, at the discretion of the commander in chief of the State, not exceeding one company to each regiment, nor more in number than one eleventh part of the infantry, and shall be uniformly clothed in regimentals, to be furnished at their own expense, the colour and fashion to be determined by the brigadier commanding the brigade to which they belong.

Troop of horse, how officered, and equipped.

Artillery and troops of horse, of whom to be formed.

To be clothed in uniform.

Colours.

Drum and fife, or bugle horn.

§ 5. *And be it further enacted*, That each battallion and regiment shall be provided with a State and regimental colours by the field officers, and each company with a drum and fife, or bugle horn, by the commissioned officers of the company, in such manner as the Legislature of the State shall direct.

Adjutant General.

His duty.

§ 6. *And be it further enacted*, That there shall be an adjutant-general appointed in each State, whose duty it shall be to distribute all orders from the commander in chief of the State to the several corps; to attend all public reviews, when the commander in chief of the State shall review the militia, or any part thereof; to obey all orders from him, relative to carrying into execution, and perfecting the system of military disci-

pline established by this act; to furnish blank forms of different returns that may be required, and to explain the principles on which they shall be made; to receive from the several officers of the different corps throughout the State, returns of the militia under their command, respecting the actual situation of their arms, accoutrements and ammunition, their delinquencies, and every other thing which relates to the general advancement of good order and discipline; all which the several officers of the divisions of the brigades, regiments and battalions, are hereby required to make, in the usual manner, so that the said adjutant-general may be duly furnished therewith; from all which returns he shall make proper abstracts, and lay the same annually before the commander in chief of the State.

Rules of discipline.

§ 7. *And be it further enacted*, That the rules of discipline approved and established by Congress, in their resolutions of 29th of March, 1779, shall be the rules of discipline to be observed by the militia throughout the United States, excepting such deviations from the said rules as may be rendered necessary by the requisitions of this act, or by some other unavoidable circumstances. It shall be the duty of the commanding officer, at every muster, whether by battalion, regiment, or single company, to cause the militia to be exercised and trained agreeably to the said rules of discipline.

Duty of commanding officer in relation thereto.

Officers, how to take rank.

§ 8. *And be it further enacted*, That all the commissioned officers shall take rank according to the date of their commissions; and when two of the same grade bear an equal date, then their rank to be determined by lot, to be drawn by them before the commanding officer of the brigade, regiment, battalion, company or detachment.

Provision for the wounded or disabled.

§ 9. *And be it further enacted*, That if any person, whether officer or soldier, belonging to the militia of any State, and called out into service of the United States, be wounded or disabled while in actual service, he shall be taken care of at the public expense.

Brigade inspector's duty.

§ 10. *And be it further enacted*, That it shall be the duty of the brigade inspector to attend the regimental and battalion meeting of the militia, composing the several brigades, during the time of their being under arms, to inspect their arms, ammunition and accoutrements, superintending their exercise and manœuvres, and introducing the system of military discipline before described, throughout the brigade according to law, and such orders as they shall from time to time receive from the commander in chief of the State; to make re-

turns to the adjutant general of the State, at least once in every year, of the militia of the brigade to which he belongs, reporting therein the actual situation of the arms, accoutrements, and ammunition of the several corps, and in every other thing which in his judgment relates to their government, and the general advancement of good order and military discipline. And the adjutant general shall make a return of all the militia in the State to the commander in chief of the said State, and a duplicate of the same to the president of the United States.

Adjutant General to make duplicate returns.

Corps of artillery, cavalry, &c. now existing,

And whereas sundry corps of artillery, cavalry and infantry, now exist in several of the said States, which, by the laws, usages and customs thereof, have not been incorporated with, or subject to the general regulations of the militia:

to retain their accustomed privileges.

§ 11. *Be it further enacted*, That such corps retain their accustomed privileges, subject nevertheless to all other duties required by this act, in like manner with the other militia.

JONATHAN TRUMBULL,
Speaker of the House of Representatives.
RICHARD HENRY LEE,
President pro tempore of the Senate.
Approved May 8th, 1792.
GEORGE WASHINGTON,
President of the United States.

Now therefore to carry the same into execution, agreeably to the requirements thereof:

Militia, of whom to be composed.

§ 1. *BE it enacted by the Governour and Council and House of Representatives in General Court assembled*, That each and every free able-bodied white male citizen of this State, or resident therein, who is or shall be of the age of eighteen and under the age of forty-five years, except as is therein especially excepted;

Persons exempted from military duty.

excepting also members of the Council and of the House of Representatives for the time being; the State Treasurer, Secretary and Comptroller; justices of the peace; licensed physicians and surgeons while they continue in practice; general and field officers, honourably discharged; commissioned and staff officers, who have heretofore been honourably discharged, or who shall hereafter be honourably discharged having served in the office from which they shall be discharged five years, or having held commissions or warrants as staff officers, ten years; all commissioned and staff officers, holding commissions under this State, who have been or shall be honourably discharged, in consequence of their term of service having expired, or in

consequence of a re-organization of the militia; ministers of the gospel; president, professors and tutors of Yale College; graduates residing in New-Haven, subject to the laws and under the instruction of the officers of the college, until the time of taking their second degree, and students until the time of taking their first degree; and all persons not inhabitants of this State, who shall come to reside in this State for the purpose of qualifying themselves for collegiate education, or for entering into either of the learned professions, while they shall continue under the care of their respective instructors, not exceeding two years, shall be enrolled in companies as therein directed; and a soldier once enrolled in any company, having had six months' notice to equip himself, and afterwards moving into the limits of any other company, shall be subject to military duty in the company where he resides immediately upon being warned.

A soldier once enrolled, afterwards removing, to be subject to military duty immediately.

§ 2. *And be it further enacted*, That all tavern keepers, keepers of boarding-houses, or persons who keep boarders, upon being thereto required, by the commander of the militia company, within the limits of which they reside, shall give to such commander a true account of all persons boarding or lodging with him, her or them, and their names, if known, to the end that all such persons as are liable to do military duty, may be enrolled according to law, under the penalty of twenty dollars, to be recovered of such tavern-keeper, keeper of a boarding house, or person keeping boarders, for the use of this State; and it shall be the duty of all informing officers, to make due presentment of all breaches of this section.

Tavern-keepers &c. to give a true account of their boarders.

Penalty.

Informing officers to present breaches.

§ 3. *And be it further enacted*, That any able-bodied free male white citizen of this State, or resident therein, of the age of sixteen years, and under the age of eighteen years, with the consent in writing of the parent, guardian or master, under whose care and direction he shall be, may offer himself to the commander of the company, within the limits of which he resides, to be enrolled, who shall thereupon cause him to be enrolled; and upon his providing himself, within six months thereafter, with arms and accoutrements, and dressing in uniform, he shall be considered as belonging to the militia, and shall be entitled to all the privileges and immunities, to which the rest of the militia are entitled, and be subject to all the the pains and penalties to which they are subject; and upon his procuring and presenting to the listers, on or before the tenth day of October, in any year, a certificate which would exempt

Enrolment of minors, between 16 and 18 years.

Abatement from list.

his poll from taxation, if he were obliged by law to do military duty, there shall be deducted from his list, if he be under the care and direction of a guardian, or from the list of his parent or master, if he be under the care and direction of a parent or master, the sum of thirty dollars: *Provided however*, That such minor shall not be entitled to six month's notice, allowed by the act of Congress, for arming and equipping himself, after he arrives at the age of eighteen years: *And provided also*, That no man, enrolled according to the provisions of this section, shall be liable to any draft, or other call of the United States, for actual service, until he shall have arrived at the age, when he becomes liable to do military duty, according to the act of Congress.

Proviso.

Proviso.

Organization of militia.

§ 4. *And be it further enacted*, That the militia of this State, enrolled as aforesaid, shall be formed and organized as follows: There shall be three divisions of infantry, each to consist of two brigades; each brigade of four regiments; each regiment of two battalions; each battalion of five companies, including one company of grenadiers or light infantry; each company to consist of sixty-four privates.—There shall be one brigade of cavalry, to consist of five regiments, to be reduced to four regiments by the commander in chief whenever he shall deem it expedient; each regiment to consist of four troops, and each troop of forty-four privates. There shall be a brigade of artillery, to consist of two regiments of light artillery, and two regiments of horse artillery; each regiment of light artillery shall consist of three battalions, each battalion of four companies, and each company of forty-four privates; each regiment of horse artillery shall consist of two battalions, each battalion of two companies, each company of sixty-four privates. And in the organization of the horse artillery, the commander in chief shall be authorised, on the application of any company or portion of the cavalry belonging to the militia of the State, to form the same into horse artillery, if he judge expedient. There shall be a brigade of riflemen, to consist of two regiments, each regiment of two battalions, each battalion of five companies, each company of sixty-four privates; which divisions, brigades, regiments, battalions and companies, shall be officered as follows: To each division one major-general with two aids-de-camp, to have the rank of major; one division inspector, to have the rank of lieutenant-colonel, and one division quarter-master, to have the rank of major: To each brigade one briga-

Infantry.

Cavalry.

Artillery.

Riflemen.

Officers.

dier, with one aid-de-camp, to have the rank of captain: one brigade inspector, to serve also as brigade major, and to have the rank of major: and one brigade quarter-master, to have the rank of captain: To each regiment one lieutenant-colonel commandant: To each regiment of cavalry, one major: To each regiment of infantry, riflemen, and horse artillery, two majors: To each regiment of light artillery, three majors: To each regiment one adjutant and one quarter-master, to have the rank of lieutenant; also a chaplain, surgeon, and surgeon's mate, pay-master, sergeant-major and quarter-master-sergeant: To each regiment of infantry, artillery and riflemen, one drum-major and one fife-major, and to each regiment of cavalry, one trumpet-major: To each company of infantry and riflemen, one captain, one lieutenant, one ensign, four sergeants, four corporals, one dummer, and two fifers or buglers: To each company of light artillery, one captain, two lieutenants, four sergeants, four corporals, one drummer, and two fifers or buglers: To each company of horse artillery, one captain, four lieutenants, one cornet, eight sergeants, eight corporals, one saddler, one farrier, and two trumpeters or buglers: To each troop of cavalry, one captain, two lieutenants, one cornet, four sergeants, four corporals, one saddler, one farrier, and two trumpeters or buglers. And it shall be the duty of the commander in chief, together with such officers of the militia, as he may from time to time call to his assistance, as soon as it can conveniently be done, to divide, arrange, and form the militia, according to the provisions of this section.

Commander in chief to form militia.

§ 5. *And be it further enacted*, That the companies of cavalry, artillery, grenadiers, light-infantry and riflemen shall be filled, from time to time, by voluntary enlistment, from exempts, or from such companies of infantry, as the commander in chief may direct, taking care to preserve, as nearly as can be done conveniently, an equality of numbers among the companies of infantry.

Companies of cavalry, artillery, grenadiers, light infantry and riflemen to be filled by enlistment.

§ 6. *And be it further enacted*, That the governour, for the time being, shall be captain-general and commander in chief of the militia; and the lieutenant-governour, for the time being, shall be lieutenant-general.

Captain-general.

Lieutenant-general.

§ 7. *And be it further enacted*, That the general and field officers shall be appointed by the general assembly, and commissioned by the governour; and the captains, subalterns, and non-commissioned officers of the militia, shall be chosen by their respective companies, the commanding officer first causing notice to be given to those entitled to vote, that he is about to lead

General and field officers, how appointed and commissioned.

Captains, &c. how chosen.

CHAP. XI. Militia.

them to the choice of such officers, or non-commissioned officers; and such officers, if approved by the general assembly, shall be commissioned by the governour; and all non-commissioned officers shall receive warrants from the commander of the regiment to which they belong, who shall have power to reduce to the ranks such non-commissioned officers, whom, on complaint made, and due notice given, he shall find guilty of misconduct or neglect of duty; and all commissions issued by the governour to company officers, shall express the day from which such officers shall respectively take rank, which shall be the day of the date of the general order directing the company to be led to the choice; and where two or more majors are appointed to one regiment, at the same session of the general assembly, the dates of their commissions shall be according to priority of appointment.

How approved and commissioned.

Non-commissioned officers.

Commissions to express the day from which to take rank.

§ 8. *And be it further enacted*, That the captain-general shall appoint the adjutant-general, who shall have the rank of brigadier.—The captain-general shall appoint for himself two aids-de-camp, who shall have the rank of lieutenant-colonel; the lieutenant-general shall appoint for himself two aids-de-camp, who shall have the rank of major; each major-general shall appoint for himself two aids-de-camp; he shall also appoint for his division, a division inspector, and a division quarter-master; each brigadier shall appoint for himself one aid-de-camp; he shall also appoint for his brigade, a brigade inspector, to serve also as brigade-major, from the line of captains in the brigade, who shall retain his rank in the line; and he shall appoint a brigade quarter-master; each commanding officer of a regiment shall appoint his adjutant, pay-master and quarter-master, from the line of subalterns, who shall retain their commissions and rank in the line; also a chaplain, surgeon, surgeon's mate, sergeant-major, and quarter-master-sergeant; and the commanding officer of each regiment of infantry, artillery and riflemen, shall appoint a drum-major, and a fife-major; and the commanding officer of each regiment of cavalry shall appoint a trumpet-major, to whom he shall give warrants; the sergeant-major and quarter-master-sergeant, to be taken from the line of sergeants; all which appointments shall be published in orders.

Appointment of adjutant-general.
Captain-general's aids-de-camp; Lieut. general's aids-de-camp; Major-general's aids-de-camp; Division inspector and quarter-master. Brigadier's aid-de-camp; Brigade inspector; Brigade quarter master. Regimental staff.

§ 9. *And be it further enacted*, That a quarter-master-general shall be appointed by the governour and council, upon the nomination of the governour, who shall have the rank of lieutenant-colonel, and shall have authority to appoint, with the approbation of the captain-general, one or more assistants, for

Quarter-master general.

His assistants.

whose conduct he shall be responsible, and may remove them at his pleasure. The duty of the quarter-master-general shall be to take care of all public property committed to him; to execute all orders received from the captain-general; to perform all other services required of him by law, and semi-annually to report the state of his departments to the legislature: and he shall become bound to the State, with sureties, in a bond of twenty thousand dollars, to be taken by the treasurer, conditioned for a faithful discharge of the duties of his office.

Quarter-master-general's duty.

To give bond with sureties.

§ 10. *And be it further enacted*, That a commissary-general shall be appointed by the governour and council, upon the nomination of the governour, who shall have the rank of lieutenant-colonel, and shall have authority to appoint, with the approbation of the captain-general, one or more assistants for whose conduct he shall be responsible, and may remove them at his pleasure. It shall be the duty of the commissary-general to procure supplies for the subsistence of the troops and issue the same; to execute all orders received from the captain-general; to perform all other services required of him by law, and semi-annually to report the state of his department, to the legislature; and he shall become bound to the State with sureties in a bond of twenty thousand dollars, to be taken by the treasurer, conditioned for a faithful discharge of the duties of his office.

Commissary-general.

His assistants.

His duty.

To give bond with sureties.

§ 11. *And be it further enacted*, That a pay-master general shall be appointed by the governour and council, upon the nomination of the governour, who shall have the rank of major, whose duty it shall be to pay to the troops their wages, to execute all orders received from the captain-general, to perform such services as may be required of him by law, and to settle his account with the comptroller on or before the 30th day of April, and on or before the 30th day of September, in each year: and for his services as pay-master, and in lieu of all other compensation and emolument, he shall receive one and a half per cent. on all monies paid by him according to law; and he shall be bound to this State with sureties, in a bond of twenty thousand dollars, to be taken by the treasurer, conditioned for a faithful discharge of his duty.

Paymaster-general.

His duty.

Compensation.

To give bond with sureties.

§ 12. *And be it further enacted*, That the barrel of the firelock for the infantry shall be at least three feet and six inches long, furnished with a priming wire and brush; and each sergeant and corporal of the infantry and riflemen, shall have a screw driver, and worm more

Barrel of firelock.

Rifle.

than is required by said act; the kind of rifle for the riflemen, and the length and bore of its barrel, shall be such as the commander in chief shall hereafter direct;

Sabres for cavalry.

the sabres for the cavalry shall be three feet six inches long, exclusive of the hilt. The non-commissioned officers and privates of the artillery shall be armed

Sword for artillery.

with a sword or hanger two feet and nine inches long, exclusive of the hilt. The arms, accoutrements and

Arms &c. of horse artillery.

uniform of the horse artillery shall be like those of the cavalry.

Arms &c. required by act of Congress.

§. 13. *Be it further enacted*, That it shall be the duty of each non-commissioned officer and private of the artillery, cavalry, riflemen and infantry, to furnish himself with the arms, ammunition and accoutrements required by the said act of congress, and by this act.

Uniforms.

That the field, commissioned and staff officers, shall at their own expence, be uniformly clothed in regimentals established by law; and the non-commissioned officers and privates, of the cavalry, artillery, grenadiers, light-infantry and riflemen, shall be clothed in their respective uniforms, which are or may be established by law.

Person enlisting into artillery &c. not to be excused from duty in infantry, until completely equipped.

§ 14. *Be it further enacted*, That no person belonging to any battalion company, shall under colour of enlisting into any company of artillery, cavalry, riflemen, grenadiers or light-infantry, be excused from doing duty in the infantry, until he shall have completely equipped himself for service in the corps into which he enlists, with arms, accoutrements and uniform according to law, and shall have produced a certificate thereof, from the commanding officer of such cavalry, artillery, grenadiers, light-infantry or rifle company, to the commanding officer of such battalion company; nor shall any non-commissioned officer or private, belonging to any enlisted company, enlist into any other company.

Horse for horse artillery and cavalry.

Each non-commissioned officer and private of the horse artillery and cavalry, shall own a good serviceable horse of the size required by law, and if he shall be found at any time, not to own and possess such a horse, the commander of the company to which he belongs, shall dismiss him therefrom, and forthwith notify the commander of the battalion company, within the limits of which he resides thereof.

Days of company exercise.

§ 15. *And be it further enacted*, That every commanding officer of a company of militia, shall order out his company three days in each year, not less than eight hours in each day, one day in the month of May, and two days in the month of September, and instruct them in the use of arms, and discipline of war. That on the first Monday of May annually, such commanding offi-

cer shall cause the arms, ammunition and accoutrements, of all under his command, to be reviewed and inspected. The commanding officer of any company, when thereto ordered, shall call out his company for the choice of a captain or subalterns, at any time in the year; and the non-commissioned officers, musicians and privates of such company, when called out as aforesaid, shall be liable to the same fines and penalties for non-attendance, and be subject to the same correction and punishment for disorders and contempt, as are provided by law in cases of company trainings. The commanding officer of each regiment shall order out his regiment by regiment or battalion, once in each year, for exercise, inspection or review, at such time and in such manner, as the officer commanding the brigade shall direct. That whenever a majority of the field and commissioned officers of any regiment agree thereto, the commanding officer of such regiment, with the approbation of the officer commanding the brigade, shall order out his regiment three days in succession in the month of September, which shall be in lieu of all trainings in that month. That on days of regimental or battalion inspection or review, battalion companies shall be posted according to their rank, to be determined by their numbers, the lowest number being highest in rank: and it shall be the duty of the captain-general to number the companies at the time of forming the regiment to which they belong; and whenever there are two flank companies, they shall take rank and be posted according to the same rule; and the officers of such companies shall remain with their respective companies; and the officers of the battalion companies shall be posted for regimental or battalion exercise, agreeably to the directions given for posting officers to guards, as pointed out in the second article of the twenty-second chapter, in the rules of discipline established by Congress in their resolutions of March 29, A. D. 1779; and the second flank company shall, on days of review, be posted on the left of the second battalion, and on days of inspection by battalion, on the right of such battalion.

Day for company reviews.

Company may be called out for choice of officers at any time.

Regimental review.

In what case regiment may be called out three days in succession.

Battalion companies, how to be posted;

and the officers thereof.

§ 16. *And be it further enacted*, That whenever a regiment or battalion shall be ordered out for inspection, it shall be the duty of the brigade inspector to inspect such regiment or battalion, agreeably to the second article of the twenty-fifth chapter of the rules of discipline aforesaid: and he shall take an accurate account, from personal inspection, of the quality of the arms and accoutrements both of non-commissioned officers

Inspection, how to be made.

and men, and whether they are fit or unfit for service, and shall ascertain with precision the size of the bores of the muskets and rifles; he shall also examine the men's clothing, and see whether they are in complete uniform according to law. And it shall be the duty of brigade inspectors, to make diligent enquiry from time to time, whether commanders of companies have caused all persons, liable to do military duty within their limits, respectively, to be enrolled, and to report all delinquencies to the brigadier of their brigades respectively, to the end that such commanders may be dealt with according to law; and the inspector shall make annual returns of the state of the militia, in the brigade to which he belongs, to the adjutant-general.

Duty of brigade inspectors to make enquiry &c.

To make annual returns.

§ 17. *And be it further enacted*, That whenever the captain-general shall deem it necessary, he may issue his orders, directing the brigade inspectors to meet the adjutant-general, at such time and place as he may appoint, to confer with him, and to receive his directions relative to their official returns, and other parts of their duty, and to afford him that assistance and co-operation which the public service may require: And the said officers shall be allowed nine cents per mile, for travel to and from such place of meeting.

Meeting of brigade inspectors with adjutant general.

§ 18. *And be it further enacted*, That in all cases when the militia are to be warned for the choice of officers, for exercise, review of parade, or inspection, three days notice shall be given, exclusive of the day of warning, by order of the commander of the company, in writing directed to the non-commissioned officers, and the same to be read in the hearing of, or a copy thereof to be left at the usual place of abode of the person to be warned.

Warning of militia to meet.

§ 19. *And be it further enacted*, That the divisions and brigades may be ordered out for inspection or review, by their commanding officers, with the approbation of the commander in chief, at such times as shall be deemed expedient and necessary; and whenever a division is under arms, they shall be reviewed by the captain-general or lieutenant-general; when a brigade, by a major-general; and when a regiment, by a brigadier-general.

Division and brigade inspection or review.

§ 20. *And be it further enacted*, That if any person or persons belonging to the militia, shall fire any field-piece, musket or pistol, or suffer the same to be done by others, on any regimental, battalion or company days of exercise or review, excepting by order of a commissioned officer, he shall for each offence forfeit and pay a fine of five dollars, to be recovered by bill,

Firing prohibited on days of exercise or review, except by order.

plaint or information thereof made, and conviction had, before any proper court to try the same, for the use and benefit of him who shall prosecute the same to effect.

Penalty in case of minors shall be recovered of parents &c.

§ 21. *And be it further enacted*, That whenever such offence shall be committed by any person, or persons under the age of twenty-one years, the penalty provided in this act, shall be recovered of the parents, masters or guardians of such minors so offending, in such manner as is herein provided.

Informing officers to present for breaches of 20th and 21st sections.

§ 22. *And be it further enacted*, That it shall be the duty of all informing officers to make presentment of all breaches of the twentieth and twenty-first sections of this act, to any court proper to hear and determine the same; and upon conviction on such presentment, the whole sum forfeited by this act shall be paid to the treasury of the town where such offence shall be committed.

Forfeiture to be paid to town treasury.

20th and 21st sections to be read to company twice a year.

§ 23. *And be it further enacted*, That it shall be the duty of each captain or officer commanding a military company to cause the twentieth and twenty-first sections of this act to be read in the hearing of his company in September and May, in each year.

Commanding officer to order the correction of disorders on days of exercise &c.

§ 24. *And be it further enacted*, That the commanding officer of each division, brigade, regiment, battalion or company, shall order the correction and punishing of disorders or contempt, on days of exercise, inspection, or review, of which any non-commissioned officer or soldier, under their respective commands, may be guilty during the day, provided that the punishment inflicted be not greater than riding a wooden horse for a time not exceeding one hour, or a fine not exceeding seven dollars; and they shall have power to fix certain limits to their respective parades, within which no spectator shall enter, without liberty from the commanding officer; and in case any person shall intrude or offend, he shall be liable to be confined in such way and manner as the commanding officer shall direct, during the continuance of the exercise.

Punishment.

Power to fix limits of parade;

and to confine intruders.

Musicians to assemble for instruction.

§ 25. *And be it further enacted*, That the commanding officer of any regiment shall, if he judge it expedient, order the musicians within the limits of his command, to assemble at such times and places as he shall direct, for practice and instruction, not exceeding two days in each year, exclusive of days of regimental exercise; and if any musician shall neglect or refuse to obey such orders, he shall be liable to the same fine as is herein provided for like neglect or re-

Fine for neglect

CHAP. XI. Militia.

fusal on days of company exercise; which fine and all other fines, which by virtue of this act shall be incurred by the non-commissioned staff, shall be imposed by the board of field officers herein after mentioned and provided.

Fines for non-appearance and deficiency of arms and accoutrements.

§ 26. *And be it further enacted*, That the fines and penalties incurred for non-appearance and deficiency of arms and accoutrements, shall be as follows, viz. each sergeant-major, quarter-master-sergeant, drum-major, fife-major, trumpet-major, sergeant, corporal, drummer, fifer, trumpeter and bugler, who shall neglect to appear at time and place appointed for regimental exercise, inspection or review, shall forfeit and pay a fine of six dollars, and for each day's neglect to appear at time and place appointed for company exercise, inspection or review, a fine of five dollars; that each private, for non-appearance on any day of regimental or battalion exercise, inspection or review, shall forfeit and pay a fine of five dollars, and for non-appearance on any day of company exercise, inspection or review, a fine of four dollars; that each non-commissioned officer and private who appears on parade, shall, for deficiency of arms, ammunition and accoutrements, forfeit and pay, for each day of exercise, inspection or review, the following fines, viz. for a gun or pair of pistols, each one dollar and fifty cents; for a sabre or hanger each one dollar, and for each other article required by law, twenty-five cents; and no horseman who shall be deficient in a horse, shall be considered as appearing on parade. And

Board of officers.

there shall be assembled in the months of June and October annually, a board of officers, consisting of the field officers of each regiment, at such time and place within the limits of the regiment as may be appointed by the commandant of the regiment; and when the

Proceedings before them.

time and place of meeting shall have been fixed, the commandant shall immediately cause notice thereof to be given to the commander of each company belonging to such regiment, and thereupon the commander of each company shall give written notice to each delinquent belonging to his company of the time and place of the meeting of said board of officers, and shall transmit to said board a list of the names of all the delinquents notified in manner aforesaid, specifying the nature of their delinquency; and any delinquent may appear before said board, if he think proper, and excuse himself; and if he does not render a satisfactory excuse, said board shall inflict a suitable fine or fines upon such delinquent, to be paid to the paymaster of the regi-

ment, within ten days; and if such fine or fines be not paid within ten days, they shall be collected by warrant under the hand of the commandant of the regiment, and paid over to the paymaster. All witnesses brought before the board to testify concerning any matter in question, shall be sworn by the presiding officer; and whenever the person fined claims to belong to another regiment, he shall have a right to appeal to the major-general of the division, provided he enter his appeal within ten days; and thereupon it shall be the duty of the major-general to hear and determine such appeal within thirty days, first notifying in writing the party appealing and the commander of the company returning him as a delinquent, to appear if they see cause; and when a fine is imposed on any person belonging to either of the companies of guards, and when a person fined is claimed as belonging to any company of said guards and to any other company, and when contending claims of any kind shall arise between said companies of guards, the appeal shall be made within twenty days to the captain-general. And no person subject to military duty, on whom a fine is imposed, shall have any other remedy except as in this act is provided.

Fines not paid to be collected by warrant.

Witnesses to be sworn.

In what case the person fined may appeal to the Major-General.

Proceedings on such appeal

Appeal, in case the person fined belongs, or is claimed to belong to a company of guards.

No other remedy.

§ 27. *And be it further enacted*, That all warrants granted for the collection of any fine, imposed by virtue of this act, shall be directed to the sheriff or his deputy, or other proper officer, within whose precincts the delinquent dwells, which warrant shall be levied on the goods or chattels of the delinquent if of the age of twenty-one years, and, for want of such goods or chattels, on the body of such delinquent, and on the goods or chattels of the parent, master or guardian of such delinquent, if under the age of twenty-one years; and for want of such goods and chattels, on the body of such parent, master or guardian, and him commit to gaol until such fine be paid, with lawful fees for service, as in case of execution for debt. All fines imposed by commanding officers of regiments or companies, shall be paid over to the paymaster of the regiment, and appropriated under the direction of said board of officers to the use of the regiment, for purchasing and keeping in repair, trumpets, bugles, drums, and fifes, and for teaching music, and for providing blank cartridges for days of regimental or battalion review of inspection or parade, not exceeding ten cartridges for each non-commissioned officer and private who bears arms; and the surplus, if any, shall be paid over to the State treasurer.

Warrants for fines, how directed and levied.

Fines, how disposed of.

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Proceedings in case a soldier shall be unable to equip himself.

§ 28. *And be it further enacted*, That whenever any soldier shall be unable to equip himself with arms and accoutrements required by law, a certificate from two of the civil authority of the town to which he belongs, shall be sufficient evidence to the commanding officer of the company, of such inability, which certificate being given, no execution shall issue against him for any fine which may have been imposed for any such deficiency: And in every such case, it shall be the duty of the selectmen of the town to provide such soldier with arms, and the whole or any part of such accoutrements as may be necessary, at the cost of such town, within forty days after such certificate shall be shown them; and in default thereof, the said commanding officer shall, in his official capacity, have a right of action against such town, to recover the value thereof; any one assistant or justice of the peace to hear and determine the same, and grant execution thereon; and in such case no appeal shall be allowed: And the commanding officer shall thereupon, without delay, procure such arms and accoutrements, and they shall be the property of such town: and all arms belonging to the town shall, by the commanding officer of the company, be deposited in such place as he may think proper, to be ready for such soldiers as, for the time being, may be unable to equip themselves; and such officer shall be liable to pay therefor, if lost through his neglect.

Terms on which Friends &c. shall be excused from military duty.

§ 29. *And be it further enacted*, That any person belonging to any of the societies of Friends, Shakers or Quakers, may procure a certificate thereof from the clerk of the society to which he belongs; and upon presenting the same to the treasurer of this State, at any time in the month of May in any year, and paying to said treasurer the sum of six dollars for the use of this State, he shall give a certificate thereof to such Friend, Shaker or Quaker; and upon the same being presented to the commanding officer of the company, within the limits of which such Friend, Shaker or Quaker, resides, on or before the last day of said May, such Friend, Shaker or Quaker shall be excused from arming and equipping himself, and doing military duty, for the year following.

Officers to furnish themselves with rules of discipline approved by Congress.

§ 30. *And be it further enacted*, That each officer shall furnish himself with the rules of discipline approved and established by Congress, in their resolution of the 29th of March, A. D. 1779.

§ 31. *And be it further enacted*, That the captain-general, or in his absence the next commanding officer,

CHAP. XI. Militia.

is hereby authorized and empowered, on an alarm, invasion, or notice of the appearance of an enemy, either by sea or land, to order the whole or any part of the militia to assemble, and the same to lead, order and employ, for the assistance or relief of any of the inhabitants of this State, attacked by an enemy, or in danger thereof; and generally to issue and publish such orders as he shall judge expedient, to carry into execution the intent and design of this act; and all subordinate officers are hereby required to yield entire obedience thereto. And the officers severally commanding divisions, brigades, regiments, battalions and companies, are hereby vested with the same authority, within their respective commands: *Provided*, that when any of them find it necessary to order out the force under his command, he shall forthwith dispatch intelligence, and the occasion thereof, together with his movements and operations, to the captain-general, or any other of his superior officers, as may be judged most conducive to the public safety; and the officers receiving such intelligence shall observe the same line of conduct, in order that it may in the most expeditious way come to the captain-general. And when the militia, or any detachment thereof, are called out in actual service, under the provisions of this act, they shall be entitled to the same pay and rations as is or shall be provided for the army of the United States. And when any company, battalion, regiment, brigade or division of the militia of this State, shall be ordered into service by the proper officer, on any alarm, each non-commissioned officer, musician and private, who neglects to appear at the place of rendezvous in person or by substitute, and join the company to which he belongs, shall, for such neglect, pay a fine of seventeen dollars, and shall forfeit and pay the further sum of twenty dollars for each and every month he shall neglect to join such company, and in the same proportion for a longer or shorter time, and upon neglect or refusal to pay the aforesaid penalties or forfeitures, or any part of the same, shall be imprisoned in like manner as is provided by law for those who neglect or refuse to pay the penalties incurred for not appearing in person or by substitute, at the time and place appointed for rendezvous, when detached for service: and each non-commissioned officer, musician and private, shall have like notice, when ordered into service by company, battalion, regiment, brigade or division, as is provided by this act for those who are called out by detachment.

Power of commander in chief in case of an alarm &c.

And of other officers.

Proviso.

Pay and rations of militia when called out.

Fine and forfeiture for neglect of appearance.

Notice to be given.

§ 32. *And be it further enacted*, That the comman-

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Commanding officer to make return of defaulters to brigade major;

ding officer of each company shall, immediately after a detachment, company, battalion, regiment, brigade or division shall be ordered to rendezvous for service, at any particular time and place, make return of the names and places of abode of all the persons who shall have incurred any of the penalties mentioned and contained in that part of this act, providing for calling out the militia by detachment, to the brigade-major of the brigade to which they respectively belong: and it shall be the duty of the brigade-major, within twenty days from the time of his receiving said return, to make a like return to the State attorney for the county in which such person or persons may reside.

and he to state attorney.

County courts to have cognizance of breaches of this act.

§ 33. *And be it further enacted*, That the several county courts in this state are authorized and empowered to hear and determine all breaches of this act, not otherwise provided for by law; and the State attornies in the several counties are hereby authorized and empowered to prosecute the same by action of debt, in the name of the State treasurer, or by bill, plaint, or information: and the same, when recovered, shall be paid into the state treasury.

Substitutes.

§ 34. *And be it further enacted*, That each and every sergeant, corporal, musician and private of the militia, that shall hereafter be detached to perform a tour of military duty under the government and authority of this state or the United States, shall be allowed to procure a substitute of equal grade with himself, to be approved of and accepted by the senior officer in command, at the place of rendezvous, who shall be the only proper officer to accept and approve of substitutes, and determine on their qualifications; and it shall not be in his power to accept of a substitute, unless completely equipped and in uniform according to law; which substitute, when accepted and voluntarily enrolled, shall be subject to the laws of this State for forming and conducting the military force of this State, while in actual service.

Notice to persons detached.

§ 35. *And be it further enacted*, That it shall be the duty of the commanding officer of the company from which any detachment is made, to give immediate notice thereof to the person or persons detached, which notice shall be in writing, signed by the commanding officer of the company, and read in the hearing of the person detached, or an attested copy thereof left at the usual place of the abode of the person detached, by one of the sergeants of said company; and whenever any sergeant, corporal, musician or private, detached and notified as aforesaid, shall refuse or neglect to ap-

pear either himself, or by substitute approved of as aforesaid, at the time and place appointed for the rendezvous of such detachment, the person so neglecting to appear shall forfeit and pay the sum of twenty dollars into the treasury of the state, and shall forfeit and pay to said treasury the further sum of twenty dollars for each and every month he shall neglect to join such detachment, and in the same proportion for any part of the time he shall neglect to join the detachment; and upon neglect or refusal to pay the aforesaid penalties or forfeitures, or any part of the same, shall be imprisoned in the common gaol of the county where he resides, for a term not less than thirty days, nor exceeding sixty days, at the discretion of the court before whom the conviction is had.

Forfeiture for neglect to appear at rendezvous;

and for neglect to join detachment.

Imprisonment for non-payment.

§ 36. *And be it further enacted*, That when any fine shall be incurred by any minor, for a breach of the 31st and 35th sections of this act, the parent, master or guardian of such minor shall be liable for the same, unless where such parent, master or guardian make it appear that he was not aiding in or consenting to such neglect or refusal.

Parent &c. when liable for breaches of 31st and 35th sect. by minor.

§ 37. *And be it further enacted*, That any officer or soldier wounded or disabled, and the widow and children of an officer or soldier killed, while in the service of this State, shall be suitably provided for by the Legislature, having respect to the nature of each case.

The wounded or disabled to be provided for.

§ 38. *And be it further enacted*, That general, field, commissioned and staff officers shall be subject to trial by general courts-martial, according to the usage and practice of war, for disobedience of orders, for unofficer-like conduct while on duty, or during any day appropriated to military exercises or review, and for the neglect of any duty imposed upon them by law, as officers of the militia; which court martial shall consist of not less than nine, nor more than thirteen members; and the senior officer, who shall always be of a rank superior to the officer on trial, shall preside. The court martial for the trial of an officer under the grade of a field officer, shall be appointed by the commanding officer of the brigade to which he belongs; for the trial of an officer of the grade of a field officer, by the commanding officer of the division to which he belongs; for the trial of a general officer, by the captain general. In every court martial there shall be a judge advocate, who shall discharge the duties of that office according to the usages and practice in courts martial, and no other person shall be admitted to prosecute or defend the arrested officer. Whenever a court mar-

Trial by court-martial.

Of how many members court martial shall consist.

By whom to be appointed.

Judge advocate.

Order for court martial.

tial shall be ordered, the order shall designate the time and place of holding the same, the name of the officer to preside, and the number and rank of the other officers, of which the court is to be composed. If the court shall be ordered by the captain-general, the order shall be of the tenor following, viz.:

State of Connecticut, ss.

GENERAL ORDERS.

Form, if made by capt.in-general.

A general court martial is ordered to assemble at on the day of A. D. for the trial of such person or persons as may be brought before them, to consist of members, to be taken from the division, viz.: major-generals, brigadier generals, lieutenant-colonels commandant; general will preside; the adjutant of the regiment will furnish one orderly sergeant to attend and execute the orders of the court. (To be signed by the captain-general or the adjutant general.) If the court be ordered by a major general, the orders shall be of the tenor following, viz.:

State of Connecticut, ss.

DIVISION ORDERS FOR THE DIVISION OF MILITIA.

If made by a major-general.

A general court martial of said division will assemble at on the day of A. D. for the trial of such person or persons as may be brought before them, to consist of members, viz.: brigadier generals, lieutenant-colonels commandant, and majors; brigadier general will preside; the adjutant of regiment will furnish an orderly sergeant, to attend and execute the orders of the court. (To be signed by a major-general, or by a division inspector by his order.) If the court be ordered by a brigadier-general, the orders shall be of the following tenor, viz.

State of Connecticut, ss.

BRIGADE ORDERS FOR BRIGADE OF MILITIA.

If made by a brigadier-general.

A general court martial of said brigade is ordered to assemble at on the day of A. D. for the trial of such person or persons as may be brought before them to consist of members, viz.: lieutenant-colonels commandant, majors, captains, and subalterns, lieutenant-colonel commandant will preside; the adjutant of the regiment will furnish an orderly sergeant to attend and execute the orders of the court. (To be signed by the

brigadier, or by the brigade major by his order.) That for a general court martial, the adjutant-general shall detail and notify all general officers, and apportion the number of other officers required to the several brigades they are to be taken from, and give notice thereof to the respective division inspectors or brigade majors; who shall detail and notify said officers, and return make to the adjutant general's office. That in a division court martial, the division inspector or an aid-de-camp, under direction of the major-general ordering said court, shall detail and notify the general officer or officers, and apportion the other officers to each brigade, and give notice thereof to the respective brigade majors, who shall detail and notify the field officers required of their brigades, and return thereof make to the office of the major-general ordering said court. That for a brigade court martial, the brigade major shall detail and notify the field officers required to serve on said court, and apportion to the several regiments in said brigade, the number of captains and subalterns of each regiment, and notify the respective adjutants; and the adjutants of each regiment shall detail and notify them, and return thereof make to the brigade-major: and if the officer to be tried be a general officer, he shall be furnished with a copy of the order for said court, and a copy of the charges in arrest, by the adjutant-general, or a division or brigade inspector, as the captain-general shall direct, thirty days before the sitting of said court inclusive; who shall also make returns thereof, with the names of the officers composing the court, to the judge advocate of the court; and if he be of or under the rank of a field officer, he shall be furnished with like copies, twenty days before the sitting of the court inclusive, by a brigade inspector, or adjutant of the regiment to which the arrested officer belongs, as the officer ordering the court shall direct, who shall return the same, and the names of the officers composing the court, to the judge advocate of the court: and it shall be the duty of the judge advocate to summon, or cause to be summoned, such witnesses on the part of the State, as may be necessary, by subpœna, from the officer ordering the court, or the president thereof; and the accused shall be entitled to the like process, to enable him to procure the attendance of his witnesses, which process may be served by the judge advocate, or by any indifferent person by him deputed. The members to compose the court shall be detailed by seniority, in a regular rotation of duty; and all charges in arrest shall

Duty of adjutant-general in case of a general court martial.

Duty of division inspector in case of a division court martial.

Duty of brigade major in case of a brigade court martial.

Officer accused to be furnished with copies, &c.

Judge advocate to summon witnesses for the State.

The accused entitled to process to compel attendance of witnesses.

Members of court to be detailed by seniority

Charges in arrest, how to be made out.

be made out in due form, by way of complaint, and signed by the party complaining, addressed to the officer whose duty it is to order the court, specifying the act or neglect of which the accused is supposed to be guilty, and praying due process, before said officer shall order a court martial for the trial of the accused officer. The members of the court, before they enter upon the trial of any person accused, shall take the following oath, to be administered by the judge advocate, viz.:—"You swear, that you will truly try and determine, according to the evidence given in court, the matters depending between this State and the officer or officers now to be tried; that you will not divulge the sentence of the court, until the same shall have been approved or disapproved pursuant to law; neither will you at any time disclose the vote or opinion of any member of the court, unless required by due course of law. So help you God." All other oaths which it may be necessary to administer, during the court, may be administered by any general or field officer, or by the judge advocate.

Oath of members of court, form of.

Other oaths, by whom to be administered.

A judge advocate to be appointed in each county.

His oath, form of.

§ 39. *And be it further enacted*, That there shall be appointed and commissioned by the captain-general, for each county in this state, a judge advocate, who shall do the duties of that office, in all courts martial assembled and held in the county for which he is appointed, who shall take the following oath, viz. "You swear that you will not, at any time whatever, disclose the vote or opinion of any member of any court martial, in which you may be called to act, unless required by due course of law, nor divulge the sentence of any such court, till the same shall have been approved or disapproved pursuant to law, and that you will faithfully and impartially do the duty of judge advocate, according to your best abilities. So help you God." Which oath may be administered by any judge or justice of the peace, and a certificate thereof shall be made by such judge or justice on the commission of the judge advocate sworn as aforesaid; and the judge advocate, so appointed and sworn, shall hold his office during the pleasure of the captain-general. Whenever the judge advocate of the county, by reason of interest, relation to any officer to be tried, sickness or any other cause, cannot act in any court martial to be assembled and held in the county to which he belongs, the officer ordering the court may designate and order the judge advocate of any adjoining county, to officiate in that county.

By whom to be administered and certified.

In what cases judge advocate of an adjoining county may officiate.

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§ 40. *And be it further enacted*, That if on trial the accused shall except against any one or more of the court, he shall state the ground of his objections, and if it appear to the court sufficient, the member or members objected to, shall leave their seats, and if the number remaining be less than nine, the court shall be adjourned for a reasonable time, that the officer appointing the court may detail others, to supply his or their place or places. And no court martial shall order any other punishment than a fine not exceeding one hundred dollars, and reprimand, or either, or a fine not exceeding one hundred dollars and suspension from office for a time certain, or either, or a fine not exceeding one hundred and fifty dollars, and cashiering, with disability of holding any military office in this state, or either of those punishments, and two thirds of the members of the court shall concur in every sentence. And in case an officer under arrest shall refuse or neglect to attend a court martial, according to orders and notice given him, he shall by said court be sentenced to pay a fine, not exceeding two hundred dollars, and be cashiered, with disability of ever holding any military office in this state, unless prevented by sickness, or some other reasonable cause, in which case the court shall have power to adjourn, and notice thereof shall be given by the judge advocate to the arrested officer, at least ten days before the day to which the court is adjourned. And the fines imposed by said courts martial, shall be to and for the use of this state, and shall be collected by a warrant under the hand of the president of the court, directed to a sheriff or some proper officer, and be by him paid to the state treasurer.

Exception to members of the court.

Limitation of punishment to be inflicted.

Arrested officer refusing to attend, to be fined and cashiered.

Fines, how collected and disposed of.

§ 41. *And be it further enacted*, That if any witness, duly summoned, shall refuse to obey such summons, he shall be committed to gaol, in the county where he lives, by warrant from the president of the court, directed to a sheriff, his deputy, or constable, within their respective jurisdictions, there to be held at his own expense, until he will conform and give evidence in the case, or be discharged in due course of law. And all witnesses summoned on the part of the state, for travel and attendance, and the judge advocate, for summoning them, shall have the same fees as are allowed in civil causes, to be taxed by the president of the court, which expenses shall be paid to the judge advocate by the state, and, when received, be by him paid over to the persons to whom the money is due;

Witnesses refusing to obey summons to be imprisoned.

Fees of Witnesses.

How paid.

and if the sentence of the court is against the accused, and the same shall be duly approved, the said expenses shall, by warrant under the hand of the president of the court, directed in manner aforesaid, be collected of the delinquent, and paid to the state treasury. And that the officers of said court shall be allowed nine cents per mile travel to and from the place of holding said court, and one dollar per day for each day during its sitting; and there shall be allowed to the person in whose house the court is holden, not exceeding two dollars per day, in full of room rent, fire wood and candles. And a bill of the same being taxed and signed by the president, shall be paid from the state treasury; and the judge advocate shall be allowed twenty-five cents for every legal page of the copy of the proceedings and record of the court martial, to be taxed and paid in the same manner. The sentences of courts martial shall be approved or disapproved by the captain-general, who shall also have the power of mitigating or remitting any punishment, awarded by the sentence of any court martial, where such sentence shall have been approved; and the record of the proceedings and sentence of courts martial, in every case, with the order approving or disapproving the same, shall be deposited in the office of the secretary of this state.

Travel and pay of officers of the court.

Room rent.

Allowance to judge advocate for copy.

Sentence to be approved or disapproved by captain general.

Record to be deposited in Secretary's office.

§ 42. *And be it further enacted*, That every person who shall remove from any other state into this State, shall be liable to do duty in the militia thereof, at the same time and in the same manner as if he removed from the limits of one company into those of any other within this State.

Liability of persons removing into this State.

§ 43. *And be it further enacted*, That no person liable to perform military duty in any enlisted company, nor any person under thirty years of age, shall be exempted from doing military duty by serving as a fireman, in any company constituted to conduct and work a fire engine; any law, usage or custom to the contrary notwithstanding.

Firemen, how far liable.

§ 44. *And be it further enacted*, That the commanding officers of the several regiments in this State shall call out the commissioned and non-commissioned officers of the regiments to which they respectively belong, one day, and if they judge it expedient, two days, in the month of August, annually, for exercise and discipline in arms; and when so called out, the non-commissioned officers shall be liable to the same fines for neglect of duty, as on field days.

Days of exercise for commissioned and non-commissioned officers.

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§ 45. *And be it further enacted*, That all general officers and their staff, the adjutant general, the quarter-master general and his assistants, the commissary general and his assistants, the paymaster general, all field officers, and adjutants and quarter-masters of regiments, shall do duty on horseback; chaplains, paymasters and surgeons, may, on days of general review, appear on horseback; and all other officers of infantry, artillery and riflemen, shall do duty on foot. What officers shall do duty on horseback. What officers, on foot.

§ 46. *And be it further enacted*, That if any person holding a commission in the militia of this State, and detached to hold himself in readiness for service, by virtue of an act of the United States, has been, or, during the period for which the detachment is made, shall be removed by death, disabled, promoted, or discharged from such detachment, the commander in chief of the militia shall have authority to cause some other proper officer of the militia to be detached, to serve in the stead of the officer so removed, disabled, discharged or promoted. An officer detached being removed, &c. another officer to be detached in his stead.

§ 47. *And be it further enacted*, That whenever colours shall be wanting in any regiment, they shall be furnished by the quarter-master general, with the approbation of the captain general, upon application being made for that purpose, by the commandant of the regiment. Colours, how to be furnished.

§ 48. *And be it further enacted*, That if, upon any re-organization of the militia, or reduction of any corps thereto belonging, there should be supernumerary officers, they shall not be considered to be dismissed, but shall retain their rank, be considered in the line of promotion, and be liable to fill any vacancies that may happen, at the discretion of the commander in chief. Supernumerary officers to retain their rank, &c.

§ 49. *And be it further enacted*, That the commanders of the several companies of guards be, and they are hereby authorised, with the approbation of the captain general, to enlist men from time to time, to fill their companies, from any battalion companies, any law to the contrary notwithstanding; and said commanders of the guards be, and they are hereby severally empowered to enlist from time to time, as may be necessary, from any of the militia companies of this State, suitable persons to be musicians for their companies respectively; any law, usage or custom to the contrary notwithstanding; provided nevertheless, that no enlistment be made from any militia company, of any person appointed and acting as a musician in such company; and the number of four musicians, ad- Enlistment into companies of guards, of men, and musicians. Proviso.

ded to the first company of the governour's foot guards, by an act of this Assembly, passed in May 1810, be and the same is hereby confirmed, under the limitations and restrictions herein before mentioned.

Commander of guards may order musicians to assemble for practice, &c.

§ 50. *And be it further enacted*, That the commanding officer of any such company of guards shall have power to order the musicians, or any part of them, belonging to his company, to assemble at such times and places as he shall direct, for practice and instruction, not exceeding, together with the number of days such musicians shall be called to do duty with their company, the whole number of days which such company may by law be called out for company exercise; and if any musician shall neglect or refuse to obey such order, he shall be liable to the same fine as is or shall be provided by law for non-attendance on days of ordinary company exercise: provided that such musician shall have the same right to appeal, as is given to him by law in other cases.

Proviso.

Power to dismiss from guards.

§ 51. *And be it further enacted*, That the commanding officer of any such company of guards be, and he is hereby authorised and empowered to dismiss from his company every non-commissioned officer, musician and private belonging thereto, who shall be guilty of gross neglect of duty, disobedience of orders, or unsoldierlike behaviour: and thereupon the person so dismissed shall be liable to do military duty in the same manner as if he had never enlisted into such company of guards: and upon notice of such dismission by the officer giving the same, to the commanding officer of the militia company within the limits of which the person so dismissed shall reside, it shall be the duty of such commanding officer to cause such person to be enrolled in his company accordingly; provided nevertheless, that if any such non-commissioned officer, musician or private, shall be aggrieved by being dismissed as aforesaid, he may, within thirty days after receiving notice of his dismission, appeal to the captain general, who is hereby authorised to examine into the matter, and finally to annul or confirm such dismission.

Proviso.

Captain-general empowered to establish uniforms, designate badges, &c.

§ 52. *And be it further enacted*, That the captain general be, and he is hereby fully authorised and empowered, to establish uniforms for such corps as have not an uniform established by law, to designate badges for all officers of the militia, which badges, and none other, shall be worn by such officers when in uniform and upon duty; and he is hereby fully authorised to discharge commissioned officers, staff officers and ser-

CHAP. XII. Militia.

geants; to settle the rank of regiments at the time of forming them, and number the same; to settle the rank of companies in each regiment at the time of forming them, and number the same; to alter the local limits of companies, and to form and reduce companies, as the interest of the militia may require, consistently with the law of this State and the United States; to delegate to major generals and brigadier generals the power to dismiss officers; and generally to exercise all powers necessary to carry into effect the provisions of this act; and that he be requested to cause official copies of the annual and inspection returns of the militia, to be laid before the Legislature at their session in May annually.

Other powers of captain general.

Copies of returns to be laid before legislature in May.

§ 53. *And be it further enacted*, That the act passed by this assembly, at their session in October, A. D. 1802, entitled "An act for forming and conducting the military force of this State," and all acts made in addition to or alteration thereof, be, and the same are hereby repealed: saving and excepting, however, every thing which hath been done under said act and the additions thereto; and provided also, that all proceedings begun under said act and the additions thereto, whether of courts martial or of an officer or officers, for correcting or punishing any offence under said act and the additions thereto, may be pursued to a final determination, as though this act had not been passed.

Repeal.

Proviso.

General Assembly, October Session, 1815.

CHARLES DENISON, *Speaker of the House of Representatives.*

JOHN COTTON SMITH, *Governour.*

Attest. THOMAS DAY, *Secretary.*

CHAP. XII.

An Act relating to the Military Corps raised for the defence of this State, and for other purposes.

BE *it enacted by the Governour and Council and House of Representatives in General Court assembled*, That the Captain General be authorized and empowered to accept any part of the military corps raised for the defence of this State, during the late war between the United States and Great-Britain, and incorporate them either into riflemen, artillery or cavalry, in conformity to an act of the general assembly passed the present session, entitled "An Act for forming and conducting the military force of this state."

Captain-general authorized to accept any part of military corps, and incorporate them, &c