ACTS

PASSED AT THE FIRST SESSION

OF THE ELEVENTH

GENERAL ASSEMBLY,

OF THE

State of Tennessee,

Begun and held at Nashville, on Monday the Eighteenth Day of September, One thousand eight hundred and fifteen.

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CHAP. CXIX.

An act for the better establishment and regulation of the Militia of this state.

Who compose the militia.

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That all free men & indented servants from the age of eighteen to forty five years shall compose the militia of this state; Judges of the superior courts of law and equity, secretary of state, treasurers, attorney generals, ministers of the gospel, of every denomination, public ferrymen, justices of the peace, post officers who have the care of the mail of the United States, and post riders, shall be exempt from militia duty, except in case of eminent danger insurrection or invasion.

Different regimens &c.

Sec. 2. The militia of this state shall be divided and designated as follows, (to wit)

The militia of Washington county shall compose the first regiment.

The militia of Sullivan county shall compose the second regiment.

The militia of Greene county shall compose the third regiment.

The militia of Hawkins county, shall compose the fourth regiment.

And the militia of Carter county, shall compose the fifth regiment—which regiments shall constitute the first Brigade.

The militia of Jefferson county shall compose the sixth regiment.

The militia of Grainger county shall compose the seventh regiment.

The militia of Cocke county shall comprise the eighth regiment.

And the militia of Claiborne county shall compose the ninth regiment—which regiments shall constitute the second Brigade.

The militia of Knox county shall compose the tenth and 40th regiments.

The militia of Sevier county shall compose the eleventh regiment.

The militia of Blount county shall compose the twelfth regiment.

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And the militia of Campbell county shall compose the thirty third regiment—which regiment shall constitute the third Brigade.

The militia of the county of Andersen shall compose the thirteenth regiment.

The militia of the county of Roane shall compose the fourteenth regiment.

The militia of the county of Rhea shall compose the thirtieth regiment.

And the militia of the county of Bledsoe shall compose the thirty first regiment, which regiments shall constitute the 7th Brigade, which Brigades, shall constitute the 1st division.

The militia of the county of Sumner shall compose the fifteenth and forty third regiments.

The militia of the county of Smith shall compose the sixteenth & forty first regiments.

The militia of the county of Wilson shall compose the seventeenth & forty second regiments.—which regiments shall constitute the 4th brigade.

The militia of Lincoln county shall compose the 39th & 49th regiments.

Different Regiments &c. The militia of Maury county shall compose the 27th 46th & 51st regiments.

The militia of Bedford shall compose the 28th and 47th regiments. The militia of Giles county shall compose the 37th and 52nd regiments, which regiment shall constitute the fifth brigade.

The militia of Robertson county shall compose the 23rd regiment.

The militia of Montgomery county shall compose the 24th & 50th regiments.

The militia of Dickson shall compose the 25th regiment, Stewart the 26th, Humphrys the 38th and Hickman the 36th regiments—which regiments shall constitute the 6th brigade.

The militia of the county of Overton shall compose the 35th regiment, of White, the 36th of Warren the 29th, of Franklin the 32nd, of Jackson the 18th, and 48th, which shall constitute the 8th brigade.

The militia of the county of Davidson shall compose the 19th and 20th regiments, of Williamson the 21st and 44th regiments, of Rutherford the 22nd and 45th regiments, which regiments shall constitute the 9th brigade, which brigades shall constitute the second division.

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Sec. 3. *Be it enacted*, That each regiment shall be composed of two battalions, and each battalion shall be formed into companies, to consist of not less than forty privates, two musicians, three sergeants, three corporals, one captain, one lieutenant and one ensign. Numbers to compose a company

Sec. 4. *Be it enacted*, That each division shall be commanded by one major general, who shall appoint his aid-de-camp, one assistant adjutant general and one assistant-quarter master general—each brigade by one brigadier general, who shall appoint his aid-de-camp, one brigade major and one brigade quarter master—and each regiment by one lieutenant colonel and two majors, the lieutenant colonel commandant shall appoint one adjutant, one quarter master, one surgeon, one sergeant major, and one drum and one fife major. Commanders.

Sec. 5. *Be it enacted*, That the Governor shall appoint one adjutant and one quarter master general with the rank of lieutenant colonels. Governor's staff.

Sec. 6. *Be it enacted*, That the division staff shall rank as majors, the brigade staff as captains, and the regimental staff as lieutenants. Rank of.

Sec. 7. *Be it enacted*, That it shall be the duty of each major general to receive from the adjutant general, copies of requisition of men made by the government on his division, and shall, without delay, make a detail on the brigades in his division, agreeably to the returns made by the brigade majors, and shall issue his orders to the brigadiers accordingly—whenever the major general may choose, he may attend at any muster or review whatever, and give any order for the disciplining of the troops he may deem expedient. Requisitions how made.

Sec. 8. *Be it enacted*, That it shall be the duty of the brigadier general to receive from the adjutant general or major general, copies of requisitions on his brigade and shall make a detail on the regiments in his brigade agreeably to the returns made by the adjutants of regiments and give orders to the commandants of regiments accordingly—and whenever he may be present at any muster in his brigade, he may order and direct the discipline and exercise thereof, if he may think it necessary—he shall order the officers, non commissioned officers and musicians, of one or more regiments in his brigade, to be trained together, at some place within the bounds of his

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command, to continue not less than two nor more than four days at his discretion. which training shall be in the month of September annually, and whose duty it shall be to encamp the troops on the ground and superintend such training in person; of which training he shall give the commandants of regiments at least twenty days notice.

Requisitions on regiments.

Sec. 9. *Be it enacted*, That commandants of regiments shall receive from the brigadier copies of requisitions made on their regiments; who shall make the detail on the several companies of said regiment agreeable to the strength of the companies, and issue his orders to the several commandants accordingly, he shall at all trainings call the rolls and note and report the delinquencies, to the judge advocate of his regiment, or if a field officer, to the brigadier general; and if the commandant is a delinquent, the adjutant shall return him accordingly; it shall be his duty to attend the regimental and battalion musters; he may also attend the company musters when he may choose to do so; and give such orders as may think proper.

In case of invasion.

Sec. 10. It shall be the duty of the major generals, brigadier generals and commandants of regiments, upon receiving notice of an invasion, or insurrection, immediately to embody such a force as they may deem competent for the emergency, giving the earliest notice thereof to their next superior officer and the governor.

Commandant to exercise.

Sec. 11. It shall be the duty of commandants of regiments & battalions, to exercise their regiments and battalions, on their days of muster, and when they may be present at any company muster, they may superintend their exercise if they think proper.

Roster how made.

Sec. 12. It shall be the duty of the commanding officer of each company, to make out a fair roster of his company, placing all those who have not performed duty, on the lowest number; and when a detail is made on the company, the captain shall draft the number required, from the whole who have not served a tour of duty. And when any person arrives at the age of eighteen, it shall be the duty of the captain within whose bounds he lives, to give to such person at least three days notice of the time, & place of holding the next company muster—who shall be enrolled on the roster of said company, by lot among those who have served a tour of duty, or those who have not served; and when any person moves into the bounds of a

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company he shall within ten days, if a citizen of this state, if a citizen of another state within thirty days, produce a certificate from the captain to whose company he formerly belonged, shewing whether he has performed a tour of duty or not, and in case he fail to produce such certificate the officer shall place him first for service.

Substitutes

Sec. 13. Where marching orders are given, the captain may designate some place within the bounds of the regiment or regiments, from which his company was detailed where he may receive substitutes, in the place of those detailed for service, *Provided*, They are able bodied men, well armed, and such as the captain will approve of; and if approved of, he shall receipt to the person furnishing such substitute, which shall be evidence to the officer from whose company such detail is made, that such person is entitled to a credit, which credit shall be entered in such company book, after such troops are discharged from service, for the time the detachment has served, and no longer, and if the substitute enlists in the service of the United States the credit shall be given for the time such detachment was detailed for service, and each and every one furnishing such substitute, shall be bound to attend all the musters directed by this act, & if such substitute should be called on to perform a tour of duty during his substitution, the person for whom he is a substitute shall be bound to serve in his stead, and if any person who may furnish a substitute should be called upon to serve in the room of such substitute, said substitute shall refund to said person the full amount which he may have received for performing said substitution.

Sec. 14. It shall be the duty of Lieutenants and Ensigns to assist in the exercise and discipline of their companies, and report every defalcation or disobedience in the government and exercise thereof.

Orders to be obeyed.

Sec. 15. All officers of every grade shall implicitly obey the orders of their superiors; and in case of the absence, death, or inability of any officer, the next in rank shall take the command, and discharge all the duties required by this act of his superior, during such vacancy, absence or inability.

Adjutant Gen. & duty

Sec. 16. The adjutant general shall keep his office at the seat of government: he shall keep a fair record of all orders and communications he shall receive, from the commander

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in chief of the state, and obey all orders from him relating to the duties of his office: he shall receive the annual returns from the brigade majors and assistant adjutant generals from which he shall make out a general return of the whole strength of the militia of the state, which he shall lay before the commander in chief of the state on or before the first monday of September in each year, a duplicate of which return he shall without delay forward to the secretary of war of the United States; he shall furnish blank printed forms of annual returns of divisions, brigades, regiments, battalions and companies, on or before the first day of March annually, which when made out shall shew the strength, arms and accoutrements, & the number of men who have performed a tour of duty, and the number subject to the next call to be made on the militia; and shall cause the same to be printed, for which the public printer shall receive the same fees as for similar services to be paid out of any monies in the hands of either of the treasurers of this state on the draft of the governor, and he shall perform such other duties as are enjoined on him by the laws of the United States & of this state.

Quarter master Gen.

Sec. 17. The quarter master general shall keep his office at the seat of government, or such other place as the governor may direct—he shall keep a record of all orders and communications he shall from time to time receive from the commander in chief of the state and obey all orders relative to the duties of his office; he shall collect and keep safely all arms and military stores, belonging to the state, which shall be subject to the orders of the governor; he shall furnish blank printed forms to the division, quarter masters and others while in service, which when made out shall shew the quantum of arms, camp equipage &c.

Duty of staff

Sec. 18. Aid-de-camps shall carry and execute the orders of their generals. Assistant adjutants general shall execute the orders of their generals, and adjutant general, assistant quarter-master general shall execute the orders of their generals and quarter-master general, brigade quarter-master, the orders of their generals and assistant quarter-master general; regimental quarter masters, shall execute the orders of their commandants and of their brigade quarter-masters. Adjutants and sergeant majors, shall execute and carry the orders of their field officers.

Sec. 19. It shall be the duty of brigade majors to at-

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and the several brigade drills, to superintend the exercise, to receive, from the adjutants or commandants of regiments the annual returns of the militia, and make out three fair brigade returns, agreeable to forms furnished by the adjutant general, and lay the same before the brigadier general, on or before the 1st monday of June, in each year, for his examination and signature, and transmit one copy to the adjutant general and one to the major general, on or before the 1st Monday of July in each year. And when details are made on the militia, he shall make out muster rolls and transmit the same to the adjutant generals office if directed, and shall perform such other duties as are required by the laws of this State and of the United States.

Judge Advocate for each regiment.

Sec. 20. There shall be one judge advocate appointed by the commandants of each regiment, whose duty it shall be to attend the regimental courts martial or assessment to take and keep safely a true statement of all proceedings of the court; he shall keep a book in which shall be recorded by him, the proceedings in all cases which may come before said courts.

How appointed and duty.

Sec. 21. Judge advocates and provost marshals, shall be appointed to the several courts martial by said courts hereafter ordered. The Judge advocate shall take and keep safely a true statement of all proceedings, whether pleas, evidence or defence, made before a court martial, a fair copy of which after being signed by the president shall be delivered to the Governor, or officer ordering such court martial (as the case may be) within twenty days, after their adjournment, and prosecute for the state. The provost marshal shall attend and execute the orders of the court.

Courts martial.

Sec. 22. Courts martial shall be ordered for the trial of all officers, for neglect of duty, disobedience of orders, or disorderly and ungentlemanly behaviour.

Sec. 23. General courts martial shall be ordered by the Governor, when he may think it necessary; where a major general shall preside if convenient—if not a Brigadier, and be composed of twelve members in addition, two of whom at least shall be brigadiers, and the others field officers.

Sec. 24. Division courts martial shall be ordered by the major general when necessary; where a brigadier general

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shall preside, and be composed of twelve additional members, two of whom at least shall be colonels and the balance field officers.

Sec. 25. Brigade courts martial shall be ordered at the discretion of the brigadier general, where a colonel shall preside, and shall consist of twelve additional members, two of whom at least shall be field officers and the others not under the grade of captains.

Sec. 26. Regimental courts martial shall be appointed at the discretion of commandants of regiments, where a major shall preside, and be composed of twelve additional members, two of whom at least shall be captains.

Challenges to members how made.

Sec. 27. In all courts martial, whether general, division, brigade or regimental, when the full number of officers summoned shall fail to attend, the court shall proceed to trial, provided a majority of the officers summoned are present. The president or any member may be challenged on, cause shewn to the satisfaction of the court. The decision of any of the courts martial, ordered under the authority of this act, shall be approved or disapproved, by the officer, ordering the same, and in case the sentence is disapproved he shall return the proceedings to the president of the court, with his objections within twenty days, who shall again convene the court and reconsider the same, and thereupon if they adhere to their former opinion, the sentence shall stand confirmed, and the officer ordering said court, shall dissolve said court, and publish the sentence thereof; subject however to an appeal, to the officer next in rank, and in case of a division court martial, to the governor, for their final affirmation or reversal. Provided that the sentence of no court martial shall be revised or set aside for the want of any formality.

Sec. 28. In general courts martial, none shall be tried below the grade of a general officer, or the adjutant or quarter master general. In division courts martial, none shall be tried below the grade of a field officer or division staff, in a brigade court martial, none shall be tried below the grade of field officer or brigade staff, or a captain, on good cause shewn; in regimental courts martial, all officers below the grade of field officers, shall be tried, and regimental staff officers.

Oaths of officers of court and duty.

Sec. 29. When either of the courts herein directed to be organized is convened the president thereof shall admi-

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nister to the judge advocate thereof, the following oath—"I do solemnly swear, or affirm, that I will truly and faithfully execute the office of judge advocate to this court, so long as I remain in office, to the best of my abilities and according to the laws of this state, and of the United States; and that I will not when secrecy is required disclose or discover the sentence of said court, unless to the commanding officer, until he has approved or disapproved thereof; nor will I disclose or discover the sentence or opinion of any particular member of said court unless required to give evidence in a court of justice. The judge advocate shall then proceed to qualify the president and members of said court by administering to them the following oath—"you and each of you do swear or affirm that you will well and truly try and determine according to evidence and the laws of this state and of the United States, between the state of Tennessee and the prisoner to be tried, and you will not disclose the sentence of this court martial when secrecy is required, until the same is made known by proper authority, nor will you disclose or discover the opinion of any particular member of this court, unless required to give evidence thereof, in a court of justice; the proceedings of the court shall be correctly taken down by the judge advocate, until the trial is finished, when a complete record of the trial and sentence, shall be signed by the president—and the court adjourned. Upon the disclosure of the sentence of any court martial, any person may according to the directions of this act, appeal therefrom by filing a written notice with the officer, to whom the appeal is made, at any time before the expiration of twenty days whose duty it shall be to order up before him the proceedings of such court, for final decision, which shall be given within thirty days thereafter.

Complaints how received.

Sec. 30. When any person may have cause of complaint against any commissioned officer, he shall lodge with the governor, major general, brigadier general or commandant of a regiment, the charges certified in form, and make oath before some justice of the peace, that such charges are true to the best of his knowledge and belief, and thereupon an arrest or enquiry may be awarded, at the discretion of such officer, within twenty days thereafter, the court martial shall be ordered; of the time and place of which the officer arrested, shall have at least fifteen days notice as well as a copy of the charges exhibit-

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ed against him: If it should appear to the said court, when convened, that from the absence of witnesses or any other cause, a fair and impartial trial cannot be had, they may adjourn to some future day, provided the time shall not exceed three months.

Courts how called.

Sec. 31. The commandants of regiments are hereby authorised and directed to call courts martial, or courts of enquiry, at any time when they may think it necessary, to try persons failing to do their duty, or delinquents of any kind, or persons failing to perform a tour of duty when called on, or for the trial of any non-commissioned officer, or private, who may desert from the service, or to excuse any person disabled, or for other cause, from doing militia duty during their disability.

Court of assessment to be held annually.

Sec. 32. A court martial for the assessment of fines, and receiving the returns of delinquents, shall be held for each regiment annually, on the 1st Thursday in December, which shall be composed of a majority of the captains of such regiments, the eldest of whom shall preside when present, if not the next eldest, which together with the regimental judge advocate and provost marshal, may proceed to business; in case the judge advocate fails to attend, any court of assesment; one may be appointed by the court pro-tem. All other company commissioned officers may attend, who exofficio shall be members of said court. This court is to examine all returns laid before them, to have all delinquents called, to shew cause why judgment should not be entered against them. This court shall also have power to exempt from duty, aged and disabled persons, during their disability. They shall have power to adjourn from day to day, to compel the attendance of absent members, and when the business is completed, the president shall sign the record of their proceedings and the court shall be dissolved, previous to their proceeding to business, the president shall administer to the judge advocate the following oath. "I —— do swear that I will truly and faithfully execute the duties of judge advocate, to this court, so long as I may remain in office, to the best of my abilities and according to the laws of this state." The judge advocate shall proceed to qualify the members by administering to them the following oath. "You and each of you do swear (or affirm) that you will truly and diligently enquire of, and decide upon, the several delinquencies reported to you, and in every case decide according to law, and the best of your understanding, so help you God."

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Sec. 33. Within thirty days after the sitting of every regimental court of assessment, the judge advocate thereof shall make out a complete list of the fines assessed, and deliver the same to the sheriff of the county, and take his receipt therefor, which fines shall be collected and accounted for according to the provisions of this act; any judge advocate failing to make out within the time prescribed by this act, the list of fines herein required, shall be fined by a regimental court martial, in a sum not exceeding one hundred dollars and be dismissed from office. It shall be the duty of each and every sheriff or deputy sheriff under the penalty of one hundred dollars to be recovered on motion of the judge advocate, in the county court to receive all lists of fines against all delinquents as adjudged by any court of assessment or court martial, and the said sheriff shall have power to apply for the same, levy & make distress therefor as in cases of county tax, for which he shall receive the same per centum and fees for distress, as are allowed for the collection of the public revenue. On or before the first Monday of May in each and every year the said sheriffs shall pay over to the regimental judge advocate, all sums by them collected as aforesaid, and return upon oath an account of all insolvents and delinquents to the annual court of assessment for their examination; and such of the insolvent lists as the court shall approve of, the sheriff shall be allowed for on his settlement with the judge advocate: And in case the said sheriff shall fail or refuse to settle with the judge advocate as aforesaid, the said judge advocat shall at the next ensuing county court proceed to recover the money due from said sheriff, his deputy or either of them, by motion in the county court; and the said court shall proceed to give judgment in the same manner that judgments are given against collectors of state and county taxes.

Judge Advocate to make out lists of fines and put them in the hands of sheriff.

Sec. 34. The judge advocate of each regiment shall before he enters on the discharge of his official duties, enter into bond with good and sufficient security to be approved of by the court martial, in the penalty of one thousand dollars, conditioned for the faithful performance of the duties herein required of him, and the said bond shall not be void on a first recovery.

Judge Advocate to give bond & security.

Sec. 35. It shall be the duty of the field officers of each regiment to settle with the judge advocate at least once in every year, which settlement signed by themselves they shall cause to be recorded in the county court at the next

Officers to settle with judge advocate every year.

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court succeeding such settlement, for which services the clerk shall be entitled to twenty-five cents per page, to be paid out of any money in the hands of the judge advocate, and the receipt of the clerk shall be a sufficient voucher for the judge advocate on the settlement of his accounts. The money collected and funded with the judge advocate shall be subject to orders drawn by the commandant of the regiment for the following purposes, to wit: The purchase of regimental and battalion standards, drums, fifes, &c. the purchase of arms, and teaching of military music; all which orders shall be filed and preserved by the judge advocate as vouchers in his annual settlement: *Provided*, That the judge advocate shall retain in his hands SIX per cent. as a commission to be deducted out of all monies so paid out.

Captain to inform men of the fines against them

Sec. 36. The judge advocate shall on the application of the commanding officer of any company within his regiment, furnish him with a list of fines assessed on each member of his company, at the preceding court of assessment, which the said commanding officer shall make known to his company at their next muster succeeding his receipt thereof.

Sec. 37. Where any person who has been fined by any court of assessment shall remove into any other county in this state, it shall be lawful for the commanding officer of the regiment where the fine was imposed, to send a certified copy of such fine to the sheriff of the county to which he shall have removed, who shall collect and account for the same as heretofore directed in this act.

Adjutants to report delinquents.

Sec. 38. It shall be the duty of adjutants of regiments at the regimental and battalion musters, to notice and report all delinquencies of captains, subalterns, or staff officers, which may happen, and shall return such lists of delinquents to the next court of assessment held in his regiment, who shall have power to fine such delinquents for their neglect.

Certain fines to go to the public treasury.

Sec. 39. All fines assessed under any of the provisions of this act on any general, field or staff officers, other than regimental staff, shall be paid into the public treasury—it shall be the duty of all officers ordering such courts martial, to place a list of fines so assessed in the hands of the sheriff of the county in which such delinquents shall reside, within thirty days after a final decision is had, and take duplicate receipts of the sheriff therefor, one of which

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he shall transmit to the treasurer, who shall compel such sheriff to account for such fines as other public monies are accounted for, within six months after such list shall have been placed in his hands.

Court may be adjourned

Sec. 40. Whenever a sufficient number of officers fail to attend the annual court of assessment on the day appointed, it shall stand adjourned from day to day until a sufficient number do attend, and those attending shall have power to send for absent members and award such fines as they may judge reasonable, for non attendance not less than five nor more than ten dollars a day on each.

May Summon witnesses.

Sec. 41. All courts martial, and of assessment, shall have power to issue summons for witnesses, or previous to the sitting thereof, the president of such court, or any field officer, may issue such subpœna, the process to be served by the provost marshal or any sheriff or constable; and either of the courts aforesaid shall have power to fine witnesses for non attendance a sum not exceeding three dollars, without a reasonable excuse.

Appeals, how made.

Sec. 42. That any person fined at the annual regimental court of assessment, conceiving himself agrieved thereby, shall and may, at any time before the first monday of January next after the sitting of such court, appeal therefrom to the field officers of his regiment, who, or a majority of them, are hereby constituted a court of appeal, who having taken an oath to act impartially, shall have power to remit such fine or fines, if in their opinion the same shall have been unjustly assessed. In all appeals the following method shall be pursued; the person complaining shall make oath before some justice of the peace for his county, that he considers himself agrieved by the sentence of the court of assessment, and state on oath his defence or excuse, which shall be certified by the said justice and filed by the appellant with the commanding officer of his regiment, and the commauding officer of the regiment shall thereupon issue his order to the sheriff of the county suspending the collection of such fine or fines, until such appeal can be heard by the court of appeals. The regimental judge advocate shall attend said court of appeals and record their proceedings, and shall within ten days after its rise, certify to the sheriff of his county, the decision of said court in all appeals brought before it, whether confirmed or reversed.

Sec. 43. That hereafter no person shall be permitted to

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Volunteer companies how formed

join a volunteer company, whether of cavalry, light infantry or riflemen, from any company which contains a less number of men than sixty four, rank and file: and if at any time a company should be reduced to a less number than forty men, exclusive of officers, it shall be dissolved and incorporated with adjoining companies in such proportion as may be deemed necessary by the commandant of the regiment. The field officers of each regiment shall when necessary, alter and regulate the boundaries of the battalions and companies within their respective regiments, so as to make them contain as nearly as possible the same number of privates, and that where there may be two or more regiments in the same county, it shall be the duty of the brigadier general commanding the same to divide the said regiments as near equal as to him may appear reasonable.

Parents &c. liable for fines assessed on minors.

Sec. 44. Parents, guardians, and masters shall be accountable for and pay the fines of their children, wards or servants, who are under twenty one years of age; *Provided*, That parents shall only be responsible where their children live with them.

Allowance to brigade inspectors.

Sec. 45. Brigade inspectors shall be allowed the sum of two and a half dollars for each and every day, and for every twenty five miles riding, they may be employed in, the discharge of the duties enjoined on them by this act: provided that they shall produce an account of the services rendered, sworn to, together with the brigadiers certificate of a faithful discharge, of such duties, to the governor for his examination, and if such account is approved the governor shall certify his approval thereof; and the same shall be paid by either treasurer.

Captains to release men from service.

Sec. 46. It shall be lawful for commandants of companies, to discharge any person from militia duty, upon his producing an affidavit from some justice of the peace, within the county, that he believes he is forty five years of age.

Sec. 47. The residence of every militiaman in this state shall be considered to be at the place where he has his lodging.

Non commissioned officers to serve 2 years.

Sec. 48. Non-commissioned officers when elected shall serve two years, unless permitted to resign, by a majority of the company officers.

Sec. 49. It shall be the duty of each captain annually to

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furnish the sergeant major of his regiment, with the list of the names of the sergeants and corporals of his company, which shall be done, on or before the first day of April, & such sergeant major shall keep a roster thereof, by which the detail of their duty shall be regulated. Captains to furnish list of non commissioned officers.

Sec. 50. The commandants of companies shall make their annual company returns, on or before the first day of April, in each and every year, agreeably to forms which shall be furnished them by the adjutant general; in which shall be expressed the military strength, arms, &c. and deliver the same to the adjutant or commandant of his regiment. Company returns when made.

Sec. 51. The commandants of regiments shall cause their adjutants to make out from the company returns on or before the fifteenth day of April, in each year, two regimental and battalion returns, agreeably to forms prescribed and furnished by the adjutant general, and lay the same before them for examination; and it shall be the duty of the said commandants after signing said returns, to cause the adjutants to forward one of said returns, to the inspectors of their respective brigades, on or before the first day of May in each year, and retain the other for the use of the commandants. Regimental returns when made.

Sec. 52. It shall be the duty of major generals to cause their assistant adjutant general, to make out from the brigade returns, two forms of division returns, agreeable to forms furnished by the adjutant general, and lay the same before them, on or before the first day of August in each year, for their examination and signature, one of which the assistant adjutant general shall forward to the adjutant general's office, on or before the fifteenth day of August in each year. Division returns when made.

Sec. 53. It shall be the duty of the adjutant general to make out from the division returns, two general returns, one of which he shall lay before the general assembly at each and every stated session. Adjutant general's return when made.

Sec. 54. There shall be a regimental muster held on the second Saturday of October, in each year, at such place as a majority of the commissioned officers of such regiment may direct. Where every field, staff and regimental commissioned and non-commissioned officer, musician and private, shall attend, armed and equipt according to law. Regimental musters when held.

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Battalion musters when held.

Sec. 55. There shall be a battalion muster in each battalion, in the month of April in every year, the first battalion in each regiment shall hold its muster on the first Saturday, and the second battalion on the second Saturday in said month at such place within their bounds as a majority of the officers may direct. Where every officer, non-commissioned officer, musician and private shall attend, armed and equipt according to law

Company musters

Sec. 56. There shall be four company musters held in each year, to be appointed at the discretion of the commanding officers of companies, within the months of March, May, August and November, where every commissioned officer and non-commissioned officer, musician and private, shall attend, armed and equipt according to law.

What hours troops to be exercised.

Sec. 57. At the several musters herein directed to be held, the troops shall be exercised at least three hours in each day, and agreeably to Duane's hand book for infantry, or such other system of discipline as may be adopted by the United States infantry. The rolls shall be called at each muster or review, and the delinquents noticed by the commandants of companies, both as to absence, and arms and accoutrements.

Improper behavior in privates punished.

Sec. 58. If any non-commissioned officer or soldier, shall behave himself disobediently or mutinously when on duty, or before any court directed by this act, the commanding officer, or said court, may confine him during the parade, or during the setting of the court; and he may be fined by a court martial or by the court of assessment, in any sum not under five nor more than ten dollars, to be collected as other fines under this act: and if any bystander shall attempt to molest or insult any officer or soldier while on duty, or shall be guilty of like conduct before any court, the commanding officer, or such court may inflict similar punishment.

How privates armed.

Sec. 59. That each company officer and private, shall be armed in the following manner to wit, each company officer with side arms, each non-commissioned officer and private with a musket and cartridge box, or rifle pouch and horn in good condition, and every officer, non-commissioned officer, musician and private, shall attend at the muster ground and answer to his name, by eleven o'clock A. M. on the day appointed for regimental, battalion and company musters.

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Arms and equipments exempt from execution.

Sec. 60. The arms and equipments of any militia man shall be exempted from execution at all times, and their persons from arrest or the service of civil process while going to, continuing at or returning from musters, or any military court.

Resignations not to be received in less than five years.

Sec. 61. No officer now holding a command in the militia shall be permitted to resign until he shall have held his commission the time required by the laws heretofore in force, and no officer hereafter elected shall resign within five years from the date of his appointment unless permitted by his superior officer, if a field officer and if a company officer by the field officers of his regiment: and if any person should offer and refuse to act after he is elected and commissioned, he shall be fined by the proper court in a sum not less than twenty nor more than one hundred Dollars.

Resignations how made.

Sec 62. The resignation of all officers in the militia shall be as follows, All company officers and regimental staff shall resign to the commandants of regiments. Regimental, field and brigade staff officers, to the brigadier generals. Brigadier generals and division staff to the major generals; the adjutant and quarter master general to the governor, and all vacancies shall be filled in the following manner:

If the command of a major general shall become vacan the governor shall issue a writ of election, if a brigadier the major general shall issue a writ of election, if a field officer the brigadier shall issue his writ, and for all company officers, the vacancies shall be filled, by the writ of the colonel or commandant.

Oath of militia officers.

Sec. 63. It shall be the duty of every person hereafter elected to a command in the militia of this state, before he enters on the discharge of the duties of his command, to take and subscribe the following oath which shall be entered on the back of his commission. "I —— —— do solemnly swear that I will support the constitution of the United States and of the state of Tennessee, and that I will faithfully discharge the duties of in the militia of Tennessee as prescribed by law to the best of my abilities."

Officers absenting themselves

Sec. 64. If any commissioned officer shall absent himself from the duties of his command for more than twelve

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months, unless employed in public business, it shall be considered a removal, and measures shall be taken by the proper officer to fill such vacancy. And if any commissioned officer in the militia of this state shall labor under any incurable bodily infirmity, mental disability, or shall be guilty of habitual drunkenness, the proper officer on information thereof shall order a court of enquiry to consist of five members; and if on testimony or personal observation they shall report to the officer ordering such court, that such person does labor under mental disability, bodily infirmity, or shall be guilty of habitual drunkenness, so as to disqualify him for the faithful discharge of his duty: and if the officer ordering such court shall approve said report, the office thereafter shall be considered vacant, and the proper officer shall proceed to have said vacancy filled as directed in other cases. *Provided always*, That the officer so tried shall have the right of appeal to the next superior officer for approval or disapproval of said report.

Officers to call out militia to repel invasion.

Sec. 65. *Be it enacted*, That in case of actual invasion, or an invasion premeditated or threatened against this state or any part thereof, it shall and may be lawful for the governor or any officer by him directed, to order into actual service all or such parts of the militia of this state as he shall deem expedient, and to discharge such troops as soon as he may judge it consistent with the safety of the state. *Provided always*, That the requisition shall be made in the different divisions, brigades, regiments and companies in proportion to their numbers, who have not performed a tour of duty.

Sec. 66. That every non-commissioned officer, musician or private who shall neglect or refuse to appear by himself or substitute at such time & place as shall be appointed out by his commanding officer or appear and not armed with a good musket and cartridge box, or rifle, pouch and horn, in condition for actual service, such person on conviction shall forfeit and pay a sum not less than one hundred dollars, which sum shall be adjudged against him by a court martial, and shall be collected as heretofore directed, and paid into the public treasury, and if any commissioned officer shall be guilty in like manner, he shall be subject to a penalty not less than one hundred dollars, be reduced to the ranks, and ordered immediately for service, and in case of refusal shall be liable to the same penalties that other privates are by this act, each of which last men

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tioned penalties shall be assessed and paid over as heretofore directed by this act.

Exempts when enlisted.

Sec. 67. *Be it enacted*, That the requisition of the governor, on the militia of this state, shall be deemed evidence, of an invasion or insurrection, or an invasion threatened or premeditated, and thereupon it shall be lawful for the proper officers to enrol all such persons as are exempted from militia duty by this act, except in such cases.

Officers rank, &c.

Sec. 68. That all commissioned officers shall take rank according to their commands, and the dates of their commissions, and when two or more officers of like rank shall have been commissioned on the same day, their rank in the brigade or regiment, shall be determined by lot, to be drawn before their commanding officer.

Uniform to be same as U. States troops

Sec. 69. *Be it enacted*, That the uniform of the general, field, & staff officers of the militia of this state, shall be the same as that of officers of the same grade, in the United States' army.

Captains and subaltern officers the same, or a deep blue hunting shirt, and pantaloons, with white trimmings, half boots or gaiters, a round black hat, black cockade and red plume. Subaltern officers shall not be compelled to wear epaulets.

Fines on officers.

Sec. 70. *Be it enacted*, That the fines inflicted under this act, shall be as follows, without a reasonable excuse.

On a major general or division staff, for failing to perform any of the duties enjoined on them by this act, a sum not less than ten, nor more than fifty dollars.

On a brigadier general or brigade staff, for failing to perform any of the duties enjoined on them by this act, a sum not less than ten nor more than fifty dollars.

On field officers or regimental staff, for failing to perform any of the duties enjoined on them by this act, a sum not less than ten nor more than forty dollars.

On captains or subaltern officers, for failing to perform any of the duties enjoined on them by this act, a sum not less than five nor more than twenty dollars, to be collected and paid over as heretofore directed in this act: *Provided*, That nothing in this section shall be so construed as to effect the fines heretofore directed in this act to be assessed and collected in particular cases therein mentioned,

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Fines on privates.

Sec. 71. *Be it enacted*, That non-commissioned officers, musicians and privates for failing to perform any of the duties enjoined on them by this act, except such as are heretofore provided for, shall be fined in a sum not less than one dollar nor more than five dollars.

Persons entitled to a tour of duty.

72. Persons who have served tours of duty in the United States army as officers, and have since resigned or been arranged out of service, and have returned to the ranks as privates, and all persons who have enlisted and been discharged, after a service of six months or more, shall be entitled to credit for a tour of duty in the militia of this state.

Volunteer light infantry authorized.

Sec. 73. *Be it enacted*, That it shall and may be lawful for a volunteer company of light infantry to be raised in each regiment where it has not already been done, and the commandants of regiments are hereby authorized to appoint persons pro. tem. to raise such companies, which shall not consist of less than forty nor more than sixty-four privates, one captain, one lieutenant and one ensign, three sergeants, three corporals and two musicians.

Privates how armed.

Sec. 74. The commissioned officers shall be armed as other officers of the same grade, and each non-commissioned officer and private with a good musket, smooth bore, or rifle, cartridge box or pouch and horn, and shall hold company muster four times in each year at the regimental muster ground, in the months heretofore designated for holding company musters, and shall attend the battalion and regimental musters most convenient, and shall be subject during said musters, and at all other times to the orders of the commandant of the regiment or battalion.

Volunteer riflemen authorized.

Sec 75. *Be it enacted*, That it shall and may be lawful for a volunteer company of rifle men to be raised in each regiment where it has not been done, under the same rules, after the same manner, and to be under the same restrictions as companies of light infantry. The commissioned officers shall be armed as other officers of the same grade, the non-commissioned officers and privates, with good rifles, pouches and horns, and shall muster at the regimental muster ground in the same months that have been heretofore directed, four times in each year, and shall attend the battalion and regimental musters of the battalion and

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regiment most convenient, and be subject to the orders of the commandant, during said musters, and shall at all other times be subject to the orders of the commandant of the regiment.

Not to reduce militia companies.

Sec. 76. *Be it enacted*, That it shall not be lawful for any officer of light infantry or rifle companies to enrol any non-commissioned officer, musician, or private, who has been enrolled by any militia officer of this state, unless such person shall produce a certificate from the commandant of the company to which he belonged, certifying that his company will not be reduced below its proper number by such enrolment.

To serve by entire companies.

Sec. 77. *Be it enacted*, That the companies of light infantry and riflemen herein directed to be raised, shall be distinguished by the number of the regiment to which they belong; and when details are made on the militia of this state, they shall be ordered into service by entire companies, which shall be determined by lot drawn by the adjutant general in presence of the governor.

No private to withdraw without leave.

Sec. 78. Be *it enacted*, That no person shall be permitted to withdraw from a company of light infantry or riflemen, under five years, without the consent of the commandant, or unless he shall remove out of the regiment towhich said company belongs.

Uniform of riflemen.

Sec. 79. *Be it enacted*, That the uniform of the rifle companies shall be as follows: long black hunting shirt and pantaloons, fringed with yellow, round hat and red plume for commissioned officers and a round hat & black plume for non commissioned officers musicians & privates.

Do of light infantry.

Sec. 80. Be *itenacted*, That the uuiform of the light infantry shall be as follows long blue hunting shirts and pantaloons, fringed with red, round hat and red plume for commissioned officers and round black hat and white plume for non commissioned officers and privates.

Elections contested.

Sec. 81. *Be it enacted*, That all elections for officer of light infantry & Riflemen shall be held under the same rules, regulations, and restrictions, as elections for other militia officers.

Sec. 82. *Be it enacted*, That the courts matial for the determination of contested elections shall be ordered in the same manner as by this act, directed for the trial of officers,

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and the party contesing the election of any officer shall immediately notify the returning officer in writing of his intention to contest, who shall not make return of such election to the governor until further orders—and the party so contesting shall within fifteen days make application to the proper officer furnishing him with a fair statement of his reasons in writing supported by oath or affirmation upon the receipt of which such officer shall order a court martial immediately as aforesaid—and if it shall appear to the satisfaction of said court, that the officer whose election shall have been contested did receive a number of illegal votes, which when deducted would give a majority of legal votes to any other candidate—then such court shall report to the returning officer in favour of the candidate having the greatest number of legal votes, and the governor shall commission him accordingly—and in all cases of illegal proceedings the election shall be declared void, & the court shall order the proper officer to issue a writ of election to fill the vacancy giving legal notice of the time and place—and if the party contesting such election shall fail to establish his charge or cause of contest in that case the court shall report to the returning officer in favour of the person whos election was contested, who shall be commissioned by the governor.

Writs of election for field officers.

Sec. 83. All writs for the election of general or field officers shall be directed, to some sheriff within the bounds of the command, for which such officer is to be elected; and such sheriff, shall for the election of a major general, advertise the time and place of holding such election, in some paper printed in the division at least forty days previous thereto, and when two or more candidates, have an equal number of votes, the governor shall determine by his vote who is elected.

Elections for brig generals advertised forty days.

Sec. 84. Elections for brigadier generals shall be advertised at least forty days in the most public places in each county composing the brigades, and when two or more candidates have an equal number of votes, the major general shall determine by his vote, who is elected.

Elections for field officers advertized thirty days.

Sec. 85. *Be it enacted*, That elections for field officers shall be advertised at least thirty days in each battalion of the regiment for which such officer is to be elected, and when two or more canditates for field officers have an equal number of votes, the brigadier general shall determine by his vote who is elected.

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Company elections to be on muster ground.

Sec. 86. That all elections for captains, lieutenants and ensigns, shall be held at their respective muster grounds in the manner following: the justice of the peace, to whom the writ of election is issued, after giving fifteen days notice, shall appoint and qualify two men of good character as judges, and when two or more candidates have an equal number of votes, the commandant of the regiment shall determine by his vote who is elected.

Sheriffs to certify elections held by them.

Sec. 87. *Be it enacted*, That it shall be the duty of the sheriffs, to certify all elections, by this act directed, to be holden by them, under their hands and seals, and transmit the same to the governor, who is hereby directed to commission the person elected.

Justices of the peace to certify elections held by them.

Sec. 88. *Be it enacted*, That justices of the peace, shall certify all elections by them held, to the commandant of the regiment, on whose certificate the governor shall commission the person elected.

Fine for resigning.

Sec. 89. *Be it enacted*, That if any militia officer heretofore elected shall resign his commission before the time heretofore directed by law, he shall be subject to the fine imposed by the act of 1803, and all officers hereafter elected that shall resign before the time, and otherwise than as directed by this act, shall forfeit and pay—if a general or general staff officer, one hundred dollars, if a field or regimental staff officer, fifty dollars, and if a plattoon or subaltern officer thirty dollars.

Militia when called out to serve six months.

Sec. 90. *Be it enacted*, That the militia of this state when called out in the service of the state, shall not be bound to serve longer than six months, from the time of their arrival at the place of rendezvous.

Company officers how elected.

Sec. 91. *Be it enacted*, That captains, subalterns and non-commissioned officers, shall be elected by those citizens in their respective districts, who are subject to military duty.

Field officers how elected.

Sec. 92. All field officers of the militia shall be elected by those citizens in their respective regiments, who are subject to military duty.

Sec. 93. Brigadier generals shall be elected by the field officers of the different brigades.

Sec. 94. Majors general shall be elected by the brigadier generals and field officers of each division.

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Religious persons exempt.

Sec. 95. *Be it enacted*, That no person known to belong to any religious denomination, the tenets of which are opposed to the bearing of arms, shall be fined for not attending regimental battalion or private musters, but shall nevertheless be classed, drafted and ordered on duty, as other privates in all other cases; and in case of non-performance be subject to the same penalties.

Sec. 96. *Be it enacted*, That all commissions shall issue in the form heretofore in use in this state.

Militia of a county how divided into regiments.

Sec. 97. Whenever a county contains twenty-four militia companies, exclusive of volunteer companies, the colonels commanding the regiments or either of them, shall have power, and they are hereby authorised to convene the officers composing the regiments, at the most central place within the two regiments, or at any other place, they may agree on, first giving the officers ten days previous notice, of his or their intention. When and where they may sever, eight militia companies, from the aforesaid regiments, which said companies shall be adjoining each other, in such manner that no company belonging to either of the regiments from which they have been seperated, shall intervene between them. And the companies so detached shall be considered as a regiment, and are hereby authorised to elect all officers necessary for their regimental government.

Volunteer minors credited.

Sec. 98. *Be it enacted*, That if any young man under the age of eighteen years, has or may volunteer in the United States service, and shall have performed or may hereafter perform a tour of duty, before he becomes subject to military duty, he shall be entitled to a credit for said tour of duty, after he arrives to the age of eighteen years, unless he performs said tour as a substitute, then and in that case he shall not be entitled to a credit for said tour, as aforesaid.

Persons not able to procure arms relieved.

Sec. 99. *Be it enacted*, That whenever any militiaman, shall make oath before the court of assessment of his regiment, that he is unable without injustice to his family, to purchase the arms and equipments, directed by this act, it shall and may be lawful for said court in its discretion to exempt such person from the necessity of appearing armed and equipt as heretofore directed in this act, at company, battalion and regimental musters, and whenever the regimental fund, in the hands of the judge advocate, is sufficient to authorise it, arms shall be purchased by the com-

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mandant of the regiment, for the use of persons so exempted, which shall be deposited by such persons at the close of each muster day, at some place within the bounds of his regiment, which shall be designated by the commandant.

A company of cavalry in each regiment.

Sec. 100. *Be it enacted*, That there may be one company of cavalry in each regiment, together with those volunteer companies which are established by law in this state, to be raised by voluntary enrolment; and shall consist of one captain, one lieutenant, one cornet, three sergeants, three corporals and one trumpeter, and not less than thirty nor more than forty privates; and the cavalry of each brigade shall constitute one regiment, and be commanded by a lieutenant colonel commandant and two majors, who shall be elected by the commissioned officers of their regiment; and the regimental courts martial of said cavalry shall be conducted under the same rules, regulations and restrictions as infantry courts martial of like grade —and each company of cavalry shall, on three several days annually, hold three company musters at the court house of their county, or such other place as the officers may agree on, which said company musters shall be held on the first Saturday in the months of April, August and November, and shall hold courts martial on delinquents in the same manner as is directed for holding company courts martial of infantry; and it shall further be the duty of each company of cavalry to attend the infantry regimental musters of their county, and when at said musters shall be under the direction and command of the commanding officer of the regiment.

Arms of horsemen.

Sec. 101. Be *it enacted*, That every officer and private belonging to each troop of horse, shall appear, when on parade, with a strong serviceable horse, at least fourteen hands and a half high, with a good saddle, bridle, holsters and one pistol at least, and horseman's sword, cap, a pair of shoe-boots and spurs, with a cartouch box and cartridges in good order and dressed in the uniform of the regiment to which he belongs.

Captains of cavalry to make return.

Sec. 102. *Be it enacted*, That the captain or commanding officer of a company of cavalry, shall make out a fair statement of the strength and condition of their companies and return the same to the commanding officer of the regiment on or before the first day of May annually, who shall make out a fair statement of the strength and condition of

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his regiment, and return the same to the brigadier general of his brigade, on or before the first day of June annually.

Fines for not making return.

Sec. 103. *Be it enacted*, That each officer required to make return by virtue of this act, and refusing or neglecting to make return as herein before directed shall be fined if a colonel or commanding officer of a regiment, in a sum not exceeding thirty dollars nor less than fifteen dollars, if a captain or commanding officer of a company in a sum not exceeding twenty dollars nor less than ten dollars, which fines shall be assessed on the delinquents at the discretion of a regimental court martial.

Fines how applied.

Sec. 104. *Be it enacted*, That all fines imposed by this act when collected shall be applied by the commanding officer of the regiment to the use of the regiment to which said delinquents belong.

Sec. 105. *Be it enacted*, That the captain of each company of cavalry shall have power to receive any private into his company, notwithstanding such private may not be equipt as is directed by this act, and give him a certificate to the captain of the company of infantry to which he belonged, and on his producing such certificate the captain of the infantry shall immediately strike him off his list.

Cavalry to choose uniform.

Sect. 106. *Be it enacted*, That it shall and may be lawful for each and every regiment of cavalry in this state to choose the quality of their uniform, for their officers and privates, and they shall be authorized to use domestic manufacture for the same: *Provided nevertheless*, That the coats and small clothes of each officer and private of each regiment shall be of a blue color.

Sec. 107. *Be it enacted*, That each officer of cavalry shall be commissioned by the governor of this state, under the same rules and alter the same manner as officers of the infantry are of like grade.

Time allowed for equipment.

Sec. 108. *Be it enacted*, That each officer and private shall be allowed three months after their election & enrolment to equip themselves in the uniform of the regiment to which they belong, and on failure thereof or to attend company musters, each commissioned officer shall forfeit and pay a sum not exceeding ten dollars nor less than five dollars, and each non-commissioned officer or private shall

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forfeit and pay a sum not exceeding five dollars nor less than two dollars, to be recovered against the officers at the first regimental court martial, and against non-commissioned officers & privates at the first company court martial, *Provided*, That nothing in this act contained shall be so construed as to compel the officers, non-commissioned officers and privates who have heretofore equipped themselves to procure the uniform prescribed by this act, within the time herein before prescribed.

Cavalry to hold regimental muster.

Sec. 109. *Be it enacted*, That each regiment of cavalry in this state shall hold one regimental muster on the first monday in October annually, at such place as the commissioned officers of said regiment, or a majority of them may select, at which time and place it shall be the duty of each officer and private of said regiment to attend the general muster of said regiment, that the commissioned officers of each regiment shall on the day succeeding said regimental muster, hold a court martial for the trial of all delinquents, both officers and privates. If any field officers fail to attend said regimental muster, armed and equipted as directed by this act, without a reasonable excuse, they shall each be fined in a sum not exceeding fifteen dollars nor less than eight dollars, if a captain or subaltern officers, they shall each be fined in a sum not exceeding ten dollars nor less than five dollars, if a private, in a sum not exceeding four dollars nor less than three dollars.

Privates not to withdraw from cavalry

Sec. 110. *Be it enacted*, That no private in any company of cavalry shall be permitted to withdraw himself from said company, without the assent of a regimental court martial, and if any private is permitted to withdraw himself from any company as by this act directed the captain of the company of cavalry shall notify the captain of the infantry in whose bounds such private may reside of the proceedings of said court martial, and that said private has been permitted to withdraw himself from the company of cavalry, and it shall be the duty of the captain of infantry in whose bounds such private may reside on receiving such information, to immediately enrol him on his company roster, the first man on the first class destined for actual service.

Cavalry to be called out by companies.

Sec. 111. *Be it enacted*, That when any of the cavalry of this state shall be called on for actual service, they shall

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be called out by companies, and be commanded by their own company officers.

Cavalry of 6th brigade.

Sec. 112. *Be it enacted*, That when it may be conceived that the public good eminently requires it, the Governor is hereby authorized to call out such parts of the cavalry of this state as he may think proper, and when so called out, they shall be considered, ruled and regulated as mounted gun men, for the time he may so order them.

Pro tem officers to raise cavalry companies.

Sec. 113. *Be it enacted*, That it shall be the duty of the brigadier generals to appoint suitable persons in each regiment within his brigade to raise a troop of cavalry, where the same has not been raised, whenever it may be deemed necessary, and it shall be the duty of the brigadier general, where there are no field officers, to issue writs of elections in the same manner as is prescribed for field officers to do it.

Cavalry may be called as gun men

Sec. 114. *Be it enacted* That the sixth regiment of cavalry shall hereafter hold their regimental musters on the first Monday in October, at the house of Colonel Michael Molton, on Yellow creek, in Dickson county.

Repealing clause.

Sec. 115. *Be it enacted* That all laws and parts of laws coming within the purview and meaning of this act, be, and the same are hereby repealed, and that this act shall take effect and be in force from and after the passage thereof.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

Nov. 14th, 1815.

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CHAP. CXX.

An act to authorize Lilburn L. Henderson, to build a toll bridge over Obed's river, at the place where the Cumberland turnpike road crosses the same.

Toll bridge over Obed's river erected

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That Lilburn L. Henderson is hereby authorized to erect a toll bridge across Obeds river, where the Cumberland turnpike road crosses the same, provided he does not obstruct the ford in said river.

Rates of toll allowed.

Sec. 2. *Be it enacted*, That the following rates of toll shall be demanded for passing said bridge, & that a copy thereof be at all times kept ready for the inspection of passengers, viz: for a four horse team, waggon and driver, and such women and children as compose part of their loading, sixty two and one half cents, for each two horse waggon or cart, and driver, and such women and children as composed part of their load, thirty seven and one half cents, for each single cart, driver, & women and children, as compose part of their load twenty five cents, for each four wheeled carriage of pleasue with passengers and four horses, one dollar; for each four wheeled carriage of pleasure with passengers and two horses, seventy-five cents; for each two weeled carriage of pleasure, one horse and driver thirty-seven and one half cents; for each foot passenger, nothing; for each horse and rider, six & one fourth cents; for each loose or lead horse, three cents; for each head of cattle two cents; for each head of hogs and sheep one cent.

Sec. 3. *Be it enacted*. That the said Lilburn L. Henderson shall receive all the toll from said bridge, for the space of ten years, for his trouble of building the same.

JAMES FENTRESS,

Speaker of the House of Representatives.

JOHN GASS, *pro tem.*

Speaker of the senate.

Nov. 4th, 1815.

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