AN ACT

TO

REDUCE INTO ONE

THE

Several Militia Laws

OF

THIS TERRITORY.

WASHINGTON, M T.

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1814.
AN ACT, &c.

Sec. 1. BE IT ENACTED by the Legislative Council and House of Representatives of the Mississippi Territory in General Assembly convened, That the Militia of the territory shall form one brigade, for which there shall be one brigadier general, and one adjutant general; which adjutant general shall rank as a lieutenant colonel, who shall reside at the seat of government, and receive an annual salary of three hundred dollars, payable out of the territorial treasury; and perform the services hereinafter mentioned:—The brigade shall be further divided into regiments, battalions and companies, each regiment to consist of two battalions, and to be officered by one lieutenant colonel, one adjutant, and one quarter master, each with the rank of first lieutenant, and to be appointed by the governor. There shall also be one surgeon to each regiment. Each battalion to consist of four companies (in no case less than three) and to be officered by one major. Each company to consist of sixty-four privates or as many as may reside in the bounds assigned to
it, and shall be officered by one captain, one lieutenant, one ensign, four sergeants, four corporals and two musicians. The non-commissioned officers to be appointed by the commanding officers of companies annually. The regiments to be numbered as they were before the passing of this act.

Sec. 2. And be it further enacted, That the commanding officers of companies shall continually enrol every free white male who shall have been ten days in their respective beats, and who shall be above the age of eighteen and under the age of forty-five years and shall give notice to such person of his enrolment. (The territorial treasurer, auditor of public accounts) regularly licensed ministers of the gospel according to the rules of their sects, teachers in public seminaries, keepers of public ferries on post roads, post masters and mail carriers, territorial judges, (the justices of the quorum and attorneys general) be, and they alone are hereby exempted from the duties of this act, provided that the clerks and sheriffs of the courts shall be exempted from ordinary militia duty, but not from a draft for actual service.

Sec. 3. And be it further enacted, That every person so enrolled shall within three months thereafter furnish himself with a good firelock of some sort, and with a cartridge box or shot pouch containing two spare flints and ten rounds of powder and ball at least, unless such person shall make oath that he cannot procure them without impoverishing himself or family, and within the same time all commissioned officers shall arm themselves with a sword or hanger and shall uniform themselves as the governor shall hereafter prescribe, and before he enters on the duties of the office to which he shall have been appointed, shall take and subscribe an oath to support the constitution of the United States and also to demean himself well, and faithfully and impartially to execute the duties of his office to the best of his ability. A certificate of which shall be lodged with the adjutant of his regiment, and in case two or more officers of the same grade shall hold commissions of the same date, they shall determine precedence by lottery.

Sec. 4. And be it further enacted, That regiments and battalions shall muster once in each year respectively, and companies shall muster once in every two months and oftener at the discretion of the officer commanding the regiment, each muster to continue one day and to be as near the centre of the regiment, battalion or company as may be convenient.

Sec. 5. And be it further enacted, That it shall be the duty of the brigadier general or officer commanding the brigade to order regimental
musters annually and to give thirty days notice thereof to the commanding officers of the respective regiments. He shall attend every regimental muster and review the regiment: he shall see that the adjutant general does his duty. He shall have power and it shall be his duty to arrest the adjutant general or any lieutenant colonel for negligence, incapacity, disobedience, mutiny, insubordination at all times, and also for drunkenness, ungentlemanly conduct when on parade or in actual service, and detail a special court martial to try such officer on charges alleged, to consist of seven members, three of whom to be of equal grade with the person accused, which court shall meet, choose a president and judge advocate from its own body; shall have power to compel the attendance of witnesses and members and shall be qualified in the usual way, and any such officer so arrested shall be tried and sentenced, suspended on call from the cafe as the case may require, provided the executive sanction such sentence.

Sec. 6. And be it further enacted, That it shall be the duty of the adjutant general to obey and transmit all orders received from the executive or brigadier general. He shall keep a register of the officers of the brigade, their grades and promotions: he shall also keep a register of the strength and arms of the brigade as furnished him by the different adjutants of the regiments, according to regiments, battalions, and companies, and shall record all general orders: he shall make out and transmit the detail when a portion of the militia is to be drafted, preserve a complete muster roll of them and furnish them to the extent of his means with suitable equipage: he shall forward to the different adjutants, suitable blank forms of inspection, muster and pay rolls of regimental, battalion and company provision returns &c. He shall record the sentence of any court martial held for the trial of an officer and he shall every six months (and oftener if required) report to the executive fully the strength and condition of the brigade, according to regiments and battalions.

Sec. 7. And be it further enacted, That it shall be the duty of each lieut. colonel to give fifteen days notice by his adjutant, of the time and place of holding a regimental muster, to every commissioned officer in the regiment: he shall attend the regimental musters of his regiment, and have the regiment properly drilled: he shall with the assistance of his adjutant, assemble and drill for two days together the commissioned and non-commissioned officers of the regiment, in the march, the manual, the most approved evolutions and in camp duty, at some convenient place in the regiment, having advertised notice of the time and
place of holding such drill, for twenty days previously thereat, at the court house of the county, he shall order battalion musters annually in his regiment and give fifteen days' notice thereof to the majors of the battalions, and attend himself at such musters: he shall call out his regiment or any part thereof in case of alarm: he shall obey and execute all orders directed to him from a superior officer: he shall have power and it is his duty to arrest any officer of his regiment, for any offence, as enumerated in the fifth section of this act and direct a special court martial from his regiment to consist of fifteen officers, one of whom to be of equal grade with the accused, to try such officers on charges alleged; such court shall qualify, choose its officers, have the same power and proceed in the same way, that the court provided in the fifth section of this act does, provided, no sentence of such court martial shall be executed unless approved by the executive: he shall detail a regimental court martial twice in each year to assess fines on commissioned officers, and to hear appeals from company courts martial; he shall note down and return the delinquencies of his majors, adjutant, and quartermaster to the regimental courts martial: he shall give the officers of the meeting of a regimental court martial to members and defaulters: and he shall execute all other duties of a lieutenant colonel commandant.

Sec. 8. And be it further enacted, That it shall be the duty of a major to obey and execute all orders from a superior officer, he shall give eight days' notice by the adjutant to the captains in his battalion, or any battalion muster, attend such muster and drill the battalion: he shall furnish to the adjutant as often as required, an account of the strength and condition of his battalion, and he shall attend once in three months each company muster in his battalion and return the captains of his battalion to the regimental court martial for any delinquency.

Sec. 9. And be it further enacted, That it shall be the duty of the regimental adjutant to attend all field musters in the regiment and prepare the regiment or battalion for review or evolution; he shall keep a register of the officers of the regiment, with their grades and of the strength and condition of each company: he shall obey all orders from his colonel or major and serve all notices or process directed to him on the officers of his regiment: he shall attend the regimental courts martial (held for the assessment of fines) as judge advocate, he shall collect all fines assessed by such court on officers and pay them over to the quarter-master of the regiment: he shall keep a record of all general, regimental or battalion or-
orders and of the proceedings of regimental courts martial: he shall keep a register of every private and officer drafted or detailed for duty (muster, inspect and march to the place of rendezvous every detachment of detailed militia, and forward a complete muster roll of them to the adjutant general: he shall distribute to the captains of the regiment such forms as the adjutant general may furnish him; he shall forward to the adjutant general semi-annually a complete return of the strength, arms and condition of his regiment according to companies; and each adjutant shall receive such compensation as the regimental court martial shall think right for his services, to be paid by the quartermaster out of fines collected on orders from the president of such court.

Sec. 10. And be it further enacted, That it shall be the duty of the quartermaster to attend the field musters, choose a place for parade, and with his guard prevent disturbance. He shall receive all money collected for fines by the sergeants and adjutants, and receipt for the same. He shall attend the regimental court martial, and account to it every session, for the amount of fines, and how expended. He shall on order from the lieutenant colonel, purchase music and colors, and pay the allowance made to the adjutant out of the amount of fines collected, and he shall give suffi-

cient security to the lieutenant colonel for the performance of his duties; and shall retain ten per cent on the amount of fines collected, as a compensation.

Sec. 11. And be it further enacted, That it shall be the duty of the captains to hold musters and courts martial every two months; to give five days notice of every regimental, battalion or company muster, to his subalterns and privates; and the same notice to all defaulters, of the time of his company court martial. He shall note down and return to the regimental court martial the delinquencies of his subalterns, and shall cause his sergeant to note down and return all delinquencies of non commissioned officers and privates, to his company court martial. He shall drill his company in the step, the manual and the most approved evolutions.

Sec. 12. And be it further enacted, That the following fines shall (without arrest) be assed on officers and privates, in default at the stated regimental and company courts martial. On a lieutenant colonel for non-attendance at any regimental or battalion muster, or any drill of the officers, or any regimental courts martial, fifteen dollars: for omitting to order battalion musters annually, ten dollars: for failing to detail a regimental court martial twice in each year, and
giving to the members and defaulters due notice, and presiding at such court, twenty dollars: for failing to call out his regiment on alarm, or failing to hold any draft ordered, one hundred dollars: for deficiency of any article of uniform or arms, ten dollars: for neglecting to order music and colors to be purchased by the quarter master, and distributing the same, ten dollars: for neglecting to take bond of the quarter master, ten dollars: for failing to arrest, and detail a special court martial to try any officer in his regiment, for any offence above recited, twenty dollars: for failing to return his majors, adjutant and quarter master for any default, twenty dollars. On a major, for non-attendance at any field muster, drill muster or regimental court martial, ten dollars: for failing to give any notice to his captains of any field muster, or regimental court martial, ten dollars: for deficiency of any article of uniform or arms, ten dollars: for failing to turn out his battalion on order, or execute any draft therein, one hundred dollars: for failing to attend company musters as required by law, or to return any of his captains in default to the regimental courts martial, fifteen dollars: for failing to make a return of his battalion to the adjutant, semi-annually, twenty dollars. On an adjutant, for failing to execute any one article of his duty as enumerated in the 9th section of this act, any sum that the regimental court martial shall judge sufficient, not to exceed fifty dollars. On a quarter master, for failing to account with the regimental court martial, twenty dollars: for failing to execute any other item of his duty as enumerated in the 10th section of this act, not exceeding twenty dollars. On a captain or subaltern, for non-attendance at any field or company muster, regimental or company court martial or drill muster, eight dollars: on a captain for failing to give any notice of any field or company muster, or company court martial, ten dollars: for failing to drill his company every two months, or to hold courts martial every two months, and give notice thereof to members and defaulters, five dollars: for deficiency in any article of uniform or arms in any captain or subalterns, ten dollars: for failing to appoint and notify non commissioned officers, twenty dollars: for not returning to the regimental court martial, his subalterns for default, five dollars: for failing to have his company rolls called at each field or company muster, and to return all defaulters to the next company court martial, twenty dollars: for failing to appoint paroles duty, twenty dollars: for failing to have all in his beat enrolled, or neglecting to return any private that is unarmed, five dollars: for failing to make to his major or adju-
tant, a complete return of his strength and arms of his company once in every six months, ten dollars. On a non commissioned officer for refusing to act, ten dollars: for failing to give any notice, serve any process, or obey an order of his superior, ten dollars: for failing to make return in writing to his commanding officer of the manner he has executed any order, ten dollars: for failing to pay over money collected, double the amount thereof: for non attendance at drill muster, five dollars: on non commissioned officers or privates, for non-attendance at regimental (and) battalion musters, two dollars: for non attendance at company muster, one dollar: for disobedience, drunkenness, mutiny or misconduct on duty, arrest for the day, and not exceeding twenty dollars: for deficiency of any article of arms at muster, one dollar: for refusing to turn out in an alarm, not exceeding twenty five dollars: for failing to repair to the place of rendezvous, or furnish a sufficient substitute when drafted or ordered for service, fifty dollars, and all the penalties to which a deferrer in the service of the United States is subjected. In addition to the fines assessed on officers and privates, for non-attendance at any muster, the president of the court wherein such fines are assessed, shall add to each fine, one-twentieth part of the territorial tax, that the person so fined, pays; and

any such president may call on the clerk of the court of his county to ascertain the amount of taxes, at any time before he makes out his order to the sergeant or adjutant for collection: Provided all reasonable excuses shall be allowed: Provided also, that any defaulter returned may, previous to the fine being assessed, go before any justice of the peace and make oath or proof of his excuse for non-attendance at any muster, which shall be read in evidence on his trial before such court martial.

Sec. 13. And be it further enacted, That the three officers of a company or any two of them, shall hold courts martial every two months at their muster ground, or as near the same as may be convenient, on the day of the muster or in ten days thereafter, in which they shall assess all fines incurred by non commissioned officers and privates, at any regimental, battalion or company muster, or in any other manner whatever; having given to each defaulter five days notice of the time and place of holding such courts, and having taken the one to the other an oath to render impartial justice to all, according to law, and to the best of their knowledge: and any person aggrieved by the sentence of any company court martial, may appeal to the regimental court martial next succeeding: Provided such person give security to
the president of such court below, to pay the fine, in case the sentence be confirmed.

Sec. 14. And be it further enacted, That the commanding officer of a regiment shall, once in every six months, detail a regimental court martial, to consist of at least five officers. The president shall administer the oath in the 13th section to the judge advocate, and he to the other members. Such court shall assess all fines incurred by the lieutenant colonel or any commissioned officer of the regiment in the cases above recited, and shall hear and decide appeals set up, and confirm or reverse them, and send by the adjutant a list of cases to each company so confirmed or reversed, that the fine may be collected in the company. No officer shall sit whilst his own case is considered. The adjutant shall give ten days notice to the members and defaulters of the sitting of the regimental court martial, on order of the lieutenant colonel, and any officer may return the lieutenant colonel, or any other officer in default, to the regimental court martial for trial.

Sec. 15. And be it further enacted, That the orderly sergeant of each company shall collect all fines assessed in company courts martial, on order from the president of such, containing a particular account of the amount of all fines, how and where incurred, and the names of the persons on whom they are assessed. And the adjutant shall collect all fines assessed by the regimental court martial, on a like order from the president thereof. For a faithful performance of which, the sergeants shall give sufficient security to their captains, and the adjutants to their lieutenant colonels — And they respectively shall pay over all fines collected to the quarter master, and take their duplicate receipt therefor. Sergeants shall receive the fees to which a constable is entitled on execution, and the adjutant shall receive two dollars in each case for such collection, and both shall retain ten per cent on the amount collected: and in case such sergeant or adjutant can find no property, either of them may seize the person of any defaulter and lodge him in jail until the fine be paid: Provided, such defaulter may be released by swearing before a justice of the peace that he is not worth the fine.

Sec. 16. And be it further enacted, That any lieutenant colonel may divide his regiment into battalions and prescribe their bounds, and with the advice of the major may divide each battalion into as many companies as convenience requires, not less than three in each. And the governor may lay off and describe a new regiment when the population requires it. All officers shall reside in the regiment, battalion or company for which they are appointed.
Sec. 17. And be it further enacted, That no officer or private shall be arrested by any civil process whilst attending any muster or court martial, or whilst going to or returning therefrom, and any arrest or service of process, or execution on the person at such time, is hereby declared void. All persons going to or returning from muster or court martial, shall pass ferries and bridges free of expense.

Sec. 18. And be it further enacted, That any officer may put into confinement for the day any yeoman that shall interrupt a muster, drill or court martial, and any person enrolled appearing at any muster or drill, shall be ordered into the ranks, and if he refuses, shall be put into confinement for the day, and fined in a sum not exceeding ten dollars; and no person shall be exempted as an invalid, unless a regimental court martial shall certify that he is wholly unfit and unable for service, and in case such court have doubts, it may require the opinion of the regimental surgeon: as soon as such inability be removed, such person shall be again ordered to duty.

Sec. 19. And be it further enacted, That all militia called into actual service, shall be paid, rations and governed as the United States troops are, and shall be subject to the rules and articles of war, as established by the United States, who

ther such militia be accepted into the service of the United States, or not.

Sec. 20. And be it further enacted, That in case of a second draft taking place before the tour of duty may expire, the substitute shall stand his draft, and if drafted, be liable to join the second detachment as soon as his tour of duty may expire. And in case of draft non-commissioned officers shall stand their drafts as privates, and the detail shall call for officers and privates: Provided, that any person furnishing a substitute shall notwithstanding be liable to attend company, regimental and battalion muster, and perform patrol duty, but not liable to a second draft until his regular tour may arrive; but substitutes shall be liable to stand their draft as other militiamen.

Sec. 21. And be it further enacted, That the governor shall have power to arrest the general, and order for his trial a general court martial to consist of thirteen members, five of whom shall be field officers, and eight captains, and the proceedings of such court shall be returned to the governor, and by him transmitted to the president of the United States for his final approbation or confirmation. The governor's aids shall have the rank that a major general's aids in the United States service is entitled to.

Sec. 22. And be it further enacted, That in
all cases the commanding officers of a beat, company shall compel every person enrolled or residing in his bounds to do duty until such person shall produce a certificate from the captain of some volunteer, light corps or troop of cavalry that he is legally enrolled in such light corps or troop of cavalry, and is equipped as such corps or troop require.

Sec. 23. And be it further enacted, That all volunteer light corps of infantry or rifle men, and troops of cavalry shall be attached to and do duty at field matters with the regiment in which they may respectively reside; shall be subject to the orders of the officers of the regiment, and to the regimental courts martial, and shall hold company courts martial with appeal as above provided; and in regard to fines, notices and every other particular of duty, such corps shall be governed precisely as any regular beat company.

Sec. 24. And be it further enacted, That the paymasters and sergeant majors of the several regiments shall deliver over all their papers, and pay over all money in their hands to the quarter master of the regiments respectively, and in case there remain fines not collected, the quarter master shall send the account of such fines to the sergeants of the several companies for collection.

Sec. 25. And be it further enacted, That the governor shall appoint a number of persons as his aids-de-camp not exceeding four as to him may appear proper, who shall hold the rank of major. And the governor shall always appoint three aids de camp to the brigadier general, who shall hold the rank of captain.

Sec. 26. And be it further enacted, That it shall be the duty of the quarter master to proceed against all persons having money in his or their hands by virtue of any militia law heretofore passed, in the same manner that default in militia men are proceeded against, and have the same compulsory process.

Sec. 27. And be it further enacted, That if any militia officer neglect or refuse to turn out his command pursuant to the order of the commander in chief, or fail or neglect repair to the place of rendezvous when directed, such officer shall be fined in any sum not exceeding five hundred dollars, at the discretion of the regimental court martial trying such offence.

Sec. 28. And be it further enacted, That the commander in chief may, whenever he deems it necessary, organize the different troops of cavalry in the territory, into squadrons and regiments, and appoint field and staff officers to the same: he shall also be authorized to organize and accept the services of any light corps or company of artillery.
Sec. 29. And be it further enacted, That it shall be the duty of the quarter master to lay before the regimental court martial, an account of all monies that have come into his hands by virtue of his office, and all disbursements in the preceding year; and after a sufficient number of drums, files and colors are furnished, the surplus money shall be applied to the purchase of arms, under the direction of the lieutenant colonel, and shall lay his receipt before the court martial.

Sec. 30. And be it further enacted, That the act entitled "an act concerning the militia of the Mississippi Territory; also an act entitled "an act to amend an act concerning the militia of the Mississippi Territory," and all other acts and parts of acts that come within the purview of this act, or in any way conflict with it, be, and the same are hereby repealed: Provided, that the provisions of this act shall not affect the commissions of the officers of the militia as in force before the passing of this act.

DANL. BURNET,
Speaker of the House of Representatives.
THOS. BARNES,
President of the Legislative Council.

Approved, 22d January, 1814.

DAVID HOLMES,
Governor of the Mississippi Territory.