

# Supplement to the Maryland Gazette.

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IN COUNCIL,

Annapolis, Sept. 15, 1815.

Ordered that the following Bill reported at the last session of the Assembly entitled "An Act to regulate and discipline the Militia of this State," be printed five times in the Maryland Gazette, the Federal Gazette, Federal Republican, Telegraph, Herald, Torch Light, and Monitor at Easton. By order, NINIAN PIKNEY, CLK.

## AN ACT,

To Regulate and Discipline the Militia of this State.

1. Be it enacted by the General Assembly of Maryland, That all able bodied white male citizens, between eighteen and forty-five years of age, residents in this State, except the Vice President of the United States, the members of both Houses of Congress, and their respective officers, the officers judicial and executive of the government of the United States, all custom house officers, their clerks, all post officers, and stage drivers who are employed in the care and conveyance of the mail of the post office of the United States, all ferrymen employed at any ferry on the post road, all inspectors of exports, all pilots all mariners actually employed in the sea service of the United States, the members of the executive council, and their clerks, the chancellor the judges of the county courts, and the clerks of those courts, the judges of the court of oyer and terminer and gaol delivery of Baltimore county, and the clerk of that court, the register of wills of the different counties of this State, and the judges of the orphan courts, the register in chancery, the registers of the land office, and the clerks of the court of appeals, and the members of the legislature of this State, and their clerks, while in session, the professors and masters of all colleges and public schools, schoolmasters and practicing physicians, all mariners actually engaged in the coasting trade from one State to another, the treasurers of the western and eastern shore, and auditor, and also administrators of the gospel regularized, licensed or recognized, by any religious society, all quakers, menonists, tunkers, and persons conscientiously scrupulous of bearing arms, shall be exempted from militia duty under this act: provided that no person shall be exempted from militia duty on account of conscientious scruples, who shall not produce to the captain, or commanding officer of the district where he resides, a certificate from a licensed preacher of the gospel, or signed by the proper officer of the religious society to which such person may belong: (except where such society shall exist that requires may be had to in substance as follows, to wit: "I, the subscriber, of the meeting of \_\_\_\_\_ society of \_\_\_\_\_ in the county of \_\_\_\_\_ hereby certify, that I verily do believe that \_\_\_\_\_ from his exemplary deportment, and uniform declarations; and from his frequently and usually attending with said society for public worship; is conscientiously scrupulous of bearing arms;" provide nevertheless, that each quaker, menonist, tunker, or person conscientiously scrupulous of bearing arms, between eighteen and forty five years of age, and all other persons exempt under this act, (except ministers of the gospel) shall be exempt from militia duty according to the provisions of this act, (except when called into actual service) on the payment of ten dollars annually. And it shall at all times be the duty of every captain or commanding officer of a company, to enroll every able bodied white

male citizen, between eighteen and forty-five years of age, and also all those who shall from time to time arrive at the age of eighteen years, who shall reside within his bounds, and he shall without delay notify such citizens of the said enrollment, by a proper non commissioned officer of the company, or other suitable person, by whom such notice may be proved; and in all cases of doubt respecting the age of any person enrolled, or intended to be enrolled, the person whose age is questioned shall prove the same to the satisfaction of the commanding officer, and if any person called on to be enrolled shall refuse to declare his true name and age to the best of his knowledge, or the name of any person an inhabitant of his house, with whom he is acquainted, he shall, for each offence, forfeit and pay the sum of ten dollars.

2. And whereas it is found by experience that certificates of corporal inability to perform militia duty are often improperly or carelessly given, and consequently that persons liable to such duty, and capable of performing it, are frequently exempted to the great grievance and discontent of such as are obliged to perform it, therefore, Be it enacted, that no person shall be excused therefrom on account of corporal disability unless he produce to the colonel of his regiment, or the commander of his extra battalion, as the case may be, a declaration, on oath, by the surgeon or surgeon's mate of the regiment or extra battalion, and signed by him, stating that he has carefully inspected and examined the person, and that he is, in the opinion of such surgeon or mate, incapable of performing military service, by reason of some bodily infirmity, which shall be in the declaration described, and the nature of which, whether permanent or temporary it shall state, with the time and manner of its origin, as far as can be ascertained by inspection and examination of the patient, and its probable future duration; and the colonel of the regiment, or commander of the extra battalion, to whom such declaration shall be delivered, shall forthwith discharge the person so declared to be unable to serve, perpetually if the disability shall be declared as aforesaid to be permanent in its nature, and if not, then for the time limited in the declaration for the probable duration of such disability, after the expiration of which time the person so discharged, shall be again liable to militia duty and service, unless he shall procure and produce as aforesaid a new declaration of disability; and all certificates of disability heretofore granted are hereby declared to be void.

3. And whereas the militia of this State hath heretofore been enrolled and arranged into divisions, brigades, regiments, battalions and companies, and the same were numbered and recorded in the adjutant general's office, and where convenient each brigade hath been made to consist of four regiments, each regiment of two battalions, each battalion of five companies, each company of sixty-four privates, four sergeants, four corporals, one drummer, one fife or bugler; therefore,

Be it enacted, that the said enrollment and arrangement shall be the same as is hereby confirmed, except in cases herein otherwise provided for, and in cases where the same may be altered and changed, in manner following, viz: where a major-general shall call a meeting of the brigadiers of his division, at some central place thereof, and convenient time to be by him appointed, who shall revise the arrangements and bounds of the several brigades within his district, and make any alterations of the same that may appear to them necessary, and in case of such alteration being made, the major-general shall return the same to the adjutant general's office; and where each brigadier shall call together the lieutenant colonels and majors of their several brigades, at some convenient place and time to be by him appointed, and the said field officers, or a majority of them, when so called, shall revise and make any alterations that may be deemed necessary in the arrangement & bounds of their several regiments and extra battalions; and each brigadier shall as soon thereafter as may be, make return of such alterations to the adjutant general's office, to be therein recorded; and the said several commanding officers of regiments and extra battalions shall, from time to time, (as the case may be necessary) convene the majors and commanding officers of companies in their respective regiments, or extra battalions, at some convenient place and time to be by them appointed, who, or a majority of them, shall revise and make any alterations that may be deemed necessary in the arrangement & bounds of their several battalions and companies; and a return, in writing, of such alterations, shall be made by the commanding officer of the regiment or extra battalion, to the inspector of their brigade: And whereas considerable changes have taken place in the population since the arrangement of said districts, the brigadier generals are hereby required, under a penalty of one hundred dollars, to order a meeting of the colonels and majors, within their several brigades (except such as from their remote situation are hereafter by this act exempted) previous to the first of May next, at some convenient place, who, or a majority of them, shall revise & fix the bounds of their several districts; and the commandants of regiments, battalions and extra battalions, are hereby required, under a penalty of fifty dollars, to order a meeting of the company officers within their several districts, except such as from their remote situation are exempted from meeting in regiment or battalion, previous to the fifteenth of May next, at some convenient place, who, or a majority of them, shall revise and fix the bounds of their several districts, and make return thereof to the adjutant general, as in the section heretofore directed.

4. And be it enacted, That the regiment of artillery now established in the city and precincts of Baltimore, shall be kept up and preserved, and shall not exceed ten companies, to consist of eighty privates each, and no more, and that each of the said companies there shall be three lieutenants.

5. And be it enacted, That the battalion of riflemen now established in the city and precincts of Baltimore, shall be preserved and kept up, and shall consist of eight companies, containing 64 privates each, and no more, with a captain & two lieutenants, four sergeants, and four corporals, to each company, one adjutant, one sergeant major, and one quartermaster's sergeant to the battalion.

6. And be it enacted, That the governor with the advice and consent of the council, may and shall establish one or more rocket corps in this State to be composed of volunteers from the militia, under the restrictions and conditions contained in this act, and to consist each of one captain, three lieutenants and seventy privates, if in his judgment such corps shall be useful and proper; and the officers of such corps shall rank with those of the same grade in the artillery.

7. And be it enacted, That no commanding officer of a uniform militia company in the city or precincts of Baltimore, shall command a company district; and that the distribution here made of districts commanded by officers of uniform volunteer companies among other officers shall be hereby confirmed; & the fifth regiment, the regiments of artillery and infantry, and the battalion of riflemen now established in the said city and precincts, with such rocket corps as may be there established pursuant to this act, shall be and they are authorized, to keep up their respective complements of men, the enrolment of volunteers from different districts of the said city and precincts; provided that each enrolment shall be made from a company in actual service at the time.

8. And be it enacted, That the first and eighth regiments of militia of this State, each of which first regiments shall be residing

are annexed to, and made part of the third division; that the 81st regiment shall be and hereby is annexed to, and made part of, the fourth brigade; that the eighteenth regiment shall be and hereby is annexed to, and made part of, the seventh brigade; that the northern or upper or Liberty-town battalion of the twenty-ninth regiment, shall be and hereby is attached as an extra battalion to the ninth brigade; that the extra battalion, formerly the thirteenth regiment, and now commanded by major Joseph James, shall be and hereby is annexed to, and made part of, the twenty-ninth regiment; that the twenty-eighth regiment shall be and hereby is annexed to, and made part of, the second brigade; the eighth and fifth regiments shall be and hereby are formed into and made a separate brigade, to be called the thirtieth, and to be commanded by a brigadier general, with the proper brigade staff; that the ninth, second and thirtieth brigades, shall compose the first division, and that the seventh, fourth and fifth brigades, shall be and hereby are formed into a new division, to be called the fourth, and commanded by a major general, with the proper division staff.

9. And be it enacted, That the eastern precincts of the city of Baltimore, and all that part of the western precincts thereof which lies on and east of Calvert-street, and of a line drawn due north from the west side thereof, shall be and hereby is formed into a separate regiment, to be called the fifty-second, and to make part of the third brigade; and that the fifty-first regiment to consist of the residue of the said western precincts; the thirty-ninth and twenty-seventh regiments, with the regiment of artillery now attached to the third brigade, shall be & hereby are formed into a separate brigade, to be called the fourteenth, with the proper brigade staff, and to make part of the third division.

10. And be it enacted, That in all cases where companies, troops, squadrons, battalions, or regiments, exceed the number of men prescribed by law, it shall be the duty of the generals commanding divisions, and they are hereby authorized and required, to cause such companies, troops, squadrons, battalions and regiments, respectively, to be equalized, as nearly as can be done consistently with the convenience of the men in training; to cause all troops and companies, whether volunteer uniform companies, or others, to be reduced to their proper numbers; to reduce the number of companies where it is too great in any regiment or battalion, and to institute and establish new companies where the number is too small; to transfer companies from one battalion or regiment to another, when necessary, for the purpose of equalizing the regiments or battalions, and to suppress all companies that do not contain the proper number of men and cannot obtain enough to supply the deficiency from some one or more redundant and adjoining companies; and the commissions of the officers of all companies so reduced or suppressed, shall, on the reduction or suppression being reported to the commander in chief, be and hereby are revoked.

11. And be it enacted, That until the Congress of the United States shall otherwise provide, the pay & emoluments of every aid-de-camp of a major general of the militia of this State, shall be the same with those of a major of infantry; and that each of the said major generals, when in actual service, and acting as commander in chief, shall be entitled to one military secretary, with the rank and emoluments of a major of infantry.

12. And be it enacted, That until the Congress of the U. S. shall otherwise provide, there shall be for each division of the militia of this State, a division medical staff, to consist of one surgeon-general, and two assistants, whom he shall appoint, with such additional number of assistants, and such hospital attendants, as in case of actual service shall be necessary. The Royal Pruss Guards, shall

assistants, and hospital attendants, the said surgeon-general, is hereby authorized and empowered, to appoint; and the surgeon-general attached to any corps of militia in service, shall have the direction of the hospitals and of the regimental surgeons of such corps.

13. And be it enacted, That until the Congress of the U. S. shall otherwise provide, there shall be for each division of the militia of this State, an assistant adjutant-general, to perform the duties of adjutant-general for the division, to whom all returns of the militia of the district shall be made, and who shall have the rank, pay and emoluments of a major of infantry; one assistant division inspector, with the rank, pay, and emoluments of a major of infantry; one division pay master, with the rank, pay and emoluments of a major of infantry; and one assistant division quartermaster, with the rank, pay and emoluments of a captain of infantry; and the duties of the inspectors, adjutants and quartermasters of departments of the militia, and of the several officers thereof, shall be the same with those prescribed by the authority of the U. States for similar departments and officers in their service.

14. And be it enacted, That each commissioned officer appointed by the governor and council, and accepting, or having accepted, such appointment, who shall not within three months after the passage of this act, add each commissioned officer who may be hereafter appointed under this act, and who shall not within three months after such appointment, arm, accoutre, and provide himself, as is directed by the Act of Congress of the United States, entitled, An act more effectually to provide for the national defence by establishing a uniform militia throughout the U. States, if a company officer, shall creation of a court-martial, in a sum not exceeding thirty dollars, nor less than ten dollars, for such neglect; and a further sum of thirty dollars nor less than ten dollars for every year he shall continue such neglect; and if he be a general, field, or staff officer, he shall be cashiered, or fined at the discretion of a court martial, in a sum not exceeding one hundred dollars, nor less than thirty dollars, for such neglect; and a further sum not exceeding one hundred dollars nor less than thirty dollars, for every year he shall continue such neglect.

15. The following articles, rules and regulations, shall be those by which the militia of this State shall be governed.

Article 1st. If any general officer, or field or other commissioned officer, shall be guilty of any breach of orders, or shall at any brigade, regimental, battalion, or company meeting, or on any other occasion, when the brigade, regiment, battalion or company, to which he may belong, or in or over which he holds a command, is paraded on duty, shall misbehave, demean himself, or appear in an ungentlemanlike or unofficer like manner, he shall for such offence be cashiered, suspended, reprimanded, or punished by fine, at the discretion of a general, division, brigade, or regimental court martial, (as the case may require) in any sum not exceeding two hundred dollars, nor less than twenty dollars; that for offences against the militia law of this State all commissioned officers shall be tried by a regimental court martial, but in cases of cashiering, they may have an appeal to a brigade court martial; all field and staff officers shall be tried by a brigade court-martial, and all general officers shall be tried by a division or a general court martial; and that the proceedings of every court martial, in case of cashiering, shall be transmitted to the commander in chief, for his approbation or disapprobation; and if any non-commissioned officer, private, or musician, shall at the time of parading the company to which he belongs, appear drunk, or disorderly, or shall be guilty of any offence, he shall be punished by fine, at the discretion of the commanding officer, in any sum not exceeding ten dollars, nor less than five dollars.