

officers, or any of them, or shall quarrel himself, or promote any quarrel among his fellow soldiers, he may be dismissed, and put under guard, by order of the commanding officer present, until the company is dismissed, and shall be fined, at the discretion of the company court-martial, in any sum not exceeding twenty dollars, nor less than two dollars; provided, that if on field days any non-commissioned officer, private or musician, shall use any reproachful or insulting language to the commanding officer, oppose his orders, or promote an opposition to such orders among his fellow soldiers he shall be tried by a court-martial, chosen by the commanding officer, consisting of three commissioned officers attached to the regiment or extra battalion to which such offender or offenders belong, and he or they shall be fined, at the discretion of said court, in a sum not exceeding one hundred dollars nor less than two dollars.

Article 2d. If the commanding officer of any regiment, battalion or extra battalion shall neglect or refuse to give orders for assembling his regiment, battalion or extra battalion, at the times which may be appointed under this act, at the direction of the inspector of the brigade to which he belongs, when the inspector is thereto commanded by his commanding officer; or in case of an invasion, or threatened invasion, or insurrection, or threatened insurrection, of the state therein, he shall be cashiered, or fined five hundred dollars, at the discretion of a brigade court-martial; and if the commanding officer of any company shall on any such occasion neglect or refuse to give orders for assembling the company to which he belongs, or any part thereof, at the direction of the commanding officer of the regiment, battalion or extra battalion, to which such company belongs, he shall be cashiered, or punished by a fine not exceeding one hundred dollars, at the discretion of a regimental court-martial; and a non-commissioned officer offending in such case shall be fined at the discretion of a company court-martial in any sum not exceeding twenty dollars.

Art. 3d. If any captain or commanding officer of a company, shall refuse or neglect to make a list of the persons notified to perform any of the same to the commanding officer of the regiment, or extra battalion to which such company may belong, for such neglect or refusal he shall be cashiered, or fined at the discretion of a regimental court-martial, a sum not exceeding one hundred dollars nor less than five dollars.

Art. 4th. Every general court-martial shall consist of not less than five nor more than thirteen members, one of whom at least shall be a general officer, and none under the grade of a field officer.

Art. 5th. Every division court-martial shall consist of not less than five nor more than thirteen members, two thirds of whom at least shall be field officers.

Art. 6th. Every brigade court-martial shall consist of not less than five, nor more than thirteen members, at least one third of whom shall be field officers.

Art. 7th. Every regimental court-martial shall be composed of not less than three nor more than seven commissioned officers.

Art. 8th. Every extra battalion court-martial shall consist of not less than three nor more than seven commissioned officers.

Art. 9th. Every company court-martial shall be composed of one subaltern officer, one non-commissioned officer and one private, to be appointed by the commanding officer of the company, and in case there should be no subaltern or non-commissioned officer attached to said company, then the captain shall apply to the commanding officer of the battalion, regiment, or extra battalion, to which he may be attached, who shall, within ten days after such application, order a commissioned or non-commissioned officer, or both, as the case may require, of a neighboring company, to repair to a convenient place designated by the captain, in whose district the delinquent resides, who shall then and there hold a court-martial in the same manner as if they were attached to said company.

Art. 10th. In every court-martial, except company courts-martial, a majority of the members appointed on the court shall be sufficient to form a quorum, and in every court-martial, a person and

every company, or other court-martial, not less than two-thirds of the members must agree in every sentence for inflicting any penalty, otherwise the person charged shall be acquitted, except in case of fines, where a majority shall be sufficient.

Art. 11th. The president of each and every court-martial shall require all witnesses produced on the trial of offenders to declare, on oath, or affirmation, (as the case may be) that the evidence they shall give shall be the truth, the whole truth, and nothing but the truth; and the members of all such courts shall take an oath, or affirmation, which the president is required to administer to them, as follows: "You, and each of you, do swear, or affirm, (as the case may be) that you will well and truly try, and impartially determine, all causes to be tried by this court, according to the rules for regulating and governing the militia of the state of Maryland; so help you God;" and the president shall take the same oath, to be administered by any member of the court-martial.

Art. 12th. That the president of every court-martial authorized by this act, shall have power and authority to issue subpoenas to procure the attendance of witnesses to give testimony before such respective court-martial, and every court-martial shall have power and authority to issue attachment, directed to such persons as they may appoint, against all and every person or persons who without a reasonable excuse, shall neglect or refuse, on being duly served with a summons issued by the president of the court-martial, to attend for the purpose of giving evidence in any cause therein pending, and fine such person any sum not exceeding twenty dollars.

Art. 13. No commissioned officer charged with transgressing these rules shall be suffered to do duty in the brigade, regiment, battalion or company, to which he belongs, nor to resign his commission, until he has had his trial by a court-martial; and every person so charged shall be tried as soon as a court-martial can conveniently be assembled, and shall be furnished by the adjutant-general, the brigade-inspector, adjutant of the regiment, or other person, (as the case may require) with a copy of the charge at least ten days before his trial, that he may have an opportunity to prepare his defence; and in case any delinquent, being duly notified of the time and place of meeting of any such court-martial, who shall refuse or neglect to attend, the said court-martial is authorized and empowered to proceed to the trial of such delinquent in the same manner as if he were personally present.

Art. 14th. If any officer or private shall think himself injured by the commanding officer of the regiment or extra battalion, and shall upon due application made to such commanding officer be refused redress, he may complain to the brigadier general, who, on finding that the person complained of has violated this law, shall direct the inspector of the brigade to summon a brigade court-martial that justice may be done to such officer or private.

Art. 15th. If any non-commissioned officer, or private, shall think himself injured by his captain, or other superior officer of the regiment, extra battalion, or company, to which he belongs, he may complain to the commanding officer of the regiment, or if an artilleryist, to the brigadier general, or commanding officer of his brigade, who on finding that the person complained of has violated this law, shall summon a regimental court-martial for doing justice according to the nature of the case.

Art. 16. That every general court-martial shall be appointed by the commander in chief; every division court-martial by the commanding officer of the division; every brigade court-martial by the commanding officer of the brigade; every regimental court-martial by the commanding officer of the regiment; every extra battalion court-martial by the commanding officer of the extra battalion; and every company court-martial by the commanding officer of the company, except in the case stated in the ninth article; and the commanding officer appointing any court-martial shall appoint the president thereof; and except in case of company courts-martial, a suitable person to act as judge advocate.

Art. 17th. The militia on any day of exercise may be detained under arms in the field any time not exceeding six hours; provided they are not kept above three hours under arms at any one time without allowing them proper time to refresh themselves.

16. And be it enacted, That any officer summoned to attend as a member of a general or division court-martial, who shall refuse or neglect to attend at the time and place appointed, shall be fined in a sum not exceeding one hundred dollars, nor less than twenty-five dollars, unless he can give a reasonable excuse to the court for such non-attendance; and any officer summoned to attend as a member of a brigade court-martial, who shall refuse or neglect to attend at the time and place appointed, shall be fined in a sum not exceeding fifty dollars, nor less than ten dollars, unless he can give a reasonable excuse; and any officer summoned to attend as a member of a regimental or extra battalion court-martial, who shall refuse or neglect to attend at the time and place appointed, shall be fined in a sum not exceeding thirty dollars, nor less than five dollars, unless he can give a reasonable excuse; and any officer summoned to attend as a member of a company court-martial, who shall refuse or neglect to attend at the time and place appointed, shall be fined in a sum not exceeding five dollars, nor less than one dollar, unless he can give a reasonable excuse; and said fines shall be collected under such regulations, and on such conditions as other fines of a similar description by this act directed.

17. And be it enacted, That each brigadier general is hereby required, under the penalty of two hundred dollars for every neglect or refusal, and under the direction of the major general of his division, to order, in each and every year hereafter, at least two meetings of the officers of his brigade at some central place, and there drill and instruct said officers; for at least five days at each meeting, in all the necessary duties and subject to such rules and regulations, as the major general of his division shall prescribe; and the first Monday in the month of May, and last Monday in the month of August, are hereby appointed to be the periods at which such meetings shall be held; and any officer refusing or neglecting to attend said meetings, shall be fined at the discretion of a brigade court-martial, not less than ten nor more than one hundred dollars, or may be proceeded against as for a breach of orders.

18. And be it enacted, That each brigadier general, or commanding officer of a brigade, shall appoint a day for the meeting and exercising of each battalion of his brigade, in the month of May next, shall also appoint a day for the meeting, exercising and inspecting in the month of September next of each regiment and extra battalion, so that it shall be in the power of the brigade inspector to attend to inspect the same; and it shall be the duty of the brigade inspector to give notice to the commanding officers of regiments and extra battalions, composing the brigade to which he belongs, on days so appointed, at least ten days previous thereto; which, when so appointed, shall come to be the days of meeting of regiments and battalions, unless otherwise ordered by the brigadier or commanding officer of the brigade; and if any brigade inspector shall neglect to give notice aforesaid to the commanding officers of regiments and extra battalions, or shall neglect to attend the several regimental and extra battalion meetings, as by this act directed, or if attending, shall fail to inspect the same, and report thereof, as directed by the commanding officer of the brigade, shall be fined a sum not more than one hundred dollars, at the discretion of a brigade court-martial; and commanding officers of regiments shall, within eight days after, annually, cause a like report to be given to the majors or commanding officers of battalions, at the penalty of fifty dollars, if they fail to do so.

at the discretion of a brigade court-martial; and the major or commanding officers of battalions, or extra battalions, shall within ten days thereafter, annually, cause a like notice to be given to the captains, or commanding officers of companies, under the penalty of a sum not exceeding fifty dollars, at the discretion of a brigade court-martial; and the captains or commanding officers of companies shall cause a notice to be given to each commissioned, non-commissioned officer and private, composing their companies, at least three days previous to the days of meeting, under the penalty of a sum not exceeding twenty dollars, at the discretion of a regimental court-martial.

19. And be it enacted, That each commanding officer shall appoint four days for the meeting and exercising of his company, between the first day of March, and the first day of December, in each and every year, who shall be notified thereof, and the said companies shall meet and be exercised on the days so appointed, and it shall be the duty of every commanding officer of a company to appoint a fit and proper person, who shall at the end of one hour after the time appointed for the meeting of the company (except when on field days he may be prevented by the orders of the commanding officer, until the battalion or regiment is dismissed) call over his muster roll of the company, noting those who are absent, and on that day, or within three days thereafter, shall make return, in writing, of each absentee, to be commanding officer of the company.

20. And be it enacted, That if any commissioned officer, whose duty it shall be to attend, shall refuse or neglect to attend any of said meetings, or attending, shall refuse to do the duties of his station, he shall be arrested and fined, at the discretion of a regimental court-martial, not less than two dollars, nor more than twenty, for every offence, unless he can give a reasonable excuse to his commanding officer; and if any person belonging to the militia, whose duty it shall be to meet and muster under the provisions of this act, shall neglect to attend any of the said meetings, or attending shall refuse to do the duties of his station, or shall depart from the parade without being duly discharged, such person, if a non-commissioned officer or private, shall at the discretion of a company court-martial, be fined a sum not less than two nor exceeding fifteen dollars.

21. And be it enacted, That during the continuance of the present war, the generals commanding divisions of the militia of this state, shall be and are hereby authorized and empowered, to call out the militia composing their respective divisions, or any part or parts thereof, for training and exercise, as often, and at such times during the year, and at such places, as they may judge proper, having respect to the season of the year, the local situation, and other circumstances of the several brigades, regiments, battalions, squadrons, companies, and troops, and the state of public affairs as respects the danger of invasion, and the necessity for preparation, in each section or district of country; provided that no person shall be obliged to attend any of the said calls at a greater distance from home than will permit him to come to the place of meeting, and return home in the same day; and all persons, officers, or others, liable to militia duty, and failing to attend any of the said meetings after due notice thereof, without some sufficient excuse, shall be proceeded against by a court-martial, and fined or otherwise punished, in the same manner as is or may be provided by law, for neglect or refusal to attend at any of the meetings now appointed or authorized by law, for the training and exercise of the militia, and in case of officers may also be proceeded against as for disobedience to orders; and the officers attending shall respectively instruct, train and discipline, the troops under their command, in person, each performing the duties of his station, on pain, in case of neglect or refusal, of being proceeded against by arrest and court-martial, as for disobedience to orders.

22. And be it enacted, That during the continuance of the present war the generals commanding divisions of the militia of this state, shall be, and hereby are authorized and empowered, to appoint and call such of so many meetings of the officers of their respective divisions, as they shall think proper, at such time and place as they shall deem most convenient, having regard to the situation of the persons to attend each piece, and to cause the said officers, when so assembled, to be trained and instructed in military discipline and the duties of their respective stations; provided that a company officer shall be obliged to attend any such meetings without the limits of his own regiment, and no field officer without the limits of his own brigade; and every officer failing to attend any such meeting, except as aforesaid, after being duly notified thereof, shall be liable to be proceeded against by arrest and court-martial as in other cases of disobedience to orders; and the said training and instruction shall be conducted by such officers, and according to such rules and regulations as the general commanding divisions shall respectively appoint and prescribe.

23. And be it enacted, That during the continuance of the present war, each general commanding a division of the militia of this state shall be, and hereby is authorized and empowered, to require the inspectors, train, instructor and discipline, the militia at such meetings, pursuant to such system as may be promulgated under and by virtue of this act, and until such system shall be so promulgated, pursuant to such rules, regulation and instructions for discipline as such general shall provisionally devise and appoint; and every inspector, and assistant inspector, unless employed, shall be entitled to and receive the same pay and emoluments, for the time being so employed, as if he had been during that time in actual service, to be paid by the treasurer of the Western Shore, on the order of the governor and council, out of any monies in the treasury not otherwise appropriated.

24. And be it enacted, That if any non-commissioned officer or private, who has provided himself with a musket or fowlock, or who has received on the property of the state, shall appear in the ranks at any of said meetings without such musket or fowlock, he shall be fined a sum not less than one dollar, nor more than ten, in the discretion of a company court-martial; and if such non-commissioned officer, or private, shall appear without such musket or fowlock in serviceable order, he shall forfeit one dollar for every such neglect, unless reasonable excuse be given therefor.

25. And be it enacted, That the commanding officer of each company shall appoint and dismiss at his pleasure, his non-commissioned officers; and if any person so appointed, having accepted of such appointment, shall neglect to do the duties thereof, or refuse or neglect to obey the orders of his superior officers, he shall forfeit and pay a sum not less than two dollars, nor exceeding ten, in the discretion of a company court-martial.

26. And be it enacted, That all violations of the provisions of this law to be submitted to the decision of a company court-martial, shall be enquired into by such court-martial, at such convenient time as the said officer ordering the court, may appoint, the delinquent or delinquents being duly notified to appear before the said court-martial to answer the charge or charges alleged against him or them respectively; and in case any delinquent being duly notified of the time and place of meeting of any such court-martial, shall refuse or neglect to attend, the said court-martial is authorized and empowered to proceed to the trial of such delinquent in the same manner as if he were personally present.

27. And be it enacted, That any officer removing out of the district of his regiment, or extra battalion, or if a field officer or major general, or brigadier-general, out of his division or brigade, as the case may be, with an intention of making a permanent change of his residence, shall, on such removal, be deemed to have resigned his commission, and it shall be the duty of the next superior officer to make such vacancy known to the governor and council as soon thereafter as they shall be, and hereby are authorized and empowered, to appoint and

call such of so many meetings of the officers of their respective divisions, as they shall think proper, at such time and place as they shall deem most convenient, having regard to the situation of the persons to attend each piece, and to cause the said officers, when so assembled, to be trained and instructed in military discipline and the duties of their respective stations; provided that a company officer shall be obliged to attend any such meetings without the limits of his own regiment, and no field officer without the limits of his own brigade; and every officer failing to attend any such meeting, except as aforesaid, after being duly notified thereof, shall be liable to be proceeded against by arrest and court-martial as in other cases of disobedience to orders; and the said training and instruction shall be conducted by such officers, and according to such rules and regulations as the general commanding divisions shall respectively appoint and prescribe.

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## FOREIGN.

FROM LATE LONDON PAPERS.

Copenhagen Aug. 22.

The accounts which we receive from the Barbary coast are in the highest degree unpleasant. The government can defend itself against the shameless pirates of the piratical States, which employ every stratagem to gratify their cupidity. We had the pleasure to expect the detention of our ships, as the new consul, Haussmann, was sent but very lately to take the place of General Melduke, and had been authorized by the government to consider of a considerable sum of money. The sum to be annually has been always early delivered, and negotiations for a new armistice had commenced. The Dey, in the most arrogant manner, delayed this, and secreted our ships, the return of which he waited for in order to advance the most absurd and exaggerated pretensions. The English and American Consuls have made very lively remonstrances, and it is to be hoped that a more amicable arrangement will be made.

Neither the Austrian, the Spanish, nor the French flags, are respected by the Dey. Notwithstanding the interference of the Grand Seigneur, the Dey confiscated a rich cargo under the first of these flags. Perhaps it has been suggested to the Dey, that every at the good reception of a flag meets within the Mediterranean sea, that the loss of it leaves him full scope to do as he pleases at his discretion. Melduke, however, be found to punish for his insolence.

Hamburg, Aug.

A commissioner is come from the Continent, now in the energy to ask from our city an amount of pay, without which the militia must suffer hunger. This not very agreeable charge has certainly astonished us, as we but too well remember we were compelled for years to contribute not only to maintain the militia, but to enable them to receive their pay, while our people suffer want in the rich and fertile country of France. Instead of being back the money, of which we have been violated & robbed, we are to send more. This is really very pleasant, and yet so it

receive the same, and in all cases to be discharged the duties of the militia. 31. And be it enacted, That during the continuance of the present war, each general commanding a division of the militia of this state shall be, and hereby is authorized and empowered, to require the inspectors, train, instructor and discipline, the militia at such meetings, pursuant to such system as may be promulgated under and by virtue of this act, and until such system shall be so promulgated, pursuant to such rules, regulation and instructions for discipline as such general shall provisionally devise and appoint; and every inspector, and assistant inspector, unless employed, shall be entitled to and receive the same pay and emoluments, for the time being so employed, as if he had been during that time in actual service, to be paid by the treasurer of the Western Shore, on the order of the governor and council, out of any monies in the treasury not otherwise appropriated.

32. And be it enacted, That if any non-commissioned officer or private, who has provided himself with a musket or fowlock, or who has received on the property of the state, shall appear in the ranks at any of said meetings without such musket or fowlock, he shall be fined a sum not less than one dollar, nor more than ten, in the discretion of a company court-martial; and if such non-commissioned officer, or private, shall appear without such musket or fowlock in serviceable order, he shall forfeit one dollar for every such neglect, unless reasonable excuse be given therefor.

33. And be it enacted, That the commanding officer of each company shall appoint and dismiss at his pleasure, his non-commissioned officers; and if any person so appointed, having accepted of such appointment, shall neglect to do the duties thereof, or refuse or neglect to obey the orders of his superior officers, he shall forfeit and pay a sum not less than two dollars, nor exceeding ten, in the discretion of a company court-martial.

34. And be it enacted, That all violations of the provisions of this law to be submitted to the decision of a company court-martial, shall be enquired into by such court-martial, at such convenient time as the said officer ordering the court, may appoint, the delinquent or delinquents being duly notified to appear before the said court-martial to answer the charge or charges alleged against him or them respectively; and in case any delinquent being duly notified of the time and place of meeting of any such court-martial, shall refuse or neglect to attend, the said court-martial is authorized and empowered to proceed to the trial of such delinquent in the same manner as if he were personally present.