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[By Authority.]

SEVENTH CONGRESS OF THE UNITED STATES;

At the Second Session, Begun and held at the City of Washington, in the Territory of Columbia, on Monday, the sixth of December, one thousand eight hundred and two.

AN ACT

More effectually to provide for the organization of the militia of the district of Columbia.

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That it shall and may be lawful for the President of the United States, whenever an increase of the militia of the territory, or other circumstances, shall in his opinion make it necessary, to lay off the said militia into additional companies, battalions, regiments, or legions and brigades, and shall appoint and commission, during pleasure, the proper officers for the same.

Sec. 2. *And be it further enacted,* That the President of the United States, shall when he may deem it necessary, appoint the proper officers, to compose at least one troop of cavalry, one company of artillery, one company of light infantry, and one company of grenadiers or riflemen, to each legion, which officers shall proceed by voluntary enlistment, within their legion, to complete their company or companies with the least possible delay, and every person belonging to the said companies shall wear, while on duty, such caps, or hats, and uniforms, to be purchased at their own expence, as the commanding officer of the brigade, to which they belong, shall determine on, and direct; and the said companies shall perform the same rotine of duty, and be subject to the same rules, regulations, penalties, and orders, as the rest of the militia; the President may, nevertheless, order them, or any of them, out on duty, as occasion, in his opinion, may require, by entire companies. That no person belonging to any battalion company, shall, under colour of enlisting into any company to be made up by voluntary enrolment, be excused from doing duty in the infantry, and in the company in which he had been enrolled, or might be enrolled, until he shall have equipped himself for service, in such volunteer company, according to law, and shall have produced a certificate thereof, from the commanding officer of such company, to the commanding officer of the battalion company, to which he did or might properly belong; and no person having enlisted in any volunteer company, shall be permitted to withdraw himself from the same, under the penalty of ten dollars, unless in case of removal from his legionary district, to be recovered as other fines imposed by this act, upon the evidence of the commanding officer of the company, from which he shall so withdraw; which commanding officer shall return all such cases to the first battalion court of enquiry, that shall sit thereafter. And the commanders of the respective legions, shall direct by order, to the different commanders of battalions, to what battalions the different volunteer companies shall be attached, and shall parade with on battalion duty; and shall direct how they shall be posted on legionary parades, unless differently ordered by the brigadier general.

Sec. 3. *And be it further enacted,* That where any battalion or company districts, or alteration in districts actually laid off, may hereafter be found necessary, the commanding officers of legions shall assemble the commanding officers of battalions and companies at some fit and convenient place, and may proceed to lay off or alter any such battalion or company districts, which districts shall in all cases be designated by certain lines and bounds, and recorded by the clerks of the respective courts of enquiry.

Sec. 4. *And be it further enacted,* That it shall be the duty of the commanding officers of the companies to proceed forthwith to divide their companies into divisions by ballot, from one to ten, for the purpose of regular rotine of duty when called into actual service, and to return a roster of each division, and its number or rotation, within fifteen days thereafter, to the commanding officer of his battalion, who shall forthwith transmit the same to the commanding officer of the regiment or legion, who shall direct the same to be recorded by the clerk of the court of enquiry. The same regulations shall be observed by every commanding officer of a company, battalion and legion or regiment, on the subsequent enrolment of any person therein, unless such person shall produce a certificate of his having been before drawn for the above purpose, in which case he shall be enrolled accordingly; and any militia man removing out of the bounds of one company into another, shall apply to the commanding officer of the company to which he did belong, who shall give him a discharge, certifying the class wherein he was arranged, and whether he had performed his tour of duty or not, and also the time and date of such service, which certificate the said militia man shall produce to the captain or commanding officer of the company into whose bounds he shall so have removed, within ten days after his settlement, and such officer is hereby required to enrol him in the numerical class specified therein, and every militia man so removing, and failing to produce such certificate, shall be arranged and enrolled in the class destined to perform the next tour of duty; and if any captain or commanding officer of a company shall refuse to grant such certificate upon application to him made for that purpose, he shall for such refusal incur a penalty of thirty dollars, to be assessed and applied as other fines imposed by this act.

Sec. 5. *And be it further enacted,* That each and every officer appointed, or who may hereafter be appointed, and commissioned in manner aforesaid, shall, previous to entering on the execution of his office, take the following oath, (to be administered by a justice of the peace, or the court of the county in which such officer resides) to wit: "I   do swear that I will support the constitution of the United States, and faithfully discharge the duties of   in the   of the militia of the district of Columbia, to the best of my skill and judgment, so help me God." If the said oath be administered by a justice of the peace, it shall be his duty to certify the same to the court of his respective county, there to be entered of record by the clerk.

Sec. 6. *And be it further enacted,* That the commanding officers of companies, shall enrol every able bodied white male, between the ages of eighteen and forty-five years, (except such as are exempt from military duty by the laws of the United States) resident within his district; and that in all cases of doubt, respecting the age of any person enrolled or intended to be enrolled in any company, the party questioned shall prove his age to the satisfaction of the legionary court of enquiry, within whose bounds he may reside; and it shall at all times hereafter be the duty of every such captain or commanding officer of a company, to enrol every such white male as aforesaid, and all those who shall from time to time, arrive at the age of eighteen years, or being of the age of eighteen years, and under the age of forty-five years (except as before excepted,) shall come to reside within his bounds, and shall, without delay, notify such person of the said enrolment, by a proper non-commissioned officer, by whom such notice may be proved.

Sec. 7. *And be it further enacted,* That the President of the United States, upon complaint for misconduct lodged with the department of war, in writing, by any one or more commissioned officers, may at his discretion cause to be arrested, any major-general or brigadier-general, and order a court martial, to be composed of all the other general officers, field officers, and captains, or so many of them (having regard to seniority) as shall amount to thirteen, in the militia of the territory; which court martial shall proceed in the same way, and under the same restrictions, as is hereafter provided for the trial of field officers. And any major-general or brigadier general, for misconduct within their own knowledge, or upon complaint lodged in writing, by any commissioned officer, shall have power to arrest any lieutenant colonel commandant, aid-de-camp, brigade inspector, and major, or any other inferior officer; and the commanding officer of the division or brigade, shall order a court martial, for the trial of such lieutenant colonel commandant, aid-de-camp, brigade inspector, to be composed of one brigadier general, and as many lieutenant colonel commandants, majors, and captains, as shall make up a number not less than thirteen; and such courts martial shall proceed to hear and determine on all offences under this act, and may censure or cashier such officer; which sentence shall be final, when approved by the President of the United States. And any brigadier general, lieutenant colonel commandant, or major, for misconduct in any captain or subaltern, within his own knowledge, or upon complaint lodged in writing, by any commissioned officer, may arrest such captain or subaltern; and the brigadier or commanding officer of the brigade shall order a brigade court martial, for the trial of such captain or subaltern, to be composed of one or more field officers, and a sufficient number of captains and subalterns, to make up a number not less than thirteen; and such courts martial shall proceed to hear and determine on all offences under this act, and may censure or cashier any officer so tried; which sentence shall be final, when approved by the President of the United States. And for obtaining the necessary evidences for the trials aforesaid, the President of the United States, or the presiding officer of the court martial, (as the case may be) shall issue his summonses; and every person so summoned, failing to attend and to give evidences, shall be subject to, and may be tried by a court martial; and if an officer, may at the discretion of a court martial, be cashiered or fined, not exceeding six months pay, as by law allowed, and if a non-commissioned officer or soldier, or a person not enrolled, to be reported to the court of enquiry of the regiment, or legion, to which he shall belong, or within whose bounds he shall reside, and be then subject to such fines and penalties, as they may think proper to inflict, not exceeding forty dollars.

Sec. 8. *And be it further enacted,* That there shall be battalion courts of enquiry, to be appointed by the commanding officer of the battalion, for the assessment of fines, incurred under this act, in such battalion, and such courts of enquiry shall be held in the months of May, August and November, in each year, at some convenient place within the county, to consist of the commanding officer of the battalion, and the commanding officers of companies, which shall belong, or to be attached to such battalion, or a majority of them, who shall take the following oath, to be administered by the presiding officer, and afterwards by another officer of the court to him: "I   will truly and faithfully enquire into all delinquencies which appear on the returns, to be laid before me, and will assess the fines thereon, as shall seem just, without favor, partiality, or affection, so help me God:" The presiding officer shall then lay before the said court, all the delinquencies, as directed by law, whereupon, they shall proceed to hear and determine. And there shall, moreover, be legionary courts of enquiry, for the assessment of fines incurred by the officers of the legion, and for other duties, required by this act; such courts of enquiry shall be held by the appointment of the commanding officer of the legion, in not less than ten, and not more than twenty days, after the battalion courts of enquiry, in every year, and moreover, one legionary court extraordinary, shall be, in like manner appointed, and held, during the month of March, in the present year, for the purpose of appointing the company musters of the year, and for appointing a clerk, provost martial, and collector, as hereinafter directed, and for other duties, by this act prescribed, the said legionary courts of enquiry to consist of the commanding officers of the legion, battalions, and companies, or a majority of them, who shall take an oath, in manner and form, as prescribed above; the commanding officer of the legion, shall then lay before the said court, all delinquencies, directed by law, whereupon they shall proceed to hear and determine. It shall be the duty of the presiding officer of every such court of enquiry, to return to the next legionary court of enquiry, all delinquent officers, failing to attend the preceding court, to be proceeded against according to law. The legionary court of enquiry, may for good cause shewn, remit any fine imposed by the battalion court, last preceding; the said court, may also exempt any militia man from duty, on account of bodily infirmity, and may again direct such person to be enrolled, when able to do duty.

Sec. 9. *And be it further enacted,* That the respective legionary courts of enquiry, shall annually appoint by ballot, a clerk and provost marshal, who shall attend the courts herein before directed to be held; the clerk shall keep a fair record of the proceedings of such courts, as also of the roster returned by the several captains or commanding officers of companies, for regular rotine of duty, and shall make out for the collector, a fair list of all the fines assessed by the legionary and battalion courts, and one other list which shall be retained by the clerk, on which list the collectors receipts shall be taken; the said lists shall be made out and delivered to the collector in fifteen days after each legionary court of enquiry, and shall perform all other duties required by this act, and together with the provost marshal, shall receive such allowance, to be paid out of the fines, as the legionary court shall think reasonable.

Sec. 10. *And be it further enacted,* That all fines incurred under the act of Congress, passed at their last session, empowering the President to organize the militia of the district of Columbia, and not then returned to the officers thereby authorised to collect the same, shall be returned to the first legionary court of enquiry which shall be held in the respective counties, to be by them proceeded with as in the case of fines by this act assessed.

Sec. 11. *And be it further enacted,* That there shall be a muster of each troop of cavalry and company of militia, comprehending the companies made up by voluntary enrolment, once in every month, except the months of January, February, March, May, October and December, in each year, to be appointed by the respective legionary courts of enquiry, at such places as may be deemed most convenient within the county, and that the time and place for the musters aforesaid, shall be fixed by the first legionary court of enquiry, which is held next after the passing of this act, subject to such changes as future legionary courts of enquiry may think proper; and there shall be a muster for exercise and inspection of each battalion, in the month of May, in every year, to be appointed by the commanding officer of the brigade, to which such battalions respectively belong, at such places as he may think proper within the county. There shall also be a muster of each legion in the month of October, in each year, to be appointed by the commanding officer of the brigade, to which such legion belongs, at such place as he may think most convenient within the legionary district; which said company, battalion, and legionary musters, shall continue one day, and no longer; the time and place of such legionary, company and battalion musters, shall be notified to the commanding officers of legions, thirty days previous thereto; the commanding officers of legions shall give notice to the commanding officers of battalions, of such brigade, legionary companies and battalion musters, at least twenty days; the commanding officers of battalions, to the commanding officers of companies at least fifteen days; and the commanding officers of companies to their sergeants, at least ten days, and the sergeants to each person in his company, at least three days before such musters, respectively; the notices to be given by the commanding officers of brigades, legions and battalions, and companies, shall be in writing, delivered to each person to be notified, or left at his usual place of abode, and every sergeant failing to give notice, agreeably to the orders of the commanding officer of his company, to each person therein, shall forfeit and pay for each and every offence, five dollars, to be assessed and recovered as other fines imposed by this act; nevertheless, all notices publicly given by the commanding officers of companies, at their respective musters of any subsequent muster, shall be held and deemed as legal notice, as to all persons present at such musters. Every officer and soldier shall appear at his respective muster field, on the day appointed, by ten o'clok in the forenoon, armed and equipped. At every muster, the commanding officer of the company shall cause his roll to be called, and shall examine every person belonging thereto, and note down all delinquencies accruing therein, and shall personally inspect the arms, ammunition, and accoutrements, of all under his command, and make accurate return of the whole thereof, to the commanding officer of his battalion, in five days thereafter; and moreover it shall be the duty of the commanding officers of companies, to have their companies respectively prepared, at the battalion musters, for inspection, by means of returns, the forms of which, to be furnished them by the brigade inspector, through the commanding officers of the legion and battalion, to which they respectively belong, which returns shall be filed, ready to be delivered to the inspector, as he shall commence the inspection of each company. And the commanding officers of legions and battalions, shall at their respective legionary and battalion musters, (as the case may be) take notice of all delinquent officers, and shall lay the same, together with returns of delinquencies, from the commanding officers of companies, before the courts of enquiry, appointed under this act to take cognizance of, and determine on them; and to each of the said returns, shall be annexed the following certificate, to wit; "I   do certify, that the returns hereunto annexed, contain all the delinquencies which have occurred since my last return, having duly examined the same."

Sec. 12. *And be it further enacted* That every commanding officer of a company shall, within five days after every battalion and legionary muster, make up and report to the commanding officer of his battalion, a return of his company, in such manner and form as shall be furnished by the adjutant from time to time; it shall be the duty of the commanding officers of battalions to make like returns to the commanding officers of legions, within five days thereafter, who shall cause the adjutant of his legion to make legionary returns to the brigade inspector, within ten days thereafter.

Sec. 13. *And be it further enacted,* That each captain or commanding officer of a company, shall appoint to his company, four sergeants, four corporals, a drummer, and fifer, to be approved of by the commanding officer of his battalion; the appointment of such non-commissioned officers to be evidenced by warrant under the hand of the commanding officer of the battalion; and if any person so appointed and approved of, and having accepted, shall refuse or neglect to take upon him the duties of his appointment, or shall neglect or refuse to obey the orders of his superior officer, he shall for each offence forfeit and pay a sum, at the discretion of the court of enquiry, not exceeding ten dollars, to be assessed and applied as other fines imposed by this act, and the commanding officers of battalions shall have power to reduce to the ranks any non-commissioned officer, whom on complaint made, and due notice given, he shall find guilty of misconduct, or neglect of duty.

Sec. 14. *And be it further enacted,* That the commissioned officers of the several legions, shall meet once in every year, within their respective legionary districts, for the purpose of being trained and instructed by the brigade inspector; the days and places, of meeting to be fixed on by the commanding officer of the brigade to which the legions belong, the officers, thus assembled, shall each continue three days, and no longer; every time they are so called out, the eldest officer present shall call the roll on each day, and report the delinquencies to the succeeding legionary court of enquiry, and every officer failing to attend such meeting, on being summoned, not having a reasonable excuse, to be adjudged of by the court of enquiry, shall forfeit and pay, for each day he shall fail so to attend, ten dollars, to be appropriated as other fines are by this act.

Sec. 15. *And be it further enacted,* That any officer who shall be guilty of disobedience, or other misbehaviour, when on duty, or shall at any time be guilty of any conduct, unbecoming the character of an officer, shall be put under arrest by his commanding officer, and tried as by this act is directed.

Sec. 16. *And be it further enacted,* That if any non-commissioned officer or soldier, shall behave himself disobediently, or mutinously, when on duty, or before any court or board, directed by this act to be held, or shall leave the ranks without permission of his officer, on any occasion of parading the company to which he belongs, or appear drunk, or use any reproachful or abusive language to his officers, or any of them, or shall quarrel himself, or promote any quarrel among his fellow soldiers, the court or board may confine him for the day, or he shall be disarmed and put under guard, by order of the commanding officer present, until the company is dismissed, as the case may be. And he shall moreover, be fined at the discretion of the court of enquiry, in any sum not exceeding ten dollars, nor less than one dollar, to be appropriated as other fines imposed by this act.

Sec. 17. *And be it further enacted,* That if any bystander shall interrupt, molest, or insult any officer or soldier, while on duty at any muster, or shall be guilty of like conduct before any court or board, the commanding officer, or such court or board may cause him to be confined for the day. And that the commanding officer of each brigade, legion, battalion, or company, shall have power to fix certain limits to their respective parades, within which no spectator or bystander shall enter, without permission from the commanding officer, and if any person shall intrude or of-

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