FOR THE FEDERAL GAZETTE.

ADDRESS TO THE PUBLIC.

No. V.

I obſerved in a former part of this publication that heat is abſolutely neceſſary to produce the intermitting and bilious ſtate of fever, or, to ſpeak more correctly, heat muſt occur to that degree which produces impure air by cauſing exhalations or vapors from filthy ſubſtances in an unuſual quantity. If, then, the heat or warmth of the American climate is greater at the preſent time than formerly, the effect of this heat or impure air muſt alſo be greater, and the effect of this impure air on an intermitting and bilious ſtate of fever in an aggravated degree, which is the yellow fever, muſt of neceſſity be produced; for effects will always be in proportion to their cauſes.

Theſe opinions are exactly agreeable to experience, and they muſt therefore be founded in nature and truth. When this country was firſt ſettled it was almoſt one univerſal foreſt; it was then healthy; but when people began to clear the land ſo as to allow a greater heat to act upon filthy and putrified bodies, an intermitting fever was the conſequence. When the clearing of the land proceeded ſtill further a bilious fever was produced. And laſtly appeared a yellow fever. Now it is clear that ſome cauſe muſt occur to occaſion this diſeaſe, or, in other words, ſome change muſt have happened in the ſtate of this country before it could be produced; but as no other change has taken place, except the heat of the climate being increaſed, it is evident that this muſt be the cauſe.

Many of the old inhabitants of America can remember when there was no ſuch a ſtate of diſeaſe in the country as a bilious fever, and the yellow fever has only been a prevailing complaint ſince it appeared in Philadelphia in 1793, after which time it has occurred more or leſs every ſummer and fall. The greater part of the ſickneſs which now occurs in theſe ſeaſons is a yellow fever, both in cities and in the country. It is milder in the country, becauſe the air is not ſo impure as it is in cities, or, in other words, the effect is leſſer in degree in the country from the cauſe being leſs. But it is erroneous to ſay that the ſummer and fall complaint which now appears, is nothing more than a bilious fever. Every man of information muſt be acquainted with this complaint; he muſt alſo know that the ſummer and fall fever which has lately appeared in this country differs in its inflammatory nature, violence and mortality, from any bilious fever he has ever read of or ſeen. Who can tell of a bilious fever that has taken ſo many lives as the complaint which has appeared the laſt ſummer and fall? If there is any man that can do it I ſhould be glad to hear from him.

Chief of the advocates of the importation of yellow fever aſſert, that it is only generated in warm climates, or "in the Weſt-Indies and thoſe parts of America ſituated between the tropics;" but if the warmth of the climate in the United States ſhould continue to increaſe in the ſame degree that it has within late years, it will ſoon be as great as in the Weſt-Indies and thoſe parts of America ſituated between the tropics. The ſticklers for importation will then be forced to admit that a warm climate, or the ſame cauſe, will produce its effect, or the yellow fever, in the U. States as well as in other parts; for if they will not allow this, they will be unable to account for the appearance of the diſeaſe in any other way according to their own doctrine, than by reviving the exploded notions of the planetary influence, and ſaying that thoſe beautiful twinkling bodies, called ſtars, which exiſt in the tropical regions, are the cauſes of this calamity. If any man ſhould caſt eyes toward the ſky which phyſicians have already drawn over their heads, he would be apt to cry out with Punch in the puppet ſhow, "Hazy weather, maſter Noah;" but to hold ſuch notions would make *darkneſs viſible*.

That the climate of the United States will hereafter be attended with a ſimilar degree of warmth to that of the Weſt-Indies, at leaſt in the level parts of the ſtates, is what may be expected from the experience of other countries which have been cleared and cultivated; and it is in conſequence of a full conviction that ſuch a change will be produced, that I have ventured to draw up the following lines, the incorrectneſs of which, I hope, will be excuſed as they have not yet received the *limæ labor*.

What varied marks ſhall Time's impreſſive hand
Imprint on thee, my native ſmiling land!
No more the Savage tribes ſhall hunt for fame;
Their deadly darts ſhall ceaſe to pierce the game:
No more the pine ſhall rear his lofty head,
And view from high contending boughs that ſpread
Thy foreſts wide. The fatal axe ſhall call,
Beneath its ſtroke the ſturdy tree ſhall fall;
No more thy ſwains ſhall wade thro' heavy ſnow,
Nor icy blaſts from northern regions blow;
But ſmiling Sol thy plains ſhall always warm,
And tropic plants the eye forever charm.
The luſcious grape ſhall deck the blooming field,
And floods of balmy juice will often yield.
Thy languid ſons to ſhun the unceaſing Summer heat,
Beneath the ſhade ſhall ſeek a cool retreat.
There native wine their ſpirits ſhall recruit,
And there their taſte ſhall cloy with conſtant fruit.

If the land that has already been cleared in the United States has increaſed the warmth of the climate to the preſent degree, what may be expected to be the conſequence when this clearing ſhall be carried to the utmoſt? Will not the warmth of the climate be increaſed accordingly? Or, in other words, will not the effect be in proportion to the cauſe? Undoubtedly.

But ſickneſs will not always continue to be the conſequence of the change of the American climate. When the heat of the country ſhall be increaſed to the greateſt degree, all the ſtagnated water will be dried up, which will prevent great quantities of impure air; vegetables in conſtant verdure will give out pure air all the year, and the United States, for healthineſs, will be equal to the climate of Italy.

I have now finiſhed this publication and perhaps ſhall never ſay any more upon the ſubject. To men of ſound principles in philoſophy—to men who have been taught in the ſchool of lord Bacon and ſir Iſaac Newton, I ſubmit my opinions, and am determined never to pay any reſpect or attention to Martinus Scriblerus, Dr. Darwin or any of the ſophiſtical philoſophiſts of the preſent day.

J. MACE, M. D.

Caroline county, January 15, 1803.

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.

Sect. 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 rotines 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 color 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.

Sect. 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.

Sect. 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 componies 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 militiaman 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 militiaman 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 militiaman 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.

Sect. 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 on record of the clerk.

Sect. 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) reſideht 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.

Sect. 7. *And be it further enacted*, That the preſident of the United States, upon complaint for miſconduct lodged with the department for 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 ported 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.

Sect. 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 marſhal, 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 batalion court, laſt preceding; the ſaid court may alſo exempt any militiaman from duty, on account of bodily infirmity, and may again direct ſuch perſon to be enrolled when able to do duty.

Sect. 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.

Sect. 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.

Sect. 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 & battalions, & 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'clock, in the forenoon, armed and equipped. At every muſter the commanding officer of the company ſhall cauſe his roll to be called, and 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, thro' 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 the 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."

Sect. 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.

Sect. 13. *And be it further enacted*, That each captain or commanding officer of a company, ſhall appoint to his company, four ſerjeants, 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.

Sect. 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 delinquincies 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.

Sect. 15. *And be it further enacted*, That any officer who ſhall be guilty of diſobedience, or other miſbehavior, 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.

Sect. 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.

[*To be continued.*]