

AN ACT

To regulate and discipline the militia of this state.

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 officers judicial and executive of the government of the United States, the members of both houses of congress, and their respective officers, the members of the executive council, the chancellor, the judges of the county courts, the clerks of those courts, the members of the legislature of the state, and their clerks, whilst in session, the professors and masters of all colleges & public schools patronized by the state, all custom-house officers with 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 ferry-men employed at any ferry on the post road, all inspectors of exports, all pilots, all mariners actually employed in the sea service of any citizen or merchant within the United States, all persons actually engaged in the coasting trade, the trustees of the western and eastern shore, and auditor, and also all ministers of the gospel regularly ordained or licensed by any religious society, all quakers, menonists, tunkers, and persons, conscientiously scrupulous of bearing arms, shall be subject to do 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 some licensed preacher of the gospel, or signed by the proper officer of some religious society, stating that he has reason to believe, and verily does believe, from the religious and exemplary deportment and uniform declarations of such person, that he is conscientiously scrupulous of bearing arms; and it shall at all times hereafter be the duty of every captain or commanding officer of a company, to enrol 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 citizen of the said enrolment, 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 party questioned, shall prove his age to the satisfaction of the commanding officer.

II. And be it enacted, That no free white male citizen of the age of eighteen and under forty-five years, shall be excused from militia duty on account of corporal inability, unless he shall obtain from the surgeon of the regiment to which he belongs, or two respectable physicians of his county, a certificate that he is not of sufficient ability to perform militia duty.

III. 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 three regiments, each regiment of two battalions, each battalion of five companies, each company of sixty-four privates, four sergeants, four corporals, one drummer and one fifer or bugler; therefore,

Be it enacted, That the said enrolment and arrangement shall be and the same is hereby confirmed, except 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 arrangement and bounds of the several brigades, 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 the said several brigades shall call together the lieutenants, colonels and majors of their several brigades, at some convenient place and time, to be by them appointed, and then and there determine on any alterations that may be deemed necessary in the arrangement and bounds of their several battalions and companies, and a return in writing of such alterations as shall be made by the commanding officer of the regiment or extra battalion to the inspector of the brigade.

Sect. IV. And be it enacted, That all commissioned officers appointed by the governor and council, and accepting such appointment, who shall not, on or before the day of next arm accoutre, and provide themselves, as is directed by the act of congress entitled an act more effectually to provide for the national defence, by establishing a uniform militia throughout the U. S. shall be fined at the discretion of a court-martial a sum not exceeding — dollars, unless they, for such neglect, pay a further sum not exceeding — for every — they shall continue such neglect; and all non-commissioned officers and privates enrolled, notified thereof, and liable to militia duty as aforesaid, shall within — months thereafter arm and equip themselves in the manner directed by said act of congress, except such as shall be adjudged by a company court-martial to be too indigent to bear the expense of such armament and equipment; and that out of the militia enrolled as is herein directed, there shall be formed for each battalion at least one company of grenadiers, light infantry or riflemen, and that to each brigade there shall be at least one company of artillery, each of the non-commissioned officers and privates or veterans of which shall within — months after their enrolment, provide himself with a sword or hanger, under the penalty of a sum not exceeding — dollars, at the discretion of a company court-martial, and a further sum not exceeding — dollars, for every — months that he shall remain unprovided as aforesaid; and that to each brigade there shall be attached at least two troops of horse, each of the dragoons whereof shall within — months after his being enrolled, arm and equip himself in the manner prescribed by the said act of congress, under the penalty of a sum not exceeding — dollars, at the discretion of a company court-martial, and a further sum, not exceeding — dollars, for every — months that he shall delay his armament and equipment as aforesaid, and every citizen enrolled & equipped as aforesaid, shall hold

his arms, ammunition and accoutrements, free and exempt from all duties, distresses, executions or sales, for debt, rent or the payment of any taxes.

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

Article 1st. If any field or other commissioned officer, at any regimental, battalion, or company meeting, or any other occasion when the regiment, battalion or company, to which he may belong, or in which he holds a command, is paraded, shall misbehave, demean himself, or appear in an unofficer-like manner, he shall, for such offence, be cashiered, or punished by fine, at the discretion of a brigade or regimental court-martial, as the case may require, in any sum not exceeding — dollars, nor less than —. That for offences against the militia law of this state, all company commissioned officers shall be tried by a regimental court-martial, but in case 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 or private shall, at the time of parading the company to which he belongs, appear drunk, or disobey orders, 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, he shall be dismissed, and put under guard, by order of the commanding officer of the company to which he belongs, and shall be fined, at the discretion of the company court-martial, in any sum not exceeding — dollars, nor less than —.

Article 2. 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, or 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 of the state or insurrection therein, he shall be cashiered, or punished by fine, not exceeding — dollars, nor less than —, 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 in any part thereof, at the discretion of the commanding officer of the regiment or extra battalion, to which such company belongs, he shall be cashiered, or punished by a fine, not exceeding — dollars, nor less than —, at the discretion of a regimental court-martial; and a non-commissioned officer in such case, shall be fined, at the discretion of a company court-martial, in any sum not exceeding — dollars, nor less than —.

Article 3. If any captain or commanding officer of a company shall refuse or neglect to make a list of the persons notified to perform any tour of duty, and send or convey the same to the commanding officer of the regiment or extra battalion to which such company belongs, for such neglect or refusal he shall be cashiered, or fined, at the discretion of a regimental court-martial, a sum not exceeding — dollars, nor less than —.

Article 4th. Every general court-martial shall consist of thirteen members, one of whom at least shall be a general officer, and none under the grade of a field officer.

Article 5th. Every division court-martial shall consist of twelve members, two-thirds of whom at least shall be field officers.

Article 6th. Every brigade court-martial shall consist of twelve members, at least one-third of whom shall be field officers.

Article 7th. Every regimental court-martial shall be composed of six commissioned officers.

Article 8th. Every extra battalion court-martial shall consist of six commissioned officers.

Article 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.

Article 10th. In every court-martial, not less than two-thirds of the members must agree in every sentence for inflicting any penalty, or otherwise the person charged shall be acquitted.

Article 11th. The president of each & every court-martial shall require all witnesses produced on the trial of offenders, to do so 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; & 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.

Article 12th. Every court-martial shall have power and authority to issue attachment, directed to such person as they may appoint, against all and every person or persons who shall neglect or refuse, on being notified thereof, to attend for the purpose of giving evidence in any case therein pending, and fine such person in any sum not exceeding —, out of which sum the person serving such attachment shall receive such compensation as the court-martial may deem reasonable.

Article 13th. No officer, charged with transgressing these rules, shall be suffered to do duty in the regiment, battalion, company or troop, to which he belongs, until he has been tried 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 or charges exhibited against him, at least ten days before his trial, that he may have an opportunity to prepare his defence.

Article 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, whom, in his discretion, direct the inspector of the brigade to summon a brigade court-martial, that justice may be done to such officer or private.

Article 15th. If any non-commissioned officer or private shall think himself injured by his captain, or other superior officer in the regiment, extra battalion, troop or company to which he belongs, he may complain to the commanding officer of the regiment, or if a trooper or soldier, to the brigadier-general, who shall, at his discretion, summon a regimental court-martial for doing justice according to the nature of the case.

Art. 16th. The officer ordering the court-martial, or his successor in authority in case of his death or absence, shall, where a censure or fine shall be adjudged by such court-martial, have full power to pardon the person adjudged to be censured or fined, or to mitigate such censure or fine, except where such censure or fine are adjudged as satisfaction for injuries received by one officer or private from another.

Art. 17th. 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; and the commanding officer appointing any court-martial shall appoint the president thereof.

Art. 18th. The militia, on the 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 at any one time, without allowing them time to refresh themselves.

V. And be it enacted, That in case an insurrection within, or invasion or threatened invasion of any part of the state, a major general, brigadier-general, commanding officer of a regiment, extra battalion, shall have power to order out the troops, or any part of them, belonging to their respective districts, where the insurrection or invasion, or threatened invasion may or is expected to take place; and the said commanding officer may call on the commanding officers of regiments in the adjacent counties, for such aid as he may think necessary, who shall forthwith furnish the same; and it shall be the duty of the commanding officer calling out the militia to communicate to his next superior officer, and to the commander in chief, as soon as possible, information respecting the said insurrection or invasion or threatened invasion.

VI. And, for the purpose of disciplining the militia of this state, Be it enacted, That each brigadier-general shall appoint a day for the meeting and exercising of each battalion of his brigade in the month of May next, and shall also appoint a day for the meeting, exercising and inspection, in the month of September next, of each regiment and extra battalion, so that it shall be in the power of the brigadier-general to attend to inspect the same; and it shall be the duty of the brigadier-general to give notice to the commanding officers of regiments and extra battalions composing the brigade to which he belongs, of the days so appointed, at least — days previous thereto, which days when so appointed, shall continue to be days of meetings of the regiments and battalions annually, unless otherwise ordered by the brigadier or commanding officer of the brigade; and if any brigadier or commanding officer shall neglect to give the 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 the act is directed, or if attending, shall fail to inspect the same, and make report thereof as directed by the commanding officer of the brigade, he shall, for every such neglect be fined a sum not more than — dollars, at the discretion of a brigade court-martial; and the commanding officers of regiments shall, within — days thereafter cause a like notice to be given to the majors or commanding officers of battalions, under the penalty of a sum not exceeding — dollars, at the discretion of a brigade court-martial; and the majors or commanding officers of battalions or extra battalions shall, within — days thereafter, cause a like notice to be given to the captains or commanding officers of companies, under the penalty of a sum not exceeding — 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 — days previous to the days of meeting, under the penalty of a sum not exceeding — dollars, nor less than —, at the discretion of a regimental court-martial.

VII. And be it enacted, That each commanding officer shall appoint eight days for the meeting and exercising of his company, who shall be notified thereof, between the first day of March and the first day of December in each and every year, 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, battalion, or regiment, as the case may be, call over the muster roll of the company, noting those who are absent, and on that day shall make return, in writing, of such absentees, to the commanding officer then present.

VIII. 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 will be fined at the discretion of the regimental court-martial, not less than — dollars, nor more than — dollars for every offence; 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 — cents, nor exceeding — dollars.

IX. And be it enacted, That if any non-commissioned officer or private, who is by this act required to provide himself with a musket or firelock, or who has received one the property of the state, shall from and after the — day of — next, appear in the ranks at any of the said meetings without such musket or firelock in serviceable order, he shall be fined a sum not less than — cents, nor more than — dollars, in the discretion of the company court-martial.

X. And be it enacted, That all quakers, menonists, tunkers, and persons conscientiously scrupulous of bearing arms, between eighteen and forty-five years of age, and exempt from militia duty by the provisions of this act, shall pay the sum of — dollars annually.

Sect. XI. And be it enacted, That the commanding officer of each company shall appoint their 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 — dollars, nor exceeding — dollars in the discretion of a company court-martial.

Sect. XII. 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 inquired into by said court-martial at the next stated meeting of the company, or at such convenient time thereafter as the said 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 was personally present.

Sect. XIII. And be it enacted, That any officer removing out of his county, or, if a field-officer or brigadier-general, out of his district, 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 commanding officer of the regiment, or extra battalion, to which he belonged, to make such vacancy known to the governor and council, as soon thereafter as conveniently may be.

Sect. XIV. And be it enacted, That in all cases where a militia-man may be drafted to perform a tour of duty under this act, he shall be considered as a soldier, and liable to all the duties as such, unless he shall furnish a substitute; and the commanding officer of the regiment or extra battalion, as the case may be, to which they may belong, shall be the sole judge of the qualification of said substitute, and may receive or reject him at his discretion.

Sect. XV. And be it enacted, That no militia-man shall leave the company to which he belongs, except as herein after excepted, under the penalty of — dollars, unless, by consent of the commanding officer of the company, or unless he shall remove to some other district, and in such case he shall apply to the commanding officer of such company, who shall give him a certificate of his being discharged, under the penalty of a sum not exceeding — dollars, and if the said militia-man had been in actual service, shall also certify the time thereof, and how long he had remained therein, under the like penalty.

Sect. XVI. And be it enacted, That no person serving as a substitute for another, shall thereby be excused from standing a draft himself.

Sect. XVII. And be it enacted, That no officer or private of the militia, in his attendance at, going to, or returning from, muster, shall be subject to arrest for any civil matter.

Sect. XVIII. And be it enacted, That if any suit or suits shall be brought or commenced against any person or persons for any thing done in execution of the provisions of this act, the action shall be brought in the county where the cause or causes of such action did arise, and not elsewhere, and the defendant or defendants may plead the general issue, and give this act and the special matter in evidence.

Sect. XIX. And be it enacted, That each and every officer appointed and commissioned by virtue of this act, shall be a citizen of the United States, and take the several oaths prescribed by the constitution of this state, and also previous to their entering on the execution of their respective duties, take the following oath, or affirmation:—"I, A. B. do swear, or affirm, (as the case may be,) that I will be true and faithful to the state of Maryland, and that I will diligently and faithfully do and perform the several duties assigned to me as — of the militia of this state, according to the best of my skill and abilities; so help me God."

Sect. XX. A. B. do swear, or affirm, (as the case may be,) that I will be true and faithful to the state of Maryland, and that I will diligently and faithfully do and perform the several duties assigned to me as — of the militia of this state, according to the best of my skill and abilities; so help me God."

Sect. XXI. And be it enacted, That if any by-stander 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-martial, the commanding officer, or such court-martial, may cause him to be confined for the day, and he shall also be fined not less than — cents, nor more than — dollars, in the discretion of a company court-martial.

Sect. XXII. And be it enacted, That it shall be the duty of the brigadier-general to attend the duty of the brigadier-general when required, to receive and execute all orders necessary to carry into effect the provisions of this law, and upon refusal or neglect, to be subject to a fine, not exceeding — dollars, nor less than — dollars, unless he can make a reasonable excuse to the commanding officer of the brigade.

Sect. XXIII. And be it enacted, That if any person shall hold or detain any arms or accoutrements belonging to the state of Maryland, and not held or detained by such person as a member of a volunteer militia company, or as being given him by reason of his being too indigent to purchase the same at his own expense, any commissioned officer is hereby authorized to apply to any justice of the peace within the county where such person resides, who shall thereupon issue a warrant to any constable of the county, directing him to arrest such person, and carry him before some justice of the peace for said county, together with any arms and accoutrements alleged to be the property of the state, which may be in the possession of such person, and if the said justice of the peace should be of opinion that the said arms or accoutrements are the property of the state of Maryland, then and in such case the said justice of the peace shall order and direct that the said arms and accoutrements shall be delivered up to the said commissioned officer, for the use of the company to which he belongs, until demanded by the state, and upon such person's refusing or neglecting to comply with such direction, the said justice of the peace may commit such person to the public goal of the county until his compliance therewith; and if the said justice shall determine that the said arms or accoutrements are not the property of the state of Maryland, the costs of such proceedings shall be paid out of the money in the hands of the paymaster, arising from fines collected in the regiment to which the said commissioned officer belongs, but if he shall determine that the said arms and accoutrements are the property of the state, then the costs of such proceedings shall be paid by the said person in possession of such arms and accoutrements as aforesaid, and if any person holding as aforesaid any such arms or accoutrements, and knowing them to be the property of the state, shall refuse to deliver the same to any commissioned officer demanding them, such person shall forfeit and pay the sum of — dollars, to be recovered as small debts, and for the use of the regiment or extra battalion to which such commissioned officer may belong.

Sect. XXIV. And be it enacted, That in case of the death, resignation, or removal out of his district, of any subaltern officer, the commanding officer of the regiment or extra battalion, to which such officer may have belonged, may appoint a fit and proper person as a brevet officer, and shall immediately thereupon notify the governor of the same, and

such brevet officer shall have and exercise all the powers incident to his office, in as full and ample a manner as if he was commissioned, until he shall be succeeded by a commissioned officer; provided, that the removal of any such officer residing in any city or town, or precincts thereof, to any part of the said town or city, or the precincts thereof, shall in no wise be considered as the resignation of such officer.

Sect. XXV. And be it enacted, That no person under the age of twenty years shall be draughted to serve on any tour of duty, but any such person may serve as a volunteer; provided, that no such person shall be received as a volunteer, without the assent of his parent, guardian, master or mistress.

Sect. XXVI. And be it enacted, That the commanding officers of regiments or extra battalions of the militia in Allegany county, be, and they are hereby authorized and required to appoint two days in each and every year for the meeting and exercising of the militia in said county, in battalion, at such places as they may deem most convenient, instead of other regimental or battalion meetings directed by this act; and that the said militia shall be called out, and attend said meetings, in the same manner, and under the same fines and forfeitures, that the militia of other counties are called out and attend their regimental and battalion meetings.

Sect. XXVII. And, whereas the remote and detached situation of that part of the militia of Queen Anne's county, who reside on Kent Island, renders it impracticable for them to meet at regimental or battalion meetings, the said commanding officer, Be it enacted, That the militia residing on Kent Island, shall not be compelled to meet in battalion or regiment, but that the companies composed of the militia on said island shall nevertheless be subject to be called together to exercise twice a year on said island, exclusive of company meetings, at such times and such places as the commanding officer of the battalion to which they belong shall direct, and shall be subject to the same fines for not appearing at said meetings as others are for not meeting in battalion or regiment, any thing in this act to the contrary notwithstanding.

Sect. XXVIII. And be it enacted, That the said two troops of cavalry and one company of artillery, by this act directed to be attached to each brigade, shall be formed at such places, and in such manner, as the commanding officer of each brigade shall direct; and it shall and is hereby declared to be lawful for any person belonging to any company of infantry to withdraw from the same, and to join any troop of horse or company of artillery within his brigade willing to enrol him; and the said troops of cavalry and company of artillery shall meet for the purpose of being disciplined and exercised at least ten times between the month of March and the month of December in each and every year, under the same fines and forfeitures that are imposed on persons composing infantry companies neglecting to attend their company meetings; and the commanding officer of each brigade may direct the troops of horse therein, or either of them, to attend the meeting of any regiment within his brigade.

Sect. XXIX. And be it enacted, That when the whole, or any part of the militia of this state shall be ordered into actual service, they shall be subject to the rules and regulations of the articles of war, and be entitled to the same pay and rations as troops in the service of the United States are entitled to receive.

Sect. XXX. And be it enacted, That the company now commanded by captain Charles Jones, on Dame's quarter, shall be exempt from meeting in regiment or battalion, but shall meet as often in addition to the time prescribed by this law for the meetings of companies, as the regiment or battalion to which they belong are directed to meet.

Sect. XXXI. And be it enacted, That the persons liable to do militia duty under this act residing on Smith's and Holland's island, shall be exempt from meeting in regiment, battalion or company, on the main, but shall be called together for exercise under a non-commissioned officer, to be appointed by the captain of the company, and at such times as he may direct.

Sect. XXXII. And be it enacted, That if any youth of twelve years, and not exceeding the age of eighteen years, shall, with the consent and approbation of his parents, attach himself to any company of militia for the purpose of learning to beat the drum, play on the fife, or on the bugle horn or trumpet, provided the number shall not exceed one person for the drum and one for the fife, or one for the bugle horn, in each company, and one for the trumpet in each troop of horse, every such person or persons shall be put under the instruction of the drum and fife major, the bugle or trumpet, as the case may be, whose duty it shall be to teach such person or persons in the best manner in his power; and as soon as such person or persons shall be able to perform field duty to the satisfaction of the commanding officer of the regiment, he shall draw his warrant on the paymaster in favor of the drum and fife major, the bugle or trumpet, who may have taught such person or persons as aforesaid, for the sum of — dollars for every person so taught; and the person so taught shall be furnished with a suit of regimentals, to be paid for out of the funds of the regiment, and the father of every youth who shall have been instructed as aforesaid, shall be exempted and excused from every kind of military duty so long as his son shall continue to perform the duties of a drummer, fife, bugle or trumpeter in any military company.

XXXIII. And be it enacted, That it shall and may be lawful for any person to join any uniformed militia company willing to receive him as a member thereof, whether the same be formed in his district or elsewhere, and a majority of any such uniformed militia company, shall have power at their first, second or third meeting in each year, to determine and declare what and how many days of training they will have throughout the year, over and above the days herein before appointed for their exercise and training, notice whereof shall be given to such company by the commanding officer thereof, and to impose and inflict such fines and penalties on any member of such company who may refuse or neglect to attend on such stated days of meeting as may be fixed and agreed on by the constitution and by-laws of such company, provided that no fine or forfeiture for any one violation of the provisions of this section shall exceed — dollars; which fines and penalties shall be collected by a sergeant, appointed for that purpose by the commanding officer of the company, in the following manner, to wit: the said sergeant shall, once in every month, furnish to each member an account, signed by the commanding officer of the company, of the fines and forfeitures by such person due, stating the same as due and payable to the person commanding said company; and in case such fines or forfeitures are not paid within twenty days thereafter, it shall and may be lawful for said sergeant to apply to any justice of the peace where the person owing such fines and forfeitures may reside,

such person shall have and exercise all the powers incident to his office, in as full and ample a manner as if he was commissioned, until he shall be succeeded by a commissioned officer; provided, that the removal of any such officer residing in any city or town, or precincts thereof, to any part of the said town or city, or the precincts thereof, shall in no wise be considered as the resignation of such officer.

Sect. XXV. And be it enacted, That no person under the age of twenty years shall be draughted to serve on any tour of duty, but any such person may serve as a volunteer; provided, that no such person shall be received as a volunteer, without the assent of his parent, guardian, master or mistress.

Sect. XXVI. And be it enacted, That the commanding officers of regiments or extra battalions of the militia in Allegany county, be, and they are hereby authorized and required to appoint two days in each and every year for the meeting and exercising of the militia in said county, in battalion, at such places as they may deem most convenient, instead of other regimental or battalion meetings directed by this act; and that the said militia shall be called out, and attend said meetings, in the same manner, and under the same fines and forfeitures, that the militia of other counties are called out and attend their regimental and battalion meetings.

Sect. XXVII. And, whereas the remote and detached situation of that part of the militia of Queen Anne's county, who reside on Kent Island, renders it impracticable for them to meet at regimental or battalion meetings, the said commanding officer, Be it enacted, That the militia residing on Kent Island, shall not be compelled to meet in battalion or regiment, but that the companies composed of the militia on said island shall nevertheless be subject to be called together to exercise twice a year on said island, exclusive of company meetings, at such times and such places as the commanding officer of the battalion to which they belong shall direct, and shall be subject to the same fines for not appearing at said meetings as others are for not meeting in battalion or regiment, any thing in this act to the contrary notwithstanding.

Sect. XXVIII. And be it enacted, That the said two troops of cavalry and one company of artillery, by this act directed to be attached to each brigade, shall be formed at such places, and in such manner, as the commanding officer of each brigade shall direct; and it shall and is hereby declared to be lawful for any person belonging to any company of infantry to withdraw from the same, and to join any troop of horse or company of artillery within his brigade willing to enrol him; and the said troops of cavalry and company of artillery shall meet for the purpose of being disciplined and exercised at least ten times between the month of March and the month of December in each and every year, under the same fines and forfeitures that are imposed on persons composing infantry companies neglecting to attend their company meetings; and the commanding officer of each brigade may direct the troops of horse therein, or either of them, to attend the meeting of any regiment within his brigade.

Sect. XXIX. And be it enacted, That when the whole, or any part of the militia of this state shall be ordered into actual service, they shall be subject to the rules and regulations of the articles of war, and be entitled to the same pay and rations as troops in the service of the United States are entitled to receive.

Sect. XXX. And be it enacted, That the company now commanded by captain Charles Jones, on Dame's quarter, shall be exempt from meeting in regiment or battalion, but shall meet as often in addition to the time prescribed by this law for the meetings of companies, as the regiment or battalion to which they belong are directed to meet.

Sect. XXXI. And be it enacted, That the persons liable to do militia duty under this act residing on Smith's and Holland's island, shall be exempt from meeting in regiment, battalion or company, on the main, but shall be called together for exercise under a non-commissioned officer, to be appointed by the captain of the company, and at such times as he may direct.

Sect. XXXII. And be it enacted, That if any youth of twelve years, and not exceeding the age of eighteen years, shall, with the consent and approbation of his parents, attach himself to any company of militia for the purpose of learning to beat the drum, play on the fife, or on the bugle horn or trumpet, provided the number shall not exceed one person for the drum and one for the fife, or one for the bugle horn, in each company, and one for the trumpet in each troop of horse, every such person or persons shall be put under the instruction of the drum and fife major, the bugle or trumpet, as the case may be, whose duty it shall be to teach such person or persons in the best manner in his power; and as soon as such person or persons shall be able to perform field duty to the satisfaction of the commanding officer of the regiment, he shall draw his warrant on the paymaster in favor of the drum and fife major, the bugle or trumpet, who may have taught such person or persons as aforesaid, for the sum of — dollars for every person so taught; and the person so taught shall be furnished with a suit of regimentals, to be paid for out of the funds of the regiment, and the father of every youth who shall have been instructed as aforesaid, shall be exempted and excused from every kind of military duty so long as his son shall continue to perform the duties of a drummer, fife, bugle or trumpeter in any military company.

XXXIII. And be it enacted, That it shall and may be lawful for any person to join any uniformed militia company willing to receive him as a member thereof, whether the same be formed in his district or elsewhere, and a majority of any such uniformed militia company, shall have power at their first, second or third meeting in each year, to determine and declare what and how many days of training they will have throughout the year, over and above the days herein before appointed for their exercise and training, notice whereof shall be given to such company by the commanding officer thereof, and to impose and inflict such fines and penalties on any member of such company who may refuse or neglect to attend on such stated days of meeting as may be fixed and agreed on by the constitution and by-laws of such company, provided that no fine or forfeiture for any one violation of the provisions of this section shall exceed — dollars; which fines and penalties shall be collected by a sergeant, appointed for that purpose by the commanding officer of the company, in the following manner, to wit: the said sergeant shall, once in every month, furnish to each member an account, signed by the commanding officer of the company, of the fines and forfeitures by such person due, stating the same as due and payable to the person commanding said company; and in case such fines or forfeitures are not paid within twenty days thereafter, it shall and may be lawful for said sergeant to apply to any justice of the peace where the person owing such fines and forfeitures may reside,

such person shall have and exercise all the powers incident to his office, in as full and ample a manner as if he was commissioned, until he shall be succeeded by a commissioned officer; provided, that the removal of any such officer residing in any city or town, or precincts thereof, to any part of the said town or city, or the precincts thereof, shall in no wise be considered as the resignation of such officer.

Sect. XXV. And be it enacted, That no person under the age of twenty years shall be draughted to serve on any tour of duty, but any such person may serve as a volunteer; provided, that no such person shall be received as a volunteer, without the assent of his parent, guardian, master or mistress.

Sect. XXVI. And be it enacted, That the commanding officers of regiments or extra battalions of the militia in Allegany county, be, and they are hereby authorized and required to appoint two days in each and every year for the meeting and exercising of the militia in said county, in battalion, at such places as they may deem most convenient, instead of other regimental or battalion meetings directed by this act; and that the said militia shall be called out, and attend said meetings, in the same manner, and under the same fines and forfeitures, that the militia of other counties are called out and attend their regimental and battalion meetings.

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Sect. XXX. And be it enacted, That the company now commanded by captain Charles Jones, on Dame's quarter, shall be exempt from meeting in regiment or battalion, but shall meet as often in addition to the time prescribed by this law for the meetings of