

STATUTE II.

April 18, 1814.

[Obsolete.]

Act of Feb. 28, 1795, ch. 36.

Act of May 8, 1792, ch. 33.

Act of March 2, 1803, ch. 15. Additional officers authorized; their rank, and duties.

CHAP. LXXX.—*An Act in further addition to an act, entitled "An act more effectually to provide for the national defence by establishing an uniform militia throughout the United States."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in addition to the officers of the militia provided for by the act, entitled "An act more effectually to provide for the national defence by establishing an uniform militia throughout the United States," approved May the eighth, one thousand seven hundred and ninety-two, and by an act in addition to the said recited act, approved March the second, one thousand eight hundred and three, there shall be to each division, one Division Inspector, with the rank of Lieutenant Colonel, and one Division Quartermaster, with the rank of Major; to each brigade one Aid-de-camp, with the rank of Captain; and the Quartermasters of brigade heretofore provided for by law, shall have the rank of Captain. And it shall be incumbent on the said officers to do and perform all the duties which by law and military principles are attached to their offices respectively.

APPROVED, April 18, 1814.

STATUTE II.

April 18, 1814.

[Expired.]

Act of Feb. 28, 1795, ch. 36.

Courts martial for the trial of drafted militia to be composed of militia officers.

CHAP. LXXXII.—*An Act in addition to the act, entitled "An act to provide for calling forth the militia to execute the laws of the union, suppress insurrections, and repel invasions, and to repeal the act now in force for those purposes."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That courts martial to be composed of militia officers alone for the trial of militia drafted, detached and called forth for the service of the United States, whether acting in conjunction with the regular forces or otherwise, shall, whenever necessary, be appointed, held and conducted in the manner prescribed by the rules and articles of war for appointing, holding, and conducting courts martial for the trial of delinquents in the army of the United States.

Stoppage of pay for delinquencies to refer to the pay at the time the offence was committed.

What shall be deemed a sufficient summons.

Act of Feb. 28, 1795, ch. 36.

SEC. 2. *And be it further enacted,* That in all cases in the militia, where an offence is punishable by stoppage of pay or by imposing a fine, limited by the amount of pay, the same shall be taken to have relation to the monthly pay existing at the time the offence was committed.

SEC. 3. *And be it further enacted,* That if any delinquent directed to be summoned to appear before a court martial for neglect or refusal to obey the orders of the President of the United States in any of the cases recited in the first, second, third and fourth sections of the act, entitled "An act to provide for calling forth the militia to execute the laws of the union, suppress insurrections, and repel invasions, and to repeal the act now in force for those purposes," passed February twenty-eighth, one thousand seven hundred and ninety-five, shall be absent when any non-commissioned officer shall call to summon him, it shall be a sufficient summoning of such delinquent if the non-commissioned officer leave a copy of the summons or a written notice thereof, signed by him, with some person of suitable age and discretion, at the usual place of abode of such delinquent, at least ten days previous to the day of appearance. And in case of the non-appearance of such delinquent, the court martial may proceed with his trial in the same manner as if he had appeared and plead not guilty to the charge exhibited against him.

Upon non-appearance of delinquent, he may be proceeded against.

Witnesses may be summoned by president of a court martial.

SEC. 4. *And be it further enacted,* That it shall be the duty of the president of any court martial for the trial of militia if required, and upon his being duly satisfied that such testimony is material to the trial, to issue his precept, directed to any person to be summoned as a witness, commanding his or her attendance at such court to testify for or