

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

against the person to be tried, as the case may be; and any witness having been duly summoned, and failing to appear, without a reasonable excuse, shall forfeit and pay a sum not exceeding fifty dollars, to be sued for and recovered in the name of the United States, by bill, plaint, or information, in any court of competent jurisdiction. And if any witness, when called upon for that purpose, shall refuse to testify, or shall behave with contempt to the court, or if any other person shall use any menacing words, signs or gestures, in presence thereof, or shall cause any riot or disorder therein, it shall be lawful for such court to punish every such offender by imprisonment for a term not exceeding one month at the discretion of the court.

Penalty for not attending.

May be punished for contemptuous behaviour when attending.

SEC. 5. *And be it further enacted*, That for the purpose of carrying into execution the sentence, judgment or order of any such court martial, for any of the offences specified in the last clause of the preceding section of this act, it shall be lawful for the court to issue an order to any commissioned officer of militia not below the rank of captain, commanding him to carry the same into effect by military force, whose duty it shall be to obey the same, and execute the order accordingly.

Court may issue orders for carrying the sentence in the last mentioned case into effect.

SEC. 6. *And be it further enacted*, That on the trial of delinquents, for offences not capital, by any such court martial, the deposition of witnesses taken before a justice of the peace or other person authorized to take affidavits to be read in any court of record in the state where the same shall be taken, may be read in evidence, provided the prosecutor and person accused are present at taking the same, or are duly notified thereof. And further, that the returns of captains or other commanding officers of companies, of delinquents drafted or ordered into the service of the United States, who shall have refused or neglected to enter the same sworn to as aforesaid, shall be competent evidence of the facts therein contained.

Rules of evidence.

SEC. 7. *And be it further enacted*, That if any person shall wilfully swear false before any such court martial, or in any affidavit or deposition taken as aforesaid, he or she shall be adjudged to be guilty of wilful and corrupt perjury, and shall be indicted, tried and punished accordingly, by any court of competent jurisdiction in the state where such offence shall be committed.

Deemed guilty of perjury for corrupt swearing, and punishable accordingly.

SEC. 8. *And be it further enacted*, That the militia, when called into the service of the United States by virtue of the before recited act, may, if in the opinion of the President of the United States the public interest require it, be compelled to serve for a term not exceeding six months after their arrival at the place of rendezvous, in any one year.

Time militia called into the service of the United States may be compelled to serve.

SEC. 9. *And be it further enacted*, That regimental chaplains in the militia which have been or shall be called into the service of the United States, shall receive the same monthly pay and rations as a captain of infantry, with the addition of forage for one horse; and whenever called forth into the service of the United States, division quartermasters shall be entitled to the pay, emoluments and allowances of a deputy quartermaster general; brigade quartermasters, to the pay, emolument and allowances of an assistant deputy quartermaster general; and regimental quartermasters, to the pay and emoluments of a lieutenant of infantry, and sixteen dollars per month in addition thereto, and forage for one horse; division inspectors shall be entitled to the pay, emoluments and allowances of a lieutenant colonel of infantry; brigade majors, to the pay, emoluments and allowances of a major of infantry; aids-de-camp to brigadier generals, to the pay, emoluments and allowances of a captain of infantry; with an addition of sixteen dollars per month, and forage for one horse.

Pay of chaplains, &c. &c. of militia called into service of the U. States.

SEC. 10. *And be it further enacted*, That the expenses incurred or to be incurred by marching the militia of any state or territory of the United States to their places of rendezvous, in pursuance of a requisition

How militia called into service of the U.

States are to be paid, in certain cases.

Proviso.

Muster rolls to be signed by the proper officers.

Act of May 8, 1792, ch. 33.

Commissioned officers and others may be punished for acts committed while in service, after discharge.

Continuance of this act until Feb. 17, 1816.

STATUTE II.

April 18, 1814.

Pay, &c. &c. of commissioned officers and warrant officers.

Bounty and allowance to ordinary seamen and marines.
Proviso.

President may authorize the augmentation of pay in certain cases.

of the President of the United States, or which shall have been or may be incurred in cases of calls made by the authority of any state or territory which shall have been or may be approved by him, shall be adjusted and paid in like manner as the expenses incurred after their arrival at such place of rendezvous, on the requisition of the President of the United States: *Provided*, That nothing herein contained shall be considered as authorizing any species of expenditure previous to arriving at the place of rendezvous, which is not provided by existing laws to be paid for after their arrival at such place of rendezvous.

SEC. 11. *And be it further enacted*, That in all cases where a brigade of militia shall be called forth for actual service, it shall be the duty of the brigade major of such brigade to inspect and muster the same, and sign the muster rolls conformably to the provisions of the act entitled "An act more effectually to provide for the national defence, by establishing an uniform militia throughout the United States." If less than a brigade be called forth, then it shall be the duty of a brigade major of the district wherein such militia may rendezvous, to inspect and muster the same, and sign the muster rolls: two musters to be made in the manner aforesaid, one on the assembling, and the other on the discharge of such militia. If there should be no brigade major in the vicinity, the commanding officer may direct any officer under the rank of lieutenant colonel, whether of the regular troops or militia, to inspect and muster the militia so called forth.

SEC. 12. *And be it further enacted*, That any commissioned officer, non-commissioned officer, musician or private of the militia of the United States, who shall have committed an offence while in the actual service of the United States, may be tried and punished for the same, although his term of service may have expired, in like manner as if he had been actually in the service of the United States.

SEC. 13. *And be it further enacted*, That this act be continued in force for and during the present war, and no longer.

APPROVED, April 18, 1814.

CHAP. LXXXIV.—*An Act concerning the pay of officers, seamen and marines in the navy of the United States.*

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the pay and subsistence of the respective commissioned and warrant officers be as follows: a lieutenant other than a master commandant, or lieutenant commanding a small vessel, forty dollars per month and three rations per day; a chaplain forty dollars per month and two rations per day; a sailing master forty dollars per month and two rations per day; a surgeon fifty dollars per month and two rations per day; a surgeon's mate thirty dollars per month and two rations per day; a purser forty dollars per month and two rations per day; a boatswain twenty dollars per month and two rations per day; a gunner twenty dollars per month and two rations per day; a sail-maker twenty dollars per month and two rations per day; and that the pay to be allowed to the petty officers and midshipmen, and the pay and bounty upon enlistment of the seamen, ordinary seamen, and marines, shall be fixed by the President of the United States: *Provided*, That the whole sum to be given for the whole pay aforesaid, and for the pay of officers, and that the amount of bounties upon enlistment of seamen and marines, shall not exceed for any year the amount which may, in such year, be appropriated for those purposes respectively.

SEC. 2. *And be it further enacted*, That the President be, and he is hereby authorized to make an addition, not exceeding twenty-five per cent., to the pay of the officers, petty officers, midshipmen, seamen and