

Penalty for using
or dealing in
marked bottles.

28 July, 1866, c.
307, s. 2, v. 14, p.
343.

Regulations for
sale of hay and
straw.

27 July, 1868, c. 251, v. 15, p. 225.
Regulation of
travel over Ben-
ning's bridge.

18 Aug., 1856, c.
165, s. 2, v. 11, p.
120.

SEC. 1189. It shall be unlawful for any person, without the permission of the owner thereof, to fill with mineral waters or other beverages any such bottles so marked, for sale, or to traffic in any such bottles so marked, and not bought by him of such owner, and every person so offending shall be liable to a penalty of fifty cents for every bottle so filled, or sold, or used, or disposed of, or bought, or trafficked in, for the first offense; and of five dollars for every subsequent offense, to be recovered as other fines are recovered in the District.

SEC. 1190. All hay and straw, which may be sold by weight in the District, shall be sold by the net hundred, and every twenty hundred pounds net weight shall be a ton.

SEC. 1191. It shall not be lawful for any person to ride, drive, or lead any horse, mule, or other animal over the wooden part of the upper Eastern Branch or Benning's bridge at a faster gait than a walk; or to discharge any gun or other fire-arm on or under said bridge, or from the causeway leading thereto; and all persons violating either of the provisions of this section shall forfeit and pay, for every offense, a penalty of not more than ten nor less than five dollars, the money when collected to be handed over to the authorities of the District, and by them applied to such repairs and improvements of the road leading to the bridge as from time to time may be required.

CHAPTER THIRTY-SEVEN.

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SEC. 1192. The President is authorized to cause the militia of the District to be formed into regiments and other corps, and, whenever in his opinion necessary, to lay off said militia into additional companies, battalions, regiments, or legions and brigades, and to appoint and commission, during pleasure, the proper officers for the same.

When the President may organize the militia.

[See R. S. U. S., §§ 1667, 1670.]

3 March, 1803, c. 20, s. 1, v. 2, p. 215; 9 July, 1846, c. 35, v. 9, p. 35.

SEC. 1193. Every officer appointed and commissioned, according to the provisions of this chapter, shall, previous to entering on the execution of his office, in addition to the oath prescribed in section seventeen hundred and fifty-six of the Revised Statutes, take the following oath:

"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." [See R. S. U. S., § 1756.]

3 May, 1802, c. 52, s. 13, v. 2, p. 195.

Oath of officers.

3 March, 1803, c. 20, s. 5, v. 2, p. 216.
 2 July, 1862, c. 128, v. 12, p. 502.

SEC. 1194. The oath prescribed in the preceding section may be administered by a justice of the peace or by the clerk of the supreme court of the District; and when administered by a justice of the peace shall be certified by such justice to the clerk of the supreme court, there to be entered of record by the clerk.

By whom administered.

3 March, 1803, c. 20, s. 5, v. 2, p. 216.

VOLUNTEER COMPANIES.

SEC. 1195. The President 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 companies with the least possible delay.

Volunteer companies.

Ibid., s. 2, p. 215.

SEC. 1196. The volunteer companies authorized by the preceding section shall perform the same routine of duty, and be subject to the same rules, regulations, penalties, and orders, as the rest of the militia; but the President may order them out on duty, as occasion may require, by entire companies.

To what orders subject.

Ibid.

SEC. 1197. Every person belonging to the volunteer companies shall wear, while on duty, such caps, or hats, and uniforms, to be purchased at his own expense, as the commanding officer of the brigade to which he belongs shall direct.

Uniforms.

Ibid.

SEC. 1198. No person belonging to any battalion company shall, under color of enlisting into any company to be made up by voluntary enrollment, be excused from doing duty in the infantry, and in the company

No excuse from duty, unless.

Ibid.

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.

Penalty for withdrawal.

3 March, 1803, c. 20, s. 2, v. 2, pp. 215, 216.

Attachment to battalions.

Ibid., p. 216.

SEC. 1199. No person enlisted in any volunteer company shall be permitted to withdraw from the same, unless in case of removal from his legionary district, under the penalty of ten dollars, to be recovered as other fines imposed by this chapter, upon the evidence of the commanding officer of the company from which he shall so withdraw; and such commanding officers shall return all such cases to the first battalion court of inquiry that shall sit thereafter.

SEC. 1200. Commanders of legions shall direct, by order to commanders of battalions, to what battalions the different volunteer companies shall be attached and parade with on battalion duty; and shall direct how they shall be posted on legionary parades, unless differently ordered by the brigadier-general.

ENROLLMENT OF THE MILITIA.

Militia districts.

Ibid., s. 3, p. 216.

SEC. 1201. Where any battalion or company districts, or alteration in districts actually laid off, may 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 district shall in all cases be designated by certain lines and bounds, and recorded by the clerks of the respective courts of inquiry.

Company divisions.

Ibid., s. 4, p. 216.

SEC. 1202. It shall be the duty of the commanding officers of companies to proceed forthwith to divide their companies into divisions by ballot, from one to ten, for the purpose of a regular routine 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 the 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 inquiry.

New enrollments.

Ibid.

SEC. 1203. The regulations prescribed by the preceding section shall be observed by every commanding officer of a company, battalion, and legion or regiment, on the subsequent enrollment of any person therein, unless such person shall produce a certificate of his having been before drawn for such purpose, in which case he shall be enrolled accordingly.

Removal from one district to another.

Ibid.

SEC. 1204. 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 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 required to enroll him in the numerical class specified therein.

Failing to produce certificate.

Ibid.

SEC. 1205. Every militia-man removing from one militia district to another and failing to produce the certificate required by the preceding section, shall be arranged and enrolled in the class destined to perform the next tour of duty.

Refusal to grant certificate; penalty.

Ibid.

SEC. 1206. If any captain or commanding officer of a company shall refuse to grant the certificate mentioned in section twelve hundred and four, upon application to him made for that purpose, he shall for such refusal incur a penalty of thirty dollars.

Who to be enrolled.

Ibid., s. 6, p. 216.

21 May, 1862, c. 83, s. 4, v. 12, p. 407.

SEC. 1207. Commanding officers of companies shall enroll every able-bodied 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. [See §§ 194, 353, 1285. See R. S. U. S., 1629.]

Wise vs. Withers, 3 Cranch, 330; Slade vs. Minor, 2 Cranch, C. C., 139; United States vs. Smith, 2 Cranch, C. C., 293; Sanford vs. Boyd, 2 Cranch, C. C., 78.

SEC. 1208. 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 inquiry within whose bounds he may reside.

SEC. 1209. It shall at all times be the duty of commanding officers of companies to enroll every male who shall, from time to time, arrive at the age of eighteen years, or who, being of the age of eighteen years, and under the age of forty-five years, except as provided in section twelve hundred and seven, shall come to reside within his bounds, and shall, without delay, notify such person of his enrollment, by a proper non-commissioned officer, by whom such notice may be proved.

GENERAL PROVISIONS OF ORGANIZATION AND DISCIPLINE.

SEC. 1210. A brigade-inspector, to act as brigade major, and be commissioned with the rank of major, shall be appointed by the President.

SEC. 1211. It shall be the duty of the brigade-inspector to attend the brigadier-general when required, to receive and execute all orders necessary to carry into effect the provisions of this chapter, and to attend the annual training of the officers, and at the several legionary and battalion musters. And he shall inspect the several battalions belonging to his brigade, at their respective musters, and shall take an accurate account, from personal inspection, of the quality of the arms and accouterments, and whether the same are fit or unfit for service, and shall ascertain with precision the bores of muskets.

SEC. 1212. The brigade-inspector shall make annual returns in the month of June, of each year, of the state of the militia of the brigade to which he belongs, to the commanding officer of the brigade, to be by him reported to the President; and upon refusal or neglect he shall be subject to a fine of thirty dollars, unless he can make a reasonable excuse to the commanding officer of the brigade.

SEC. 1213. The lieutenant-colonel commandants are authorized to appoint a legionary staff, to consist of one adjutant, one quartermaster, and one paymaster, to be taken from the officers of the line; and one surgeon and one surgeon's mate, and also one sergeant-major, one quartermaster's sergeant, one drum-major, and one fife-major, which appointments shall be evidenced by warrants under the hand of the lieutenant-colonel commandant.

SEC. 1214. It shall be the duty of the adjutant to attend and execute the orders of the commanding officer of his legion, necessary to carry into effect the provisions of this chapter, and to attend the legionary and battalion musters, as also the meeting of the officers within his legion, and upon refusal or neglect, he shall be subject to a fine not exceeding fifteen dollars, nor less than five dollars, at the discretion of the legionary court of inquiry, unless he can make a reasonable excuse to the commanding officer of his legion; and it shall further be the duty of the adjutant to assist generally in the necessary training of the militia.

SEC. 1215. The adjutant and the brigade-inspector shall severally be allowed such compensation as the legionary courts of inquiry may, from time to time, think reasonable, to be paid out of the funds arising from fines.

SEC. 1216. The brigadier-generals are authorized to employ some person within their respective districts, to convey all orders from them to the commanding officers of corps respecting the militia of the District. And such person shall be exempt from all other militia duty, and shall receive such compensation as the legionary court of inquiry, in which district such orders may, from time to time, be delivered, shall think proper, on his producing to the court a certificate of his having discharged said services.

SEC. 1217. Each captain or commanding officer of a company shall appoint to his company four sergeants, four corporals, a drummer, and ficer, to be approved of by the commanding officer of his battalion; the

Age to be proven, when.

3 March, 1803, c. 20, s. 6, v. 2, pp. 216, 217.

Additional enrollments.

Ibid., p. 217.
21 May, 1862, c. 83, s. 4, v. 12, p. 407.

Brigade-inspector.

3 March, 1803, c. 20, s. 19, v. 2, p. 221.

Duties.

Ibid.

Annual returns.

Ibid.

Legionary staff.

Ibid.

Duty of adjutant.

Ibid.

Compensation of inspector and adjutant.

Ibid.

Communication of orders.

Ibid., s. 26, p. 224.

Non-commissioned officers.

Ibid., s. 13, p. 220.

<p>Their liabilities.</p> <p>3 March, 1803, c. 20, s. 13, v. 2, p. 220.</p>	<p>appointment of such non-commissioned officers to be evidenced by warrant under the hand of the commanding officer of the battalion.</p>
<p>When may be reduced to ranks.</p>	<p>SEC. 1218. If any person so appointed and approved of, and having accepted, shall refuse or neglect to take upon himself the duties of his appointment, or shall neglect or refuse to obey the orders of his superior officer, he shall, for each offense, forfeit and pay a sum, at the discretion of the court of inquiry, not exceeding ten dollars.</p>
<p>Ibid.</p>	<p>SEC. 1219. 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.</p>
<p>Officers to appear in uniform.</p>	<p>SEC. 1220. All commissioned officers are required to appear in full uniform when on duty, and on failure shall forfeit and pay five dollars for each offense.</p>
<p>Ibid., s. 18, pp. 220, 221.</p>	
<p>Uniforms of non-commissioned officers and privates.</p>	<p>SEC. 1221. All non-commissioned officers and privates belonging to battalion companies shall appear while on duty uniformly clothed, the color and fashion of which uniforms to be determined on for the respective legions by the first legiunary courts of inquiry which shall be held, and to be approved of by the brigadier-general; provided the expense of the same, additional to that of usual, ordinary and cheap clothing, does not exceed five dollars for each person.</p>
<p>Ibid., s. 27, p. 224.</p>	
<p>Penalty for not wearing uniform.</p>	<p>SEC. 1222. Every non-commissioned officer or drummer or fifer or private appearing at any muster held after three months from the time that such uniforms shall have been determined on and the order relative thereto shall have been published in some newspaper within the legiunary district, and not wearing the same, shall be fined five dollars for each offense, unless he can make it appear to the satisfaction of the court of inquiry of the battalion to which he may belong, that he was unable to equip himself.</p>
<p>Ibid.</p>	
<p>Orders in relation to uniforms to be obeyed; penalty.</p>	<p>SEC. 1223. All orders in relation to procuring or wearing such uniform and equipments, or either of them, as shall have been previously determined on, which shall be issued and communicated by the brigadier-general to the officers of the brigade, or any of them, shall be forthwith obeyed; and for every disobedience of any such order, the delinquent shall be subject to the penalty or fine prescribed in the preceding section, besides being subject to arrest.</p>
<p>1 July, 1812, c. 113, s. 7, v. 2, p. 770.</p>	
<p>Officers to meet for training.</p>	<p>SEC. 1224. The commissioned officers of the several legions shall meet once in every year, within their respective legiunary districts, for the purpose of being trained and instructed by the brigade-inspector; the days and places of meeting to be fixed by the commanding officer of the brigade to which the legions belong.</p>
<p>3 March, 1803, c. 10, s. 14, v. 2, p. 220.</p>	
<p>Training to continue three days.</p>	<p>SEC. 1225. The officers assembled in accordance with the preceding section shall each continue three days, and no longer.</p>
<p>Ibid.</p>	
<p>Eldest officer present to call the roll.</p>	<p>SEC. 1226. The eldest officer present shall call the roll each day, and report the delinquencies to the succeeding legiunary court of inquiry.</p>
<p>Ibid.</p>	
<p>Penalty for non-attendance.</p>	<p>SEC. 1227. Every officer failing to attend such meeting on being summoned, not having a reasonable excuse, to be adjudged of by the court of inquiry, shall forfeit and pay ten dollars for each day he shall fail so to attend.</p>
<p>Ibid.</p>	
<p>Misconduct of officers.</p>	<p>SEC. 1228. 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 directed by this chapter.</p>
<p>Ibid., s. 15, p. 220.</p>	
<p>Misconduct of non-commissioned officers and soldiers.</p>	<p>SEC. 1229. If any non-commissioned officer or soldier shall behave himself disobediently, or mutinously, when on duty, or before any court or board directed by law 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 pro-</p>
<p>Ibid., s. 16, p. 220.</p>	

mote 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 inquiry, in any sum not exceeding ten dollars, nor less than one dollar.

SEC. 1230. 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.

Bystanders or spectators, when liable to punishment.

3 March, 1803, c. 20, s. 17, v. 2, p. 220.

SEC. 1231. 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 offend, he shall be liable to be confined during the day, in such manner as the commanding officer shall direct.

Parade limits.

Ibid.

SEC. 1232. The respective courts of inquiry shall have power to cause to be bound for a term of years, to the several commandants of companies, battalions, and legions, and their successors in office, as the case may require, such number of boys and young men, with the consent of their parent or other person authorized, as they in their discretion may deem proper, for the purpose of being instructed in the different branches of military music, and of serving as musicians when they may be competent thereto, to the several companies, battalions, and legions.

Apprentices to learn military music.

Ibid., s. 28, p. 224.

SEC. 1233. The father of any youth who may be so bound, otherwise subject to be enrolled, shall be exempt from all duty in the militia, so long as his son so bound may continue to serve in the corps to which he would otherwise belong, as well during his apprenticeship as thereafter.

Father to be exempt from military duty.

Ibid.

SEC. 1234. The several legionary courts of inquiry shall make provision from time to time for the clothing, maintenance, and proper instruction of all such youths, to be paid from the fund arising from fines.

Clothing, maintenance, and instruction.

Ibid.

SEC. 1235. The commanding officers of legions shall cause the drummers and fifers and other musicians of their respective legions to meet, at the same times and places that commissioned officers are required to meet for the purpose of being trained by the brigade inspector or other officer, there to be instructed in their respective branches of music, for which purpose the commanding officer of the legion may employ such person as he may think proper and capable to instruct the drummers and fifers, and other musicians.

Yearly meeting of musicians for instruction.

Ibid.

SEC. 1236. The person so employed by the commanding officer of the legion may be allowed such compensation as the legionary court of inquiry may authorize, and each drummer and fifer, and other musician, unless an apprentice, shall be allowed, during the time they are convened, one dollar per day, to be paid out of the funds arising from fines.

Compensation of instructors and musicians.

Ibid., pp. 224, 225.

MUSTERS.

SEC. 1237. There shall be a muster of each troop of cavalry and company of militia, comprehending the companies made up by voluntary enrollment, in the months of April, June, and September in each year, to be appointed by the respective legionary courts of inquiry, at such places as may be deemed most convenient within the District.

Company musters.

Ibid., s. 11, p. 218.

1 July, 1812, c. 113, s. 2, v. 2, p. 769.

SEC. 1238. 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 District.

Battalion muster.

3 March, 1803, c. 20, s. 11, v. 2, p. 219.

21 Feb., 1871, c. 62, s. 1, v. 16, p. 419.

SEC. 1239. There shall be a muster of each legion in the month of October or November in each year, to be appointed by the command-

Legionary muster.

3 March, 1803, c. 20, s. 11, v. 2, p. 219.

1 July, 1812, c. 113, s. 1, v. 2, p. 769.

Musters to continue one day only.

3 March, 1803, c. 20, s. 11, v. 2, p. 219.

Notice of musters to be given commandant.

Ibid.
Communication of notice.

Ibid.

How notices given.

Ibid.
Sergeant failing to give notice; penalty.

Ibid.

What notices deemed legal.

Ibid.

Appearance at muster.

Ibid.
Company inspection.

Ibid.

Battalion inspection.

Ibid.

Returns of company officers.

Ibid., s. 12, pp. 219, 220.

Returns of commanding officers of legions and battalions.

Ibid., s. 11, p. 219.

ing officer of the brigade to which such legion belongs, at such place as he may think most convenient within the legionary district.

SEC. 1240. The company, battalion, and legionary musters, provided for by the three preceding sections, shall continue one day and no longer.

SEC. 1241. The time and place of all legionary, company, and battalion musters shall be notified to the commanding officers of legions thirty days previous thereto.

SEC. 1242. Commanding officers of legions shall give notice to the commanding officers of battalions, of such brigade, legionary, company, 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 their respective companies, at least three days before such musters, respectively.

SEC. 1243. The notices to be given by the commanding officers of brigades, legions, battalions, and companies shall be in writing, delivered to each person to be notified, or left at his usual place of abode.

SEC. 1244. 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 offense five dollars.

SEC. 1245. All notices publicly given by the commanding officers of companies at their respective musters, of any subsequent muster, shall be deemed legal notice, as to all persons present.

SEC. 1246. 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.

SEC. 1247. 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 accouterments of all under his command, and make accurate return of the whole thereof to the commanding officer of his battalion in five days thereafter.

SEC. 1248. It shall be the duty of commanding officers of companies to have their companies 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 belong, which returns shall be filed, ready to be delivered to the inspector as he shall commence the inspection of each company.

SEC. 1249. Each 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; and it shall be the duty of commanding officers of battalions to make like returns, within five days thereafter, to the commanding officers of legions, who shall cause the adjutants of their respective legions to make legionary returns to the brigade-inspector within ten days thereafter.

SEC. 1250. Commanding officers of legions and battalions shall, at their respective legionary and battalion musters, 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 inquiry appointed under the provisions of this chapter to take cognizance of, and determine on them; and to each of said returns shall be annexed the following certificate, namely: "I, _____, do certify that the returns hereunto annexed contain all the delinquencies which have occurred since my last return, having duly examined the same."

COURTS-MARTIAL.

Courts-martial for trial of general officers.

SEC. 1251. The President, upon complaint for his misconduct, lodged with the Department of War, in writing, by any one or more commis-

sioned 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 District.

SEC. 1252. Any major-general or brigadier-general, for misconduct within his 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.

Arrest of field and staff officers, when.

Ibid.

SEC. 1253. The commanding officer of the division or brigade shall order a court-martial for the trial of any officer arrested under the preceding section, 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.

Courts-martial for trial of field and staff officers.

Ibid.

SEC. 1254. 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.

Brigade courts-martial for trial of company officers.

Ibid.

SEC. 1255. The courts-martial provided for by the four preceding sections shall proceed to hear and determine on all offenses under this chapter, and may censure or cashier any officer so tried; which sentence shall be final, when approved by the President of the United States.

Proceedings; approval of sentence.

Ibid.

SEC. 1256. For obtaining the necessary evidence for the trials by court-martial, the President of the United States, or the presiding officer of the court, as the case may be, shall issue his summons.

Summons of witnesses.

Ibid.

SEC. 1257. Every person summoned as provided by the preceding section, and failing to attend and to give evidence, shall be subject to, and may be tried by, a court-martial; and, if an officer, may, at the discretion of the court, be cashiered, or fined not exceeding six months' pay; and if a non-commissioned officer, or soldier, or a person not enrolled, he shall be reported to the court of inquiry 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 the court of inquiry may think proper to inflict, not exceeding forty dollars.

Penalty of witness for default.

Ibid.

COURTS OF INQUIRY.

SEC. 1258. There shall be battalion courts of inquiry, to be appointed by the commanding officer of the battalion, for the assessment of fines incurred under this chapter, in such battalion; and such courts of inquiry shall be held in the months of July and November, in each year, at some convenient place within the district, to consist of the commanding officer of the battalion and the commanding officers of companies which shall belong to or be attached to such battalion, or a majority of them.

Battalion courts of inquiry.

Ibid., s. 8, pp. 217, 218.

1 July, 1812, c. 113, s. 3, v. 2, p. 769.

SEC. 1259. Each member of a court of inquiry shall take the following oath, to be administered by the presiding officer, and afterward by any other officer of the court, to him: "I, _____, will truly and faithfully inquire 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."

Oath of members.

3 March, 1803, c. 20, s. 8, v. 2, p. 218.

SEC. 1260. The presiding officer shall lay before the court of inquiry all the delinquencies, as directed by law, whereupon the court shall proceed to hear and determine.

Proceedings of court.

Ibid.

SEC. 1261. There shall be legionary courts of inquiry, for the assessment of fines incurred by the officers of the legion, and for other duties, required by this chapter, and such courts of inquiry 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 each battalion court of inquiry.

Legionary courts of inquiry.

Ibid.

Legionary courts extraordinary.

1 July, 1812, c. 113 s. 3, v. 2, p. 769.

Legionary courts, how composed.

3 March, 1803, c. 20, s. 8, v. 2, p. 218.

Proceedings.

Ibid.

Return of delinquent officers.

Ibid.

Remitting fines and duty.

Ibid.

Clerk and provost marshal.

Ibid., s. 9.

Duties of clerk.

Ibid.

Squadron courts of inquiry.

1 July, 1812, c. 113, s. 6, v. 2, p. 770.

Legionary courts of cavalry.

Ibid.

How composed and governed.

Ibid.

SEC. 1262. The commanding officer of each legion is empowered to appoint and convene legionary courts extraordinary, which may exercise all the powers, and perform any of the duties, of the ordinary legionary courts of inquiry, except the power of assessing fines incurred by the officers of the legion, for any delinquency or neglect of duty, other than failing to attend such legionary courts extraordinary.

SEC. 1263. Legionary courts of inquiry shall 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 in section twelve hundred and fifty-nine.

SEC. 1264. The commanding officer of the legion shall lay before the legionary court all delinquencies, directed by law, whereupon the court shall proceed to hear and determine.

SEC. 1265. It shall be the duty of the presiding officer of every court of inquiry to return to the next legionary court of inquiry all delinquent officers failing to attend the preceding court, to be proceeded against according to law.

SEC. 1266. The legionary court of inquiry may, for good cause shown, remit any fine imposed by the battalion court last preceding; and 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. 1267. The respective legionary courts of inquiry shall annually appoint, by ballot, a clerk and a provost-marshal, who shall attend the courts directed to be held, and who shall each receive such allowance, to be paid out of the fines, as the legionary court shall think reasonable.

SEC. 1268. 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 routine 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 collector's receipts shall be taken; the said lists shall be made out and delivered to the collector in fifteen days after each legionary court of inquiry; and the clerk shall perform all other duties required by this chapter.

SEC. 1269. Squadron courts of inquiry, for the squadron of cavalry within the District, shall be separately held; but whenever a legionary court of inquiry, as by law directed, shall be held, the cavalry within the limits of the legion for which such court may be held shall be subject to its jurisdiction and authority; and the commanding officers of the squadron and companies of cavalry shall be members of such legionary court for the legion within which they shall respectively reside.

SEC. 1270. When the cavalry shall be formed into a separate legion, there shall be separate legionary courts held by and for them at some place within the District.

SEC. 1271. Both the squadron and legionary courts of cavalry shall be respectively for similar purposes, shall be appointed and constituted in a similar manner, and be subject to the same rules and regulations as the battalion and legionary courts authorized and directed by this chapter.

DELINQUENCIES.**Forfeitures and penalties for delinquencies.**

3 March, 1803, c. 20, s. 20, v. 2, pp. 221, 222.

Of commanding officer of legion.

Ibid.

SEC. 1272. The following forfeitures and penalties shall be incurred for delinquencies, viz:

By a lieutenant-colonel commandant, or commanding officer of a legion, for failing to take an oath to summon any court or board, or failing to give notice of a brigade, legionary, or battalion muster; or to report delinquencies, or to make returns of his legion, shall for each offense or neglect, forfeit and pay a sum not exceeding seventy dollars;

for failing to send into service any militia legally called for, three hundred dollars.

By a major, for failing to take an oath, to attend any court or board, to give notice of any brigade, legionary, or battalion muster, to examine his battalion, to report delinquencies, or to make any return, he shall forfeit and pay for each offense or neglect, a sum not exceeding thirty dollars; for failing to call forth his battalion with due dispatch, or any detachment of men or officers as shall be required by the commanding officer of his legion, or upon any call from the President, one hundred and fifty dollars.

Of major.

By a captain, for failing to take an oath, to attend any court, to enroll his men, to give notice of a brigade, legionary, or battalion muster, to attend any muster armed, to cause his roll to be called, examine his company and report delinquencies, or to allot his company into divisions, from one to ten, for a regular routine of duty, or to make any return as directed by this chapter, he shall forfeit and pay for each offense or neglect, a sum not exceeding twenty dollars; failing to call forth such officers and men, as shall be legally called from his company, upon any call from the President, or failing on such occasions to repair to the place of rendezvous, he shall forfeit and pay seventy-five dollars.

Of captain.

By a subaltern officer, for failing to take an oath, to attend any court or muster, armed as directed, for each offense he shall forfeit and pay a sum, at the discretion of the court of inquiry, not exceeding ten dollars; failing to repair to the place of rendezvous, armed as required, when ordered upon any call from the President, he shall forfeit and pay fifty dollars, to be adjudged of and determined by the respective legionary courts of inquiry.

Of subaltern officer.

By a non-commissioned officer or soldier, for failing to repair to his rendezvous when ordered upon any call from the President, he shall forfeit and pay a sum not exceeding fifty dollars, to be adjudged of and determined by the respective battalion courts of inquiry, and shall be enrolled in the class destined to perform the next tour of duty; and all officers failing as provided in this section, shall be subject to be arrested, tried, censured, or cashiered, at the discretion of the battalion courts of inquiry.

Of non-commissioned officers or soldiers.

Any non-commissioned officer or soldier failing to attend at his brigade, legionary, battalion, or company muster, armed and equipped as the law directs, shall forfeit and pay a sum not less than seventy-five cents, nor more than five dollars, at the discretion of the battalion courts of inquiry.

Ibid.

Any private at or near the muster-ground at any legionary, battalion, or company muster, who shall refuse or neglect to go into the ranks when required, shall forfeit and pay ten dollars.

Of privates at muster.

SEC. 1273. If any non-commissioned officer or private shall be returned as a delinquent in not appearing, armed and accoutered as the law directs, the court of inquiry before whom the same shall be tried may, if it appear reasonable, remit the fine incurred by him, provided every such delinquent shall make it appear that he was unable to procure the legal equipment.

Remission of fines in certain cases.

3 March, 1803, c. 20, s. 20, v. 2, p. 222.

COLLECTION OF FINES.

SEC. 1274. The fines and penalties incurred by infants and apprentices, for breach or neglect of duty, in any particular service by law required of them, shall be paid by the parent, guardian, or master.

Fines of minors and apprentices; how paid.

Ibid., s. 21.

SEC. 1275. All fines assessed under the provisions of this chapter shall be certified by the clerks of the legionary and battalion courts of inquiry, respectively, by which the same shall be assessed, and delivered to the marshal of the District, within fifteen days after the sitting of the court empowered finally to determine, and he shall give a receipt therefor.

Collection of fines.

1 July, 1812, c. 113, s. 4, v. 2, pp. 769, 770.

SEC. 1276. The marshal shall forthwith proceed to collect said fines, and, upon failure of payment when called for, to levy the amount with costs by distress and sale of the goods and chattels of the delinquent;

Proceedings in distress.

Ibid., p. 770.

which costs and manner of proceeding shall be the same as in other cases of distress.

Commitment.
1 July, 1812, c.
113, s. 4, v. 2, p. 770.
Ryan vs. Ring-
gold, 3 Cranch, C.
C., 5.

SEC. 1277. Where there are no goods or chattels to be found whereof to levy, the marshal shall commit the delinquent to jail, and hold him in close confinement during the term of twenty-four hours for each and every fine by him payable, unless the same shall be sooner paid, in the same manner as other persons condemned to fine and imprisonment at the suit of the United States may be committed.

Account and
compensation of
marshal.

SEC. 1278. The marshal shall account for all fines, and pay such as have been by him levied, to the paymaster of the legion from which he received the certified lists, within six months after the lists are delivered to him, deducting twelve and a half per centum as a compensation for his trouble.

Recovery from
marshal.

SEC. 1279. In case of failure of the marshal to account for and pay over the fines collected by him, as provided in the preceding section, the same shall be recovered by motion in the supreme court of the District in the name of the paymaster of the legion, with twelve and a half per centum damages, and legal interest on the amount from the time it ought to have been paid, and cost of suit: *Provided*, The marshal shall have had ten days' notice of such motion.

Ibid.

Proceedings not
to abate in certain
cases.

SEC. 1280. If, during the pendency of proceedings in any case, and before payment is made by the marshal, the paymaster, in whose name the proceedings are going on, should be removed from office, it shall not abate or in any manner interrupt or affect the proceedings, but the name of the succeeding paymaster may be substituted until the proceedings are formally closed.

Ibid.

Disposal of fines.

3 March, 1803, c.
20, s. 23, v. 2, p. 223.

SEC. 1281. The fines paid into the hands of the paymaster by virtue of this chapter shall be held as a fund for defraying the salaries of the officers and other persons herein mentioned, and the maintenance and instruction, and pay of musicians, and of equipping and furnishing the militia with standards and musical instruments, and uniforms in certain cases, with every other thing necessary, to be adjudged and determined by the legionary courts of inquiry; and all accounts passed by such court, and certified by the lieutenant-colonel commandant, shall be sufficient to authorize the paymaster to pay the same.

Paymaster's ac-
counts.

SEC. 1282. The paymaster shall keep a regular account of all moneys received and disbursed by him on account of the legion, and shall once in every three months render his accounts and settle with the court of inquiry.

Ibid.

Bond, delinquen-
cy, and commission
of paymaster.

SEC. 1283. The paymaster shall give bond and security, to be approved by the court of inquiry, for the faithful performance of his duty, and shall be subject to the same mode of recovery for delinquency as prescribed in section twelve hundred and seventy-eight, and shall be allowed a commission of two and a half per centum on the several sums by him disbursed.

Ibid.

1 July, 1812, c.
113, secs. 2, 4, v. 2,
p. 769.

Remission of
fines.

SEC. 1284. Where any fine or fines shall have been collected or imposed, the delinquent shall be at liberty, at any time within twelve months after such imposition, to apply to any of the legionary courts to return or remit the same, and the court is empowered to make such order in the case as may seem to them, or a majority of them, to be right and just.

Ibid., s. 5, p. 770.

MISCELLANEOUS PROVISIONS.

Who is exempt
from militia duty.

SEC. 1285. The president, professors, tutors, stewards, and students of the different seminaries of learning in the District are exempt from the performance of militia duty except in case of war.

4 May, 1826, c.
30, v. 4, p. 157. *Ex*

parte Smith, 2 Cranch, C. C., 693.

Exemption of
arms and equip-
ments from pro-
cesses.

SEC. 1286. The arms and other equipments belonging to an officer, non-commissioned officer, or private are exempt from taxation or execution.

1 July, 1812, c. 113, s. 8, v. 2, p. 771.

SEC. 1287. The persons of officers, non-commissioned officers, and privates of the militia shall be exempt from arrest and process in civil cases while going to, continuing at, or returning from musters, and while in actual service.

Exemption of persons from, when.

3 March, 1803, c. 20, s. 25, v. 2, p. 224.

Distribution of militia laws.

Ibid., s. 29, p. 225.

SEC. 1288. The Secretary of War shall cause a sufficient number of copies of this chapter, together with Title XVI of the Revised Statutes, "THE MILITIA," and the articles of war, to be printed and distributed throughout the District, so that every general and field-officer therein, and every brigade-inspector and captain, be furnished with one copy each. [See R. S., U. S., §§ 1625-1661; 1342-1343.]

WHEN CALLED INTO ACTUAL SERVICE.

SEC. 1289. The President is authorized and empowered, on an invasion or insurrection, or probable prospect thereof, to call forth such a number of militia from the District, and in such a manner, whether by routine of duty or otherwise, as he may deem proper.

When President may call out the militia.

Ibid., s. 24, p. 223.

SEC. 1290. For the accommodation, equipment, and support of the militia so at any time called forth, the President may appoint such quartermasters, commissaries, and other staff as to him shall seem proper, and fix their pay and allowances, and shall also take such measures for procuring, transporting, and issuing all orders which may be necessary.

Equipment and subsistence.

Ibid.

SEC. 1291. Orders for the militia to be called forth as provided in section twelve hundred eighty-nine, shall be sent to the commanding officer of the District, with a notification of the place or places of rendezvous, who shall immediately take measures for detaching the same, with the necessary number and ranks of officers, by detail and rotation of duty or otherwise, as he may be ordered.

Orders and details.

Ibid.

SEC. 1292. Whenever any militia shall be called forth into actual service, they shall be governed by the articles of war, which govern the troops of United States. And courts-martial shall be held as provided by the articles of war, to be composed of militia-officers only, for the trial of any person, in the militia; but for cashiering any officer, or the capital punishment of any person, the approbation of the President of the United States shall be necessary. [See R. S. U. S., pp. 223-241.]

To be governed by articles of war.

Ibid.

SEC. 1293. If a sudden invasion shall be made into the District, or in case of an insurrection therein, the commanding officer of the militia of the District is authorized and required to order out the whole or such part of the militia as he may think necessary, and in such manner as he may think best, for repelling or suppressing such invasion or insurrection; and shall call on the commanding officers of the adjacent counties for such aid as he may think necessary, who shall forthwith and in like manner furnish the same.

Powers of commanding officer in certain cases.

Ibid., v. 2, pp. 223, 224.

SEC. 1294. In the event of any militia being ordered out by the commanding officer of the District as authorized by the preceding sections, such officer shall immediately notify the same, and the cause thereof, to the President of the United States.

Notice to the President.

Ibid., p. 224.

SEC. 1295. When the militia shall be in actual service, they shall be allowed the same pay and rations as are allowed by law to the militia of the United States. [See R. S. U. S., §§ 1650-1653.]

Pay and rations.

Ibid., p. 223.

SEC. 1296. All acts of Congress passed prior to the first day of December, one thousand eight hundred and seventy-three, relating to the District of Columbia, any portion of which is embraced in the foregoing revision are hereby repealed; and the section applicable thereto shall be in force in lieu thereof; and this revision of the acts of Congress relating to the District of Columbia shall be subject to, and governed by the provisions of chapter seventy-four of the Revised Statutes of the United States, entitled "Repeal Provisions." [See R. S. U. S., §§ 5595-5601.]

Repeal provisions.

Approved, June 22, 1874.