STAR AND NORTH CAROLINA GAZE

RALEIGH, N. C. WEDNESDAY, APRIL 12, 1837

LAWS OF NORTH CAROLINA. passed at the Session of 1836-'37.

[Rebised Statute.] MILITIA An Act concerning the Militia of this State.

SEC. 8. The following are hereby declared to be the regiments, brigades, and divisions of the Infantry, to be known and distinguished as here designated, viz: 1 22 1

No. of	Of what Brigades composed.	No. of Brigade.	Of what Regiments Composed.
-	1st, 18th,	-) 1st, 2nd, 3rd, 4th.
10	4th, 14th,	4 2	41st, 44th, 33rd, 34th, 35th, 32nd,
		14) 53rd, 54th, 42nd, 43rd, 51st, 93rd,
ω	6th, 16th,	16	\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\
•	7th, 10th, 11th.	7	63rd 64th, 87th, 88th,
		10 .	
5	15th, 19th,	15	80th, 81st,
	3rd 19th	. t	20th 30th 94th 37th 84th,
		12	26th, 40th
7	5th, 17th,	17	20th; 21st, 18th, 14th, 15th, 16th, 22th, 35th, 36th, 22nd, 23rd,
00	2nd, 13th,	10	18th, 19th,
	6.1 6.1	e 23	5 12th, 11th, 8th, 17th,
	And the second second second		

| - d | How distinguished

Counties.	No. of Regiment	in counties when there are more than one Regiment.
	pas .	une regiment
Currituck Camden Pasquotank Perquinons	1 2 3 4	1
Chowan Gates	5 6 7	
Washington Bertie	8 9	
Hertford Hyde	10	
Beaufort Martin Halifax	12 13 14	Upper Regiment
Northampton Carteret Craven Pitt	15 16 17 18 19	Lower do.
Edgecombe	20	Upper do.
Nash War en	21 22 23	Lower do.
Onslow	24	
Jones Lenoir Greena	25 26 27	
Johnston	28	
Franklin New-Hanover	30 -	
Doplin	31	
Sampson Cumberland	32 33 34	Lower do.
Wake	35 26 37	East of Raleigh West of do. North Regiment
Granvine "	38	South do.
Brunswick	39	
Wayne Bladen	40	
Robeson	42 43	Lower Regiment Upper do.
Moore Chatham	44 45 94	Lower do. Upper do.
Asho	46.	
Orange	47	Hillsborough do, Hawfield's do,
Orange	49	Haw River do.
Person	50	
Richmond	93	Ist, do.
Iredell	52 89	South do. North do.
Anson	53	Lower do. Upper do.
Randolph	55 56	West do.
Guilford	57 58	West do.
Caswell	59	
Montgomery	61	West do.
Rowan	63_	Pork do.
Stokes	64%	North do.
Rockingham	66	South do.
Mecklenburg	68 69	Upper do. North do. South do.
Lincoln	70 71	Upper do.
Surry "	72 73	North do.
Wilker	74	Lower do.
Rutherford	75 76 77	Upper do. West do. South do.
1955	78	East do.
Burke	79 80	Morganton Lower Creek
	81 92	Pleasant Gardens
Buncombe	82	Cany River
	83	Ashville South
Columbus	85	The state of the s
Haywood Davidson	86	Lower
The state of the s	01	THE STATE OF THE PARTY OF THE P

SEC. 9. The officers of the infantry shall be as follows: viz. each division there shall be one major general, and two aids de camp, with the rank and pay of major: one division inspector, and one division quarter master, with the rank and pay of lieutenant culonel, to be appointed by the major general, and com-

brigade inspector, with the rank and pay of major, one hospital such alterations as shall be rendered necessary by unavoidable surgeon and two mates, and one assistant deputy quarter mas- circumstacea. ter general, with the rank and pay of a captain, to be appointed | SEC. 15. The regimental or battalion courts martial of the To each rigiment one colonel, one lieutenant colonel, and one power so to lay off the several c ptain's districts, as to render major. There shall also be, to each region.

one quarter master, who shall be commissioned officers with the one quarter master, one surgeon, and one surgeon's mate, one sergeant major, one drum major, and one fife major; all to be appointed by the commanding officer of the regiment: and the adjutant shall, when necessary, discharge the duties heretofore assigned to the brigade inspectors within his duties heretofore assigned to the brigade inspectors within his proper; and all allotments or alterations shall be duly recorded by the court carried in the books of the regiment are so detached by the judge advocate in the books of the regiment are so detached by water courses or mountains, as to render their attendance to the water courses or mountains, as to render their attendance to the water courses or mountains, as to render their attendance to the proper to be water courses or mountains, as to render their attendance to the water courses or mountains, as to render their attendance to the proper to be water courses or mountains, as to render their attendance to the proper to be water courses or mountains, as to render their attendance to the proper to the water courses or mountains, as to render their attendance to the proper to the water courses or mountains, as to render their attendance to the proper to th major. There shall also be, to each regiment, one adjutant and it as convenient to the inhabitants, as a due regard to the rebe one captain, three lieutenants, one easign, four sergeants, inconvenient at any place where they have been accustomed to four corporals, one drummer and one fifer. The commissioned officers of each company shall be recommended by the field of of thirty-six men, liable to perform military daty, it shall be ficers of the regiment, to the Governor, who is requested to is- the duty of the regimental or battalion court martial, to day ? sue commissions to fill such appointments, according to the said that section off into a separate captain's district and appoint recommendations. The non-commissioned officers, to wit: officers in the same manner as in other districts; and when Sergeants, corporals, drummers and fifers, shall be appointed there shall be two or more regiments in any county, within this by the captain of each company. All commissioned officers of State, a majority of the officers composing such regiments shall \ the same rank shall take precedency on command, according have full power to alter and regulate the boundary lines of to the date of their commissions; and when two or more of the their regiments; and in the event the officers should not agree same grade bear an equal date, then their rank shall be deter- with respect to said lines, it shall be the duty of the County was a miner by lot; to be drawn by them before the commanding of Court, a majority of the justices being present, to establish the ficers of the division, brigade, regiment, battallion, company or said lines; and when so fixed, the Judge advocate of each regidetachment. The General and field officers, and all other comment shall spread the same on their journals. missioned officers, shall reside within the division, brigade, re- Sec. 16. Every captain or commanding officer of a compamissioned officers, shall reside within the division, brigade, regiment, battallion or company district, which they respectively command. An Adjutant General of the militia shall be appointed, and commissioned by the Governor of the State, who shall rank as a Brigadier General, and who shall receive a salary of two hundred dollars per annum, for his services, besides a reimbursement of his expenses, a hereinafter provided, to be paid quarterly by the Treasurer, by a warrant from the Governor company manageuvers; at which muster

he shall f rfeit and pay the sum of forty dollars; it a major, the accounted for to the paymaster. When there shall occur a vacancy in the office of major general, the adjutant general shall issue orders to the brigadier generals in that division, who shall forthwith issue orders to the colonels of their respective regiments, of each colonel to transmit to the brigadier general of his brigade, a fair statement of the votes so polled, within ten days af- doubled. ter said election; and the brigadier general shall compare the votes transmitted to him by the colonels in his brigade, and two of them, after each and every muster of the com shall transmit to the adjutant general a fair statement thereof; shall on the same day meet in court martial, and proceed to try to compare the several returns so made to him, and inform the by the battalion or regimental courts martial. in command, attached to that regiment, shill call together the commissioned officers at the usual place of regimental review, and at such time as he may think proper; and they shall proceed to elect by ballot, officers to supply said vacancies; and a fair statement shall be transmitted by the officer highest in command, to the brigadier general of his brigade, of the officers that have been elected; and it shall be the duty of the brigadier to the payment of poli taxes. Such musicians shall be recommissioned officers of the field officers of the regiment to which they severally belong, and shall attend each and every muster of their respective companies, and also the muster of the officers, and perform the duties of their appointment, under the penalty of four dollars for each and every neglect, to be collected and applied in the same manner that other fines are. general of that brigade; and in case of vacancy in any of those such hands belong. offices by resignation, the brigadier general shall order an elec-

SEC. 12. When any officer commanding a division, brigade or regiment shall have occasion to be absent from his usual re-

ney or papers, received by virtue of their appointments, shall at least two hours on each day. when they leave their office, pay and deliver the same to their | SEC. 22. If any officer shall fail to attend at any review, hereinafter directed.

missioned by the Governor: to each brigade, one brigadier gen- by congress shall be, and the same are hereby established as eral, and one aid de camp, with the rank and pay of major, one the rules for the discipline of the militia of this State, except

by the brigadier general, and commissioned by the Governor, several regiments or battalions in this State, shall have

a reimbursement of his expenses, as hereinafter provided, to be paid quarterly by the Treasurer, by a warrant from the Governor: provided, however, that no Major General. Brigadier General or Colonel shall be appointed, or act as Adjutant General. The Governor for the time being shall be entitled to four aids de camp, whom he may appoint and commission with the rank of colonel. The commissions hereby authorised and directed to be granted to the several aids de camp of the Governor, Major Generals and Brigadier Generals shall be held during the pleasure of the officers to whom such aids de camp may be attached.

Sec. 10. The uniform prescribed for the officers of the United States, shall be the uniform to be worn in future, by the commissioned officers of this State.

Sec. 11. If any officer below the rank of General shall resign, or fail to equip himself according to law within twelve or any commissioned officer of the company shall fail to appear to the company shall fail to appear to the company shall fail to appear to a subject to the same discipline, and good a company shall fail or neglect to muster his company as herein directed, he shall or neglect to muster his company as herein directed, he shall for feit and pay the sum of six dollars, to be adjudged by the next regimental court martial; and it he appear to the company shall fail to appear to a sum of the officers of the company shall fail to appear to a sum of the officers of the company shall fail to appear to a sum of the officers of the company shall fail to appear to a sum of the officers of the company shall fail to appear to a sum of the officers of the company shall fail to appear to a sum of the officers of the company shall fail to appear to a sum of the officers of the company shall fail to appear to a sum of the officers of the company shall fail to appear to a sum of the officers of the company shall fail to appear to a sum of the officers of the company shall fail to appear to a sum of the officers of the company shall fail to appear to sign, or fail to equip himself according to law within twelve or any commissioned officer of the company shall fail to appear months from the date of his commission, if a colonel, he shall equipped as directed at the said muster, the officer so failing forfeit and pay the sum of fifty dollars; if a lieutenant colonel, shall pay the sum of four dollars; and it a non-commissioned officer or private shall fail to attend at a company muster, he sum of thirty dollars; if a captain, the sum of twenty dollars; if shall forfeit and pay a sum not exceeding two dollars, nor less a first lieutenant, the sum of fifteen; if a second or third lieu- than one dollar; and if he attend without being armed and actenant or ensign, the sum of ten dollars; to be sued for and recovered by the adjutant, in the name of the Governor, and to be fifty cents, which sum shall be adjudged by the company court coutred, he shall pay a sum not exceeding one dollar nor less than of martial according to the circumstances of the delinquent: Provided, that every absentee shall be allowed until the next succeeding company muster to make his excuse, which shall always be on oath, the officer highest in rank present being hereby auto call together the commissioned officers of their regiments at thorised to administer the same. Where companies consist the usual place of regimental musters, and at such time as the principally of persons residing within any town, and the musbrigadier general shall direct, and shall proceed by ballot to ter ground is at or within one mile of said town, all fines imelect a major general of that division; and it shall be the duty posed by this act for not appearing at reviews and musters, or if appearing, not being properly armed and accoutred, shall be

Sec. 17. The commissioned officers of the company, or any 2 and it shall be the duty of the adjutant general to compare the and determine on all cases which may come before them; and statements made to him by the brigadier generals, and make on conviction of any delinquent, the officer highest in rank | known to the Governor the person for whom the highest num-ber of votes may have been given; and a commission shall be is-against the go ds and chattels, or body of the delinquent, as sued by the Governor. And if the office of major general shall in judgments in civil cases, directed to the constable of that be vacated by death or removal, it shall be the duty of the bri- district; which constable shall proceed to execute the same, in gadier general in whose brigade the major general lived, to in-form the adjutant general thereof; and all resignations of major, by law for the government of constables in their duty to civil generals shall be made to the adjutant general, and by him made cases; and shall be allowed the same fees for his services, and known to the Governor. That when a vacancy shall occur in shall make his returns to the next company court martial. the office of brigadier general, it shall be the duty of the major The right of appeal shall be allowed from a company to a batgeneral of that division, to issue orders to the several colonels talion or regimental court martial, but no appeal shall be grantin that brigade, to call together the commissioned officers of ed, unless the person praying the same, shall give security, to their respective regiments at the usual place of review, and at be approved by the captain or presiding officer of the company such time as the major general shall direct, who shall proceed court martial to abide by the elecision of the battalion or regiby ballot to elect a brigadier general of that brigade; and the mental court martial; which appeal shall be taken in like manseveral colonels shall transmit within ten days, a fair statement ner as appeals from the judgment of justices of the peace to of the votes given, to the major general; whose duty it shall be the County Courts, and shall be proceeded on in like manner

Governor who shall have received the highest number of votes; SEO. 18. For the encouragement of military music, it shall and the Governor shall issue a commission; and if the office of and may be lawful for the captain of each and every military brigadier general shall become vacant by death or removal, it company of infantry in this State, to select from among the shall be the duty of the colonel, senior in commission, of the persons enrolled in their respective companies, one fifer and county wherein said brigadier general lived, to inform the ma- one drummer, each being properly qualified for their appointjor general thereof by mail or otherwise forthwith; and all re- ment; which selection shall be made under the direction and signations of brigadier generals shall be made to the major gen- with the approbation of the field officers belonging to the regieral, and by him made known to the Governor. If, on com-paring the votes given in for a major general, there be a tir, the Governor shall make the appointment from the two highest can-cers to grant a certificate to such musicians of their appointdidates; and if there be a tie in the votes given in for brigadier ment; and the County Court of the county in which such comgeneral, the major general shall make the appointment from the panies respectively are, shall exempt and discharge such musi-two highest candidates. Where a vacancy shall occur in the cians so selected, during their countinuance in appointment, office of colonel, lieutenant colonel or major, the senior officer from serving on all juries, from working on the public roads, in command, attached to that regiment, shall call together the and from the payment of poll taxes. Such musicians shall be re-

general to inform the Governor thereof, from whom a commis-sion or commissions shall issue. All resignations of colonels, der the hands under him to work on the days previously aplieutenant colonels or majors, shall be made to the brigadier pointed for musters by the captain of the company to which

SEC. 20. The captains shall at the several musters, or withtion as before directed, and shall inform the Governor of such in thirty days after being required so to do, or immediately if resignation. When any commission for a major general or brig-adier general is issued by the Governor, under the provisions of their respective companies to the commanding officer of the rethis section, it shall be the duty of the adjutant general to have giment or battalion, under penalty of ten dollars in the first the same published in one of the papers in the city of Raleigh. case, or disobedience of orders in the second case.

Suc. 21. There shall be in every year at least one regimental or battalion muster, to be ordered by the commandant sidence two months or more, it shall be his duty to notify the officer next entitled to the command, of such his intended absence, and also, his next superior officer in command.

SEC. 13. All officers who have in their hands either mo-

successors in office, under the penalty of one hundred dollars, regimental or battalion muster, or, attending, be not armed as to be recovered in the name of the Governor, and applied as required by this act, he shall, on conviction before a court mar-Szc. 14. The rules of discipline, and system of tactics, if a commissioned officer under that grade, the sum of ten dolwhich are now or hereafter may be approved and prescribed clars; and every non-commissioned officer or private, who shall