

House

... be permitted to set
... governing, warning and
... the affairs of the Confederate

... ..
... for the members of the
... ..



*George Washington Flowers
Memorial Collection*

DUKE UNIVERSITY LIBRARY

ESTABLISHED BY THE
FAMILY OF
COLONEL FLOWERS

A BILL

To be entitled An Act to provide for organizing, arming and disciplining the militia of the Confederate States, and for governing such part of them as may be employed in the service of the Confederate States, and for calling them forth to execute the laws of the Confederate States, suppress insurrections and repel invasions.

1 SECTION 1. *The Congress of the Confederate States of America do*
2 *enact*, That every able-bodied white male resident of the respec-
3 tive States, who is, or shall be, of the age of seventeen years and
4 under the age of fifty years, who shall not be exempted by this
5 act, shall be enrolled in the militia.

1 SEC. 2. That it is hereby made the duty of the captain or
2 commander of each company within the bounds of whose com-
3 pany any such person may reside, within fifteen days next after
4 he shall be informed of such residence, and at all times hereafter,
5 to enroll each person hereby made liable to serve in the militia,
6 and to notify him of the time and place of muster; and also all
7 those who may, from time to time, arrive at the age of seventeen
8 years, and being under fifty years of age, shall come to reside
9 within the bounds of the company, unless exempt under the pro-
10 visions of this act. Such notice may be served and proved by
11 any non-commissioned officer of the company.

1 SEC. 3. That as soon as practicable, after the passage of this
 2 act, the militia of the several States shall be arranged into
 3 divisions, brigades, regiments, battalions and companies, as the
 4 Legislature of the said States shall direct, and until such ar-
 5 rangements shall be made, the existing organizations shall be
 6 recognized; each division, brigade and regiment shall be num-
 7 bered at the formation thereof, and a record made of such num-
 8 bers in the Adjutant General's office in the State; and when in
 9 the field, or in the service of the State, each division, brigade
 10 and regiment shall respectively take rank according to their
 11 numbers, reckoning the first or lowest number highest in rank.

1 SEC. 4. That if the same be convenient, each brigade shall
 2 consist of four regiments, each regiment of two battalions, and
 3 each battalion of five companies. That each company of infantry
 4 shall consist of not less than ninety, nor more than one hundred
 5 and twenty-five, privates; each company of artillery, of four
 6 pieces, seventy privates; each company of cavalry of sixty pri-
 7 vates; each company of sharpshooters of from ninety to one
 8 hundred and twenty-five privates. For each battalion of infantry
 9 there shall be one company of sharpshooters, and for each brigade
 10 one company of artillery of four pieces.

1 SEC. 5. The officers and non-commissioned officers of the mili-
 2 tia of each State shall be as follows:

3 A commander-in-chief.

4 An adjutant general, who shall be the inspector general of
5 militia, and a quartermaster general, each with the rank of brig-
6 dier general.

7 Aids to the commander-in-chief, with the rank of lieutenant
8 colonel, not exceeding in number.

9 To each division there shall be one major general, one division
10 inspector and adjutant, with the rank of Lieutenant Colonel ;
11 two aids-de-camp ; one division quartermaster, each with the
12 rank of major.

13 To each brigade there shall be one brigadier general ; one
14 brigade inspector, with the rank of major ; one brigade quarter-
15 master, and one aid-de-camp, with the rank of captain.

16 To each regiment there shall be one colonel ; one lieutenant
17 colonel and one major ; one adjutant, one quartermaster, each
18 with the rank of lieutenant ; one surgeon ; one sergeant-ma-
19 jor and one quartermaster-sergeant.

20 To each separate battalion there shall be one lieutenant col-
21 onel, when the battalion is composed of six companies or more, or
22 major, if of less ; one adjutant with the rank of lieutenant ; one
23 sergeant-major ; one quartermaster-sergeant, and a chief mu-
24 sician or bugler, according to the corps.

25 To each company of infantry there shall be one captain ; one
26 first lieutenant ; two second lieutenants ; one ensign ; four ser-
27 geants ; four corporals and two musicians.

28 To each company of cavalry there shall be one captain; one
29 first lieutenant; two second lieutenants; four sergeants; four
30 corporals; one farrier; one blacksmith and two musicians.

31 To each company of artillery there shall be one captain; one
32 first lieutenant; two second lieutenants; four sergeants; four
33 corporals and two musicians.

34 To each company of sharpshooters there shall be the same
35 officers as in a company of infantry.

36 To every company there shall be a clerk who shall be one of
37 the sergeants.

1 SEC. 6. There may be formed in each division a number of
2 volunteer companies of cavalry, artillery and sharpshooters, not
3 exceeding two for each regiment, which shall be clothed in uni-
4 form, to be furnished at their own expense. In case of war, in-
5 vasion, and for the execution of the laws, these companies shall
6 be first ordered into service. It shall be the duty of the briga-
7 dier general to encourage the formation of such companies, and
8 to promote, as far as practicable, the diffusion among them of a
9 knowledge of tactics and the army regulations, suitable for a com-
10 pany. These companies may be combined to form battalions or
11 regiments, in localities favorable for such organizations, and may
12 be attached to such brigades and divisions as convenience may di-
13 rect, under the orders of the commander-in-chief, and all exist-
14 ing organizations of this kind are hereby recognized as a part of

15 the militia, and shall be attached to some division and brigade, as
16 the commander-in-chief shall direct.

1 SEC. 7. The appointment of officers to the command of the
2 militia in the several States, and the authority for training the
3 same, according to the discipline prescribed by Congress, shall
4 be according to the Constitution and laws of the States respec-
5 tively.

1 SEC. 8. The system of discipline and field exercise, which is,
2 and shall be ordered to be observed by the army of the Confede-
3 rate States in the different corps of infantry, artillery, cavalry
4 and sharpshooters, shall also be observed by the militia in the
5 exercises and discipline of the said corps respectively throughout
6 the Confederate States.

1 SEC. 9. That all organizations which have been, or may be
2 made of the residents of any of the States, under the laws of
3 any of the States other than those mentioned in the first section
4 of this act for service as militia, shall be held and deemed to be
5 militia of the Confederate States, and shall be organized, armed
6 and disciplined in conformity to this act.

1 SEC. 10. That there shall be appropriated annually the sum of
2 dollars for the purpose of providing arms and
3 military equipments for the whole body of the militia of the
4 Confederate States, either by purchase or manufacture by and on
5 account of the Confederate States. All the arms thus procured

6 shall be divided among and delivered to the States and territo-
7 ries of the Confederacy, in proportion to their effective militia
8 force, and shall be distributed under such rules and regulations
9 as may be made by the several Legislatures thereof.

1 SEC. 11. It shall be the duty of the Secretary of War to direct
2 the manner in which the several corps composing the militia
3 shall be armed and equipped, and to modify from time to time
4 these directions as experience and the wants of the public service
5 shall require, which directions shall be communicated through
6 the several commanders-in-chief in the different States, and shall
7 constitute the rule on the subject.

1 SEC. 12. The Adjutant General in each State shall distribute all
2 orders from the commander-in-chief; shall obey all orders rela-
3 tive to carrying into execution and perfecting any system of
4 military organization established by law; and shall be in atten-
5 dance when the commander-in-chief reviews the militia.

6 II. He shall furnish blank forms of rolls, and of the different
7 forms that may be required, explaining the principles upon which
8 they should be made; of orders for the commander of division
9 or brigade corps relative to inspections, trainings, reviews and
10 elections of officers, and of the notices to be given to their sub-
11 ordinates, and make proper abstracts from the returns of those
12 commanders for the examination of the commander-in-chief.

13 III. He shall annually make a return in duplicate of the mili-

14 tia of the State, with their arms, accoutrements and ammunition,
 15 according to such directions as he may receive from the Secretary
 16 of War of the Confederate States; one copy of which he shall
 17 deliver to the commander-in-chief, and transmit the other to the
 18 Secretary of War, on or before the first day of January in each
 19 year.

20 IV. He shall obey all orders from the Secretary of War rela-
 21 tive to the organization, arming and disciplining of the militia,
 22 and for calling them into the service of the Confederate States,
 23 under the conditions that may be prescribed by any act of Con-
 24 gress, and shall communicate the same to any officer of the
 25 militia as he shall be directed.

1 SEC. 13. That the Quartermaster General shall receive, and
 2 hold for safe-keeping, all the arms, munitions of war, military
 3 stores, intrenching tools, and other implements of war, which
 4 may from time to time be transmitted to the State for the service
 5 of the militia, until the same shall be distributed according to
 6 the laws of the State; and until such distribution be made, these
 7 shall be a deposit for the use, and be subject to the control, of
 8 the Confederate States. The arms and munitions, and other
 9 property aforesaid, shall not, at any time, be subject to attach-
 10 ment, execution or distress, or be liable for any claim against
 11 the person in whose custody they may be. The Quartermaster
 12 General shall annually make a report, in duplicate, of the prop-

erty he may have on hand, one of which shall be delivered to the commander-in-chief, and the other shall be forwarded to the Secretary of War, on or before the first day of January of every year.

SEC. 14. The following persons shall be exempt from service in the militia: The Vice-President of the Confederate States, the officers, judicial and executive, of the Government of the Confederate States, the members of both Houses of Congress and their respective officers, the officers and employees engaged in the collection of the revenue and mariners actually employed in navigation, postmasters, assistant postmasters, and their clerks, post-officers, route agents, post riders, and stage drivers in the care and conveyance of the mail, the artificers and workmen employed in any armory, arsenal, workshop, manufactory, mine or forge, or in quartermasters' or subsistence or medical departments of the Confederate States, or who may be specially enrolled, enlisted or detailed for duty in any of the departments of the Confederate Government, or under any act of Congress; the officers, judicial and executive, of the State governments, the members of the Legislature of any of the States, and the officers of either branch of any State Legislature, and such other persons as may be exempt by law under any act of the States respectively.

SEC. 15. The division inspector of each division, the brigade

2 major of each brigade, and the adjutant of each regiment, bat-
3 talion or corps, shall constantly keep a correct roster of the
4 command to which he belongs, and an order book, in which he
5 shall record orders received and issued. A fair and exact roll
6 of each company shall be kept by the clerk, under the direction
7, of the captain or commander, with the state of the arms and
8 equipments of each man, in the form prescribed for the returns
9 of the militia by the Adjutant General. He shall also keep
10 an exact and fair roll of the names of all persons in the bounds
11 of his company, who, being otherwise liable for military duty,
12 shall claim exemption under this act, with the statement of the
13 cause of exemption, and the date of its allowance. Such rolls
14 shall be revised in the month of ——— of each year, and cor-
15 rected from time to time, as the state of the company and altera-
16 tions of it may require. These company rolls shall be revised
17 from time to time by the regimental, brigade and division com-
18 manders, and care should be taken to prevent any evasion of the
19 service by any person legally subject to it. The brigade inspec-
20 tors shall attend the regimental and battalion meetings of the
21 militia, composing their several brigades, during the time of their
22 being under arms, to inspect their arms, ammunition and accou-
23 trements, superintend their exercises and manœuvres, and in-
24 troduce the system of military discipline, prescribed by law,
25 throughout the brigade, and such orders as may from time to

26 time be given by the commander-in-chief; to make returns to
 27 the Adjutant General of the State, at least once in every year,
 28 of the militia of the brigade to which he belongs, reporting
 29 therein the actual situation of the arms, accoutrements and am-
 30 munition of the several corps, and every other thing which, in
 31 his judgment, may relate to their government and the advance-
 32 ment of good order and military discipline. The division in-
 33 spector shall perform similar duties in regard to the brigades of
 34 his division, and make similar reports.

1 SEC. 16. Whenever the Confederate States shall be invaded,
 2 or be in danger of invasion from any foreign nation or Indian
 3 tribe, or when any insurrection shall arise in any State against
 4 the Government, or laws thereof, and the Governor of the same,
 5 if the Legislature be not in session, or the Legislature thereof,
 6 shall require assistance of the President to suppress such insur-
 7 rection; or whenever the laws of the Confederate States shall
 8 be opposed, or the execution thereof obstructed in any State by
 9 combinations too powerful to be suppressed by the ordinary
 10 course of judicial proceedings, or by the powers vested in the
 11 marshals of the Confederate States, it shall be lawful for the
 12 President of the Confederate States to call forth the militia of
 13 such State, or of any other State or States, as may be necessary
 14 to repel such invasion, or to suppress such insurrection or com-
 15 binations, and to cause the laws to be enforced, and the use of

16 such militia, so to be called forth, may be continued, if neces-
 17 sary, until the expiration of thirty days after the commencement
 18 of the then next session of Congress: *Provided, however, That,*
 19 during the existing war, it shall be lawful to employ the militia,
 20 when their services are necessary, for the term of six months.

1 SEC. 17. That, whenever the occasion shall arise, in the judg-
 2 ment of the President, for the employment of the militia for the
 3 purposes mentioned in the preceding section, he may order for
 4 service divisions, brigades, regiments, battalions or companies,
 5 or may order to be detached parts or companies thereof, or any
 6 number to be drafted therefrom, and may cause officers to be de-
 7 tailed from the officers of any of the said militia organizations,
 8 in sufficient numbers to organise and command the forces.

1 SEC. 18. Militia in actual service, in field, camp or garrison,
 2 shall be subject to the rules and articles of war. Sutlers and
 3 retainers to the army, drivers, conductors, and all persons re-
 4 ceiving pay for services, in or with the said militia, in actual ser-
 5 vice, shall be taken to be a portion of the same, and governed
 6 by those rules and articles. The militia, while in actual service,
 7 shall receive the same pay, rations and allowances, as the regu-
 8 lar troops of the Confederacy. The expenses incurred, and to
 9 be incurred for collecting the militia at the place of rendezvous,
 10 upon any call or requisition of the President, or which may be
 11 incurred by any State or territory with his approbation before

12 or after the call, shall be adjusted and paid in like manner as the
13 expenses incurred after their arrival at such place of rendezvous
14 on the requisition of the President of the Confederate States.
15 But no items of expenditure are hereby authorized, but such as
16 have been provided for by existing laws and regulations under
17 similar circumstances.

1 SEC. 19. That every officer, non-commissioned officer, or pri-
2 vate who shall fail to obey the orders of the President of the
3 Confederate States under the sixteenth section of this act shall
4 be subject to trial before a court martial, and such officer shall,
5 upon conviction, be liable to forfeit not exceeding one year's pay,
6 and to be cashiered by the sentence thereof, and, moreover, to be
7 incapacitated from holding any military commission for a period
8 not exceeding five years from the date of the sentence, and such
9 non-commissioned officer or private shall, upon conviction, be
10 fined not exceeding one thousand dollars, and upon a failure to
11 pay the same to be imprisoned for a term not exceeding six
12 months. The record of the court martial in such cases shall be
13 returned into the District Court of the Confederate States for
14 the district in which the defendant shall reside, by the judge
15 advocate thereof, and, upon motion of the district attorney, the
16 court shall award execution in favor of the Confederate States
17 against the defendant for the amount of the fine and the fulfil-
18 ment of the sentence and costs.

1 SEC. 20. Every citizen duly enrolled in the militia shall be
 2 constantly provided with arms, accoutrements, and ammunition
 3 from and after the time that he shall be duly notified of his en-
 4 rollment, according to the terms of this act. The arms and
 5 equipments thus required, until otherwise ordered, shall be those
 6 provided for by law previously to the first day of November,
 7 1860.

1 SEC. 21. Whenever a marshal or other public officer of the
 2 Confederate States, authorized to execute any process delivered
 3 to him, shall find or have reason to apprehend that resistance
 4 will be made to the execution of such process, he shall be
 5 authorized to command as many of the male inhabitants of the
 6 district as he may deem necessary, and any military company or
 7 companies in said district, armed and equipped, to assist him in
 8 overcoming such resistance, and, if necessary, in seizing and
 9 confining the persons resisting, their aiders and abettors; to be
 10 dealt with according to law.

1 SEC. 22. Whenever an officer under any of the laws for the
 2 collection of the revenue or regulating commerce, navigation or
 3 intercourse, shall be empowered to make any search, seizure or
 4 arrest, and shall find or have reason to apprehend resistance in
 5 the fulfilment of his duties, he shall call upon the marshal of the
 6 district or his deputies for assistance, who shall render the same, and
 7 shall have all the power to overcome the resistance and to arrest

8 and confine the aiders and abettors of the same, as if the resist-
9 ance were made to the execution of process.

1 SEC. 23. The exercise of the power of the President to call
2 out the militia in cases where the laws are opposed, or the exe-
3 cution thereof shall be obstructed by combinations too powerful
4 to be suppressed by the ordinary course of judicial proceedings,
5 or by the powers vested in the marshals, as conferred by this
6 act, shall be accompanied by a proclamation declaring the nature
7 of the resistance and the extent of the combinations which occa-
8 sions the same; and shall command all persons to desist from
9 rendering any aid or assistance to those opposing or obstructing
10 the execution of the laws or the execution of process from lawful
11 authority, and all persons who shall, after said proclamation,
12 resist or assist in resisting the execution of any law, or the
13 obstruction or execution of any process, or in resisting
14 any force ordered out for overcoming the same, or who shall aid
15 or attempt to rescue any prisoner from lawful custody or confine-
16 ment, shall be guilty of a high misdemeanor, and shall, on con-
17 viction thereof, be subject to a fine not exceeding three thousand
18 dollars, and to imprisonment, with or without labor, for a term
19 not exceeding three years.



