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An Act authorising the President of the United States to accept and organize certain Volunteer Military corps. –

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby authorised to except of any company or companies of volunteers, either of artillery, cavalry or infantry, who may associate and offer themselves for the service, not exceeding fifty thousand men, who shall be clothed, and in case of cavalry, furnish~~ing~~ed with horses at their own expence, and armed and equipped at the expence of the United States, after they shall be called into service, and whose commissioned officers shall be appointed in the manner prescribed by law in the several states and territories to which such companies shall respectively belong: Provided, That where any company, battalion, regiment, brigade or division, of militia, already organized, shall tender their voluntary service to the United States, such company, battalion, regiment, brigade or division, shall continue to be commanded by the officers holding commissions in the same, at the time of such tender; and any vacancy thereafter occurring, shall be filled in the mode pointed out by law in the state or territories wherein the said company, battalion, regiment, brigade or division shall have been originally raised.

Sec. 2. And be it [illegible]

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Sec. 2. And be it further enacted, That any company, battalion, regiment brigade or division, thus offering itself for the service shall be liable to be called upon to do military duty, at any time the President of the United States shall judge proper, within two years after he shall have accepted the same, and shall be bound to continue in service for the term of twelve month after they shall have

arrived at the place of rendezvous, unless sooner discharged; and when so called into service, and whilst remaining therein, shall be under the same rules and regulations, and be entitled to the same pay rations, forage, and emoluments of every kind, bounty and clothing excepted, with the regular troops of the United States: Provided, that, in any company, who may thus offer themselves, shall be entitled, when called into service, to receive in money a sum equal to the cost of the clothing of a non-commissioned officer or private (as the case may be) in the regular troops of the United States.-

Sec. 3. And be it further enacted, that the President of the United States be, and he hereby is authorised, to organize the companies so tendering their services as aforesaid, into battallions, squadrons, regiments brigades and divisions, as soon as the number of volunteers shall render such organization in his judgment expedient; but, until called into actual service, such companies are not to be considered as exempt from the performance of militia duty, as is required by law, in like manner as before the passage of this act.-

Sec. 4. And be it further enacted, that in case any volunteer above mentioned, while in actual service shall sustain any damage, by injury done to his horse, or such other equipment as shall have been furnished at his own expence, or by loss of the same, without any fault or negligence on his part, a reasonable sum, to be ascertained in such manner as the President of the United States may direct shall be allowed and paid to such volunteer, for each and every such loss or damage.-

Sec. 5. And be it further enacted, that if any officer non-commissioned officer, musician or private, shall be disabled by wounds or otherwise, while in the line of his duty in public service, he shall be placed on the list of invalid pensioners of the United States at such rate of pension and

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non-commissioned officers, musicians and privates, shall not exceed five dollars per month: And Provided also. That all inferior disabilities shall entitle the person so disabled to receive an allowance proportionate to the highest disability.—

Sec. 6. And be it further enacted, That the heirs and representatives of any non-commissioned officer or soldier who may be killed in action, or die in the actual service of the United States, shall be entitled to receive one hundred and sixty acres of land; to be designated, surveyed and laid off, at the public expence, in such manner and upon such terms and conditions as may be provided by law.—

Sec. 7. And be it further enacted, That upon the discharge of any non-commissioned officer or soldier, who shall have been accepted under the provisions of this act, and shall have been in actual service for a period not less than one month, and shall have obtained from the commanding officer of his company, battallion or regiment a certificate that he had faithfully performed his duty while in service, such non-commissioned officer or soldier, if attached to the artillery or infantry, shall be presented with a musket bayonet, and other personal equipments, or, if attached to the cavelry, with the sabre and pistols furnished him by the United States, as a public testimonial of the promtitude and zeal with which he shall have volunteered in support of the rights and honor of the country.—

Sec. 8. And be it further enacted, That the sum of one million of dollars be appropriated to defray the expenses which may be incurred under the provisions of this act, to be paid out of any money in the Treasury not otherwise appropriated.—

H. Clay

Speaker of the house of Representatives

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H. Clay
Speaker of the house of Representatives

Geo. Clinton.
Vice-President of the United States and President of the Senate.—

February 6. 1812
Approved.—

James Madison.—

Copy of an Act of Congress entitled

"An Act authorising "the president of the United "States to accept and "organize certain volun- "teer Military Corps"—

An act to authorise a detachment from the Militia 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 President of the United States be, and he is hereby authorised to require of the executives of the several States and territories, to take effectual measures to organize, arm and equip, according to law, and hold in readiness to march at a moments warning their respective proportions of one hundred thousand militia, officers included, to be apportioned by the President of the United States, from the latest militia returns in the Department of War; and in case where such returns have not been made, by such other data as he shall judge equitable.

Sec. 2. And be it further enacted, That the detachment of militia aforesaid, shall be officered out of the present militia officers, or others, at the option and discretion of the constitutional authority in the respective States and territories; the President of the United States apportioning the general officers among the respective States and territories, as he may deem proper. And the commissioned officers of the militia when called into actual service, shall be entitled to the same pay, rations and emoluments, as the officers of the army of the United States.-

Sec. 3. And be it further enacted, That the said detachment shall not be compelled to serve a longer time than six months, after they arrive at the place of rendezvous; and during the time of their service, the non-

non commissioned officers, musicians and privates, shall be entitled to the same pay and rations as is provided by law for the militia of the United States when called into actual service.

Sec. 4. And be it further enacted, That the President of the United States be, and he hereby is authorised to call into actual service any part or the whole of said detachment in all the exigencies provided by the constitution; and the officers, non commissioned officers, musicians and privates, of the said detachment, shall be subject to the penalties of the act, entitled "An act 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 the twenty-eighth day of February, one thousand seven hundred and ninety five; and if a part only of said detachment shall be called into actual service, they shall be taken from such part thereof as the President of the United States shall deem proper.

Sec. 5. And be it further enacted, That no non commissioned officer, musician or private, belonging to the aforesaid detachment of militia, who shall be ordered into actual service by the President of the United States, shall be subject to corporal punishment by whipping, any thing contained in any act to the contrary notwithstanding.

Sec. 6. And be it further enacted, That in lieu of whipping, as provided by several of the rules and articles of war, as now used and practised, stoppage of pay, confinement and deprivation of part of the rations, shall be substituted in such manner as is hereinafter provided.—

Sec. 7. And be it further enacted, That any non commis-

actual service any part or the whole of said detachment in all the exigencies provided by the constitution; and the Officers, non commissioned officers, musicians and privates, of the said detachment, shall be subject to the penalties of the act, entitled "An act 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 the twenty-eighth day of February, one thousand seven hundred and ninety five; and if a part only of said detachment shall be called into actual service, they shall be taken from such part thereof as the President of the United States shall deem proper.

Sec. 5. And be it further enacted, that no non commissioned officer, musician or private, belonging to the aforesaid detachment of militia, who shall be ordered into actual service by the President of the United States, shall be subject to corporal punishment, by whipping, any thing contained in any act to the contrary notwithstanding.

Sec. 6. And be it further enacted, That in lieu of whipping, as provided by several of the rules and articles of war, as now used and practised, stoppage of pay, confinement and deprivation of part of the rations, shall be substituted in such manner as is hereinafter provided.—

Sec. 7. And be it further enacted, That any non commissioned officer or private, belonging to the aforesaid detachment of militia, who shall, while in actual service, be convicted before any court martial of any offence which, before the passing of this act, might or could have subjected such person to be whipped, shall, for the first offence, be put under

under such stoppages of pay as such court martial shall adjudge, not exceeding the one half of one month's pay for any one offence; but such offender may, moreover, at the discretion of such court martial, be confined under guard, on allowance of half rations, any length of time, not exceeding ten days for any one offence; or may, at the discretion of such court martial, be publicly drummed out of the army.—

Sec. 8. And be it further enacted, That the sum of one million of dollars be, and the same is hereby appropriated to be paid out of any monies in the Treasury not otherwise appropriated, towards defraying any expense incurred by virtue of the provisions of this act.

Sec. 9. And be it further enacted, That this act shall continue and be in force for the term of two years from the passing thereof, and no longer.—

H. Clay
Speaker of the House of Representatives

Wm. H. Crawford
President of the Senate pro-tempore.

April 10. 1812

Approved

James Madison.—

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Copy of an Act of Congress

entitled

"An Act to authorize a Detachment from the Militia of the United States"

passed 10 April 1812