

AN ACT

To raise Troops to meet the Requisition on Virginia by the President of the Confederate States.

Passed February 10, 1862.

Whereas the president of the Confederate States has ascertained the military quota of Virginia for the existing war to be sixty-five thousand eight hundred and forty-two men, and has made a requisition upon the governor for a portion thereof; and it is the purpose of this act to apportion the said requisition ratably among the several counties, cities and towns of the commonwealth, according to the white population thereof, and promptly to raise the same:

1. Be it therefore enacted by the general assembly, that as soon as may be after the passage of this act, the governor shall ascertain what number of men will be sufficient to raise the number of each volunteer company now in the confederate service from this state to the number of one hundred men, rank and file. He shall thereupon apportion the same among the several counties, cities and towns of the commonwealth, ascertaining the number to be furnished by each, upon the basis of its white population, after crediting to each the number of its resident citizens engaged as volunteers in the service of the Confederate States.

2. Having ascertained the quotas to be furnished by the several counties, cities and towns as aforesaid, he shall make proclamation thereof, and shall call for volunteers to fill such quotas. Every such volunteer shall report himself to the adjutant general by a day to be named in said proclamation, for enrollment in such company, containing less than one hundred men, as the said volunteer shall elect. After deducting from the number apportioned as aforesaid to each county, city and town the number of its volunteers under this call, the remainder shall constitute the number to be drafted therefrom; and thereupon the governor shall proceed without delay to cause the quotas so remaining due from the several counties, cities and towns to be drafted by lot from their enrolled militia, and to be assigned to their proper companies.

3. If the number drafted from any county, city or town be required to fill the ranks of companies from such county, city or town, to the number aforesaid, they shall be mustered into the service in such company; and as far as practicable, the drafted levies from any county, city or town shall be assigned to companies from such county, city or town, or from counties, cities or towns nearest thereto.

4. At least thirty days before the day on which the term of service of each volunteer company now in the field shall expire, the governor shall cause such company to be mustered for re-enlistment by the officer commanding the same, who shall submit to each volunteer the question whether he will re-enlist or not, and shall make out an accurate company roll, designating therein the name, age and residence of each volunteer who shall decline to re-enlist, the time his term of service shall expire, and the company and regiment to which he belongs, and return the same forthwith to the adjutant general: and thereupon the governor shall cause to be drafted, by lot, upon the principles and in the proportions prescribed in the foregoing sections of this act, from the enrolled militia of the respective counties, cities and towns of this commonwealth, a number of men equal to the number of those so refusing to re-enlist, including as a part of the militia of the several counties, cities and towns in which they reside, the volunteers so refusing to re-enlist.

5. Any draft under the provisions of this act shall, so far as practicable, not only be apportioned among the counties, cities and towns of the state (not in the possession of the public enemy, or in which from any cause a draft cannot be enforced), so as to give to each fair credit for the number of men theretofore furnished; but the same principle, so far as may be practicable, shall be extended to the apportionment among company districts in every county, city and town.

6. Artillery companies, whether heretofore or hereafter organized, may be equipped as light batteries of six pieces each containing not more than one hundred and fifty men, rank and file: and whenever any such company shall contain not less than one hundred and twenty men, rank and file, it shall be entitled to an additional second lieutenant, to be elected by the company and commissioned by the governor: and in any artillery company heretofore organized and accepted by the governor, he shall be authorized to commission the

officers thereof of corresponding rank and grade with the same arm of the service in the Confederate States; and to effect this object, he may recall the commissions now held by the officers thereof, and issue in their stead commissions as of the same date, conferring the proper rank and grade.

7. On the day on which the term of service of any volunteer company shall expire, the men refusing to re-enlist and not drafted for service, shall be discharged; and thereupon the other members of the company, the volunteers re-enlisting, with the complement furnished by voluntary enlistment and by draft, shall proceed forthwith to reorganize the company and elect its officers. The commissioned officers shall be commissioned by the governor. The commissions of those elected to the same office shall be of the same date with their former commissions, and those not re-elected may retire from the service, and their names shall be reported for enrollment with those refusing to re-enlist, and their commissions shall be vacated.

8. Whenever a majority of the companies composing any regiment or battalion shall be reorganized under the provisions of the preceding sections, the commissions of the field officers of such regiment or battalion shall be vacated, and as soon thereafter as may be, the commissioned company officers shall elect for a regiment one colonel, lieutenant colonel and major; and for a battalion, one major.

9. Except in the cases mentioned in the sixth section of this act, there shall be for each company a captain and three lieutenants, who shall be elected by the company and commissioned by the governor.

10. The term of service of all persons drafted or volunteering under the provisions of this act, shall be three years, deducting therefrom the term of their previous service, during the existing war; nor shall any volunteer declining to re-enlist, who may be drafted under this act, be ordered to duty for the period of forty days from the expiration of his previous term of service, unless in the opinion of the governor the public exigencies shall imperatively demand his services. And the general assembly recommend that a furlough of at least sixty days be granted to all volunteers who may re-enlist at such time as the public exigencies may allow.

11. Any person who may volunteer or be drafted under the provisions of this act, may, at any time before he shall be mustered into the service of the Confederate States, furnish an able bodied man,

well clothed, who shall be accepted as his substitute; but the person furnishing such substitute shall perform ordinary militia duty during the substitute's absence. Should such substitute, while thus engaged for another, be drafted, or called on to perform his own tour of duty, the person furnishing him shall be required to take his place, or to furnish another substitute on the same terms. No person (whether heretofore exempted or not by colonel of militia or others, on account of physical disability), who may be drafted under this act, shall be discharged from service by reason of such exemption; nor shall any discharges be granted by reason of alleged physical disability, unless the person claiming exemption be examined, and the disability certified to by the officers, and in the manner prescribed for obtaining similar discharges for men now in service.

12. Whenever the governor shall be required to fill up companies under this act, he shall be authorized to accept volunteers in lieu of drafting.

13. This act shall be in force from its passage.