

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-NINTH LEGISLATURE

OF THE

STATE OF MAINE

1899.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
February 18, 1840, and March 16, 1842.

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PUBLIC LAWS

OF THE

STATE OF MAINE.

1899.

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Duties of trustees.

Section 4. The trustees shall have charge of the general interests of the school and see that its affairs are conducted in accordance with law and such by-laws as they may adopt. They may adopt by-laws which shall be valid when sanctioned by the governor and council. They may employ a principal and such teachers and other employes as they may deem advisable, and fix the compensation of the same subject to the approval of the governor and council; they may from time to time prescribe the system of education and course of study to be pursued in the school, and shall be allowed for their services their actual expenses and two dollars a day, when actually employed.

—compensation.

Law relative to management and control.

Section 5. Chapter one hundred forty-one of the public laws of eighteen hundred and seventy-three, with all acts additional thereto, and amendatory thereof shall constitute the law relative to the admission, care and control of girls in said institution.

When act shall take effect.

Section 6. This act shall take effect when approved by the governor, and the property has been legally transferred to the state.

Approved March 17, 1899.

Chapter 128.

An Act to amend Chapter two hundred and sixty-six of the Public Laws of eighteen hundred and ninety-three, relating to the Militia.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

Section 35, chapter 266, public laws 1893, amended.

Section 1. Section thirty-five of said act is hereby amended by inserting after the word "sergeant" in the third line thereof, the words 'one quartermaster sergeant;' by striking out the words "forty-two" and "fifty-six" in the fourth line thereof, and inserting in the places thereof, respectively, the words 'thirty-two' and 'ninety-two,' and adding at the end of said section the words 'and the commander-in-chief shall have authority to authorize the appointment from the privates of an infantry company such non-commissioned officers, artificers and wag-ouers as will make its organization correspond with that established for the United States army, should the company be recruited to its maximum,' so that said section, as amended, shall read as follows:

Number of officers and men in company of infantry.

'Section 35. Each company of infantry shall consist of one captain, one first lieutenant, one second lieutenant, one first sergeant, one quartermaster sergeant, four sergeants, six corporals, two musicians, and not less than thirty-two nor more

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than ninety-two privates, and the commander-in-chief shall have authority to authorize the appointment from the privates of an infantry company, such non-commissioned officers, artificers and wagoners as will make its organization correspond with that established for the United States army, should the company be recruited to its maximum.'

—appointment of non-commissioned officers.

Section 2. Section thirty-nine of said act is hereby amended by striking out all of said section after the word "lieutenant" in the second line, and inserting in place thereof the following: 'two first class sergeants, one quartermaster sergeant, one acting hospital steward, with rank of sergeant, two sergeants, four corporals, and not less than ten nor more than fifteen privates;' so that said section, as amended, shall read as follows:

Section 39, amended.

'Section 39. The signal corps shall consist of one second lieutenant, two first class sergeants, one quartermaster sergeant, one acting hospital steward, with rank of sergeant, two sergeants, four corporals, and not less than ten nor more than fifteen privates.'

Number in signal corps.

Section 3. Section forty-five of said act is hereby amended by adding at the end thereof the following: 'and he is hereby authorized and directed to cause to be enlisted in each company, battery, troop or corps of the national guard, as a part of the authorized enlisted strength thereof, under rules and regulations to be prescribed by him, a competent person as cook, who shall take rank as, and be allowed the pay of a corporal of the arm of the service to which he belongs, and whose duties in connection with the preparation and serving of the food of the enlisted men of the company, battery, troop or corps and with the supervision and instruction of enlisted men hereby authorized to be detailed to assist him, shall be prescribed in the regulations for the government of the national guard. Each cook will be required to attend such drills and exercises as will qualify him for the performance of the duty of a soldier under arms when necessity requires,' so that said section, as amended, shall read as follows:

Section 45, amended.

'Section 45. The commander-in-chief may authorize the appointment of additional non-commissioned officers in the several organizations of the national guard, and upon the staffs of commanding officers whenever the service shall require, and he is hereby authorized and directed to cause to be enlisted in each company, battery, troop or corps of the national guard, as a part of the authorized enlisted strength thereof, under rules and regulations to be prescribed by him, a competent person as cook, who shall take rank as, and be allowed the pay of a corporal of the arm of the service to which he belongs, and whose

Additional non-commissioned officers may be appointed.

—enlistment of cooks.

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—rank and duties.

duties in connection with the preparation and serving of the food of the enlisted men of the company, battery, troop or corps and with the supervision and instruction of enlisted men hereby authorized to be detailed to assist him, shall be prescribed in the regulations for the government of the national guard. Each cook will be required to attend such drills and exercises as will qualify him for the performance of the duty of a soldier under arms when necessity requires.'

Section 66, amended.

Section 4. Section sixty-six of said act is hereby amended by inserting after the word "be" in the first line, the words 'dishonorably discharged, discharged without honor, or,' so that said section, as amended, shall read as follows:

When and how an officer may be discharged.

'Section 66. Any officer may be dishonorably discharged, discharged without honor, or discharged by order of the commander-in-chief, upon the report of a military board of inquiry, or the sentence of a court martial; or when it shall appear to him that such officer has been convicted of any crime, or has been dishonorably discharged or dismissed from the service of the United States, or from the militia of this or any other state.'

Section 78, amended.

Section 5. Section seventy-eight of said act is hereby amended by adding at the end thereof, the following: 'and such drill room, armories, headquarters or other places provided for in this section, shall be held for the exclusive use of the national guard, unless otherwise authorized by the commander-in-chief after application in each case by the municipal authorities in writing. If said premises are used contrary to the provisions hereof, there shall be a deduction from the rent of the premises agreed upon, equal to one month's rental for each day of such use,' so that said section, as amended, shall read as follows:

Municipal officers shall provide armories.

'Section 78. Municipal officers shall provide for each company of the national guard located within the limits of their respective towns, subject to the approval of the commander-in-chief or such officer as he may designate, a suitable drill room and armory or place of deposit for the arms, equipments and other property furnished by the state. They shall also provide suitable rooms for the headquarters of each separate battalion, regiment or brigade established within their limits, and a reasonable compensation for the rent thereof, not exceeding one hundred dollars per annum, may be allowed to the town so furnishing, and paid by the state, and such drill room, armories, headquarters or other places provided for in this section shall be held for the exclusive use of the national guard unless otherwise authorized by the commander-in-chief after application in each case by the municipal authorities in writing. If said premises are used contrary to the provisions hereof, there

—also headquarters for battalion, regiment or brigade.

—armories, etc., shall be for exclusive use of the national guard.

shall be a deduction from the rent of the premises agreed upon, equal to one month's rental for each day of such use.'

Section 6. Section eighty-four of said act is hereby amended by striking out the word "twice" in the second line and inserting in the place thereof the word 'once;' so that said section, as amended, shall read as follows:

Section 84,
amended.

'Section 84. The commander-in-chief shall call meetings of the commissioned officers of each regiment at least once each year for military instruction.'

Officers of
each regi-
ment shall
meet once
a year
for instruc-
tion.

Section 7. Section eighty-nine of said act is hereby amended by striking out that part of the section beginning with the word "or" following the word "commander-in-chief" in the seventh line, to and including the word "thereof" in the tenth line, and inserting in the place of these words 'or any justice of the supreme judicial court in term time or vacation; by striking out the words in the eleventh and twelfth lines from "mayor" to "sheriff," inclusive, and inserting in the place thereof the word 'justice;' by striking out in lines seventeen and eighteen, the words "a court" and inserting in place thereof 'such justice;' by striking out the words "our justices" in the twenty-third line and inserting in place thereof the words 'a justice;' by striking out the entire twenty-fourth line thereof and the first word of the twenty-fifth line, and inserting in place thereof the words 'supreme judicial court;' by striking out the abbreviated word "Esq.," in the thirty-sixth line and inserting in place thereof the following: 'Justice of the supreme judicial court;' by striking out the last paragraph of this section, beginning with the word "and" and ending with the word "case;," so that said section, as amended, shall read as follows:

Section 89,
amended.

'Section 89. When there is, in any county, a tumult, riot, mob, or a body of men acting together by force with intent to commit a felony, or to offer violence to persons or property, or by force and violence to break and resist the laws of the state, or of the United States, or when such tumult, riot or mob is threatened, and the fact is made to appear to the commander-in-chief, or any justice of the supreme judicial court in term time or vacation, the commander-in-chief may issue his order, or such justice may issue a precept, directed to any commander of a brigade, regiment or company, directing him to order his command, or a part thereof, describing the kind and number of troops, to appear at the time and place therein specified, to aid the civil authorities in suppressing such violence and supporting the laws; which precept, if issued by such justice, shall be in substance as follows:

When
troops may
be ordered
out, and
by whom.

STATE OF MAINE.

Form of precept.

SS.

(L. S.) To (insert the officer's title) A. B., commanding (insert his command.)

Whereas, it has been made to appear to a justice of our supreme judicial court, that (here state one or more of the causes above mentioned,) in our county of _____, and that military force is necessary to aid the civil authority in suppressing the same; now, therefore, we command you that you cause (here state the number and kind of troops required,) armed, equipped, and with ammunition, as the law directs, and with proper officers, either attached to the troops, or detailed by you, to parade at _____, on _____, then and there to obey such orders as may be given them, according to law. Hereof fail not at your peril; and have you there this writ, with your doings returned thereon.

Witness, G. T. B., justice of the supreme judicial court, at _____ on the _____ day of _____ in the year _____.
C. D., Clerk.

Section 91, amended.

Section 8. Section ninety-one of said act is hereby amended by inserting after the word "guard" in the second line thereof, the following words; 'or licensed company;' so that said section, as amended, shall read as follows:

No parade or voluntary service allowed, without approval of commander-in-chief.

'Section 91. No parade or voluntary service shall be performed by any organization of the national guard or licensed company under arms or with state uniform, without the approval of the commander-in-chief.'

Section 98, amended.

Section 9. Section ninety-eight of said act is hereby amended by striking out the words "twenty-five dollars," being the fourteenth and fifteenth words in said section, and inserting in place thereof the words 'one hundred dollars;' so that said section, as amended, shall read as follows:

Compensation of assistant adjutants general and adjutants.

'Section 98. Assistant adjutants general and adjutants of regiments of the national guard shall receive one hundred dollars' and adjutants of separate battalions, ten dollars annually in addition to the per diem pay herein provided.'

Section 99, amended.

Section 10. Section ninety-nine of said act is hereby amended by inserting after the word "cavalry" in the third line thereof, the words 'the signal corps and the ambulance corps;' so that said section, as amended, shall read as follows:

Allowance for horses employed.

'Section 99. There shall be allowed for each horse actually employed by officers required to be mounted, three dollars per day and forage; for horses used in the cavalry, the signal corps and the ambulance corps, and by non-commissioned officers and

orderlies when required, two dollars per day and forage; and for each draft horse employed in batteries of light artillery, not exceeding sixteen to each platoon, the sum of two dollars per day, which shall be in full for use.'

Section 11. Section one hundred of said act is hereby amended by striking out the word "thirty" in the fifth line, and inserting in place thereof the word 'fifty,' and in the fifth line inserting after the word "care" the words 'and responsibility;' so that said section, as amended, shall read as follows:

Section 100,
amended.

'Section 100. The commander-in-chief, under such regulations as he may prescribe, may authorize the payment to commanding officers and clerks of organizations of the national guard, such sum annually as he shall determine not exceeding fifty dollars to captains for care and responsibility of property, and twenty dollars to clerks for keeping records.'

Compensation to commanding officers and clerks for caring for property.

Section 12. Section one hundred and four of said act is hereby amended by adding at the end thereof the following: 'but if, when ordered, the length of service should not be specified, it shall receive for the first ten days the pay and rations provided by other sections in this chapter for the state troops and after ten days shall receive the same pay and rations as the regular troops of the United States,' so that said section, as amended, shall read as follows:

Section 104,
amended.

'Section 104. The militia, when called into actual service for more than ten days, shall receive the same pay and rations as the regular troops of the United States; and the rations, when commuted, shall be valued at the rate fixed by the regulations of the United States in force at the time, but if, when ordered, the length of service should not be specified, it shall receive for the first ten days the pay and rations provided by other sections in this chapter for the state troops, and after ten days shall receive the same pay and rations as the regular troops of the United States.'

Pay and rations of militia when in service.

Section 13. Section one hundred and ten of said act is hereby amended by inserting after the word "who" in the first line thereof, the following words: 'is guilty of any conduct to the prejudice of good order and military discipline or;,' so that said section, as amended, shall read as follows:

Section 110,
amended.

'Section 110. Any officer or enlisted man who is guilty of any conduct to the prejudice of good order and military discipline or neglects or refuses to perform the duties of his office, or to obey the orders of his superiors, or is guilty of any breach of the laws or regulations governing the military forces of the state, or is guilty of conduct unbecoming an officer, soldier or gentle-

Any officer or man guilty of breach of discipline, etc., or refuses duty, may be tried by court martial.

CHAP. 128 man, may be put under arrest by his superior officer and tried by court martial.'

Section 112,
amended.

Section 14. Section one hundred and twelve of said act is hereby amended by inserting after the word "discharged" in the ninth line thereof, the following: 'discharged without honor, discharged;' by striking out the word "offenses" in the twelfth line, and inserting in the place thereof the word 'offense,' and by adding at the end of said section the following: 'And they may also in addition to the foregoing, or any other punishment fixed by law, sentence any enlisted man convicted by them to be dishonorably discharged, discharged without honor, or discharged, or may adjudge him disqualified for life or for any term of years according to the aggravation of the offense for re-enlistment or for holding any military office.' So that said section, as amended, shall read as follows:

Power of
courts mar-
tial to pun-
ish officers.

'Section 112. Courts martial may, when no other punishment is fixed by law, sentence an officer or enlisted man convicted by them, to pay a fine of not exceeding two hundred dollars and costs of witnesses; and all fines and costs imposed by them may be recovered by the adjutant general in an action of debt in the name of the state. They may in addition to the foregoing or any other punishment fixed by law, sentence an officer convicted by them to be cashiered, dishonorably discharged, discharged without honor, discharged, or reprimanded in orders, and if sentenced to be cashiered or dishonorably discharged the court shall adjudge him disqualified for life or for any term of years, according to the aggravation of the offense, for holding any military office. And they may also, in addition to the foregoing, or any other punishment fixed by law, sentence any enlisted man convicted by them to be dishonorably discharged, discharged without honor, or discharged, or may adjudge him disqualified for life, or for any term of years, according to the aggravation of the offense, for re-enlistment or for holding any military office.'

Section 114,
amended.

Section 15. Section one hundred and fourteen of said act is hereby amended by striking out the words "not less than three nor more than five officers" in the second and third lines, and inserting in the place thereof 'one or more officers not exceeding five and a recording officer to reduce the proceedings and evidence in writing;' by striking out that part of the section beginning with the word "imputation" in the fourth line, to and including the word "general" in the seventh line, and inserting in the place thereof the following: 'into the qualification, efficiency and propriety of conduct of any officer or soldier;' by striking out in the eleventh and twelfth lines thereof the follow-

ing: "proceed as described in regulations and shall;" by inserting after the word "commander-in-chief" in the twelfth line, 'who may take such action by order or otherwise as he may deem advisable, but;' by striking out the word "such" in the thirteenth line and inserting in the place thereof the word 'any;' by inserting after the word "officer" in the thirteenth line thereof the words 'or soldier;' by striking out the words "the commission of such officer shall" in the fourteenth line, and the words "be vacated" in the fifteenth line, and inserting in the place thereof the following: 'he may, in his discretion, dishonorably discharge, discharge without honor or vacate the commission of such officer, or dishonorably discharge, discharge without honor or discharge such soldier, but the commander-in-chief shall have power to remit or reduce after conviction, all forfeitures and penalties and to grant reprieves, commutations and pardons, or order a rehearing or new trial in any case tried or heard under the provisions of this act.' So that said section, as amended, shall read as follows:

'Section 114. The commander-in-chief may, from time to time, appoint military boards of inquiry to consist of one or more officers not exceeding five and a recording officer to reduce the proceedings and evidence in writing, whose duty it shall be to examine into any military transaction, or into the qualification, efficiency and propriety of conduct of any officer or soldier, who may be ordered before them for such examination; or for the purpose of settling any military question, or for establishing good order and discipline; the members thereof and witnesses examined by them shall be sworn, the board shall report to the commander-in-chief, who may take such action, by order or otherwise, as he may deem advisable, but if the report is adverse to any officer or soldier, and is approved by the commander-in-chief, he may in his discretion, dishonorably discharge, discharge without honor, or vacate the commission of such officer, or dishonorably discharge, discharge without honor, or discharge such soldier, but the commander-in-chief shall have power to remit or reduce after conviction, all forfeitures and penalties and to grant reprieves, commutations and pardons, or order a rehearing or new trial in any case tried or heard under the provisions of this act.'

Military boards of inquiry may be appointed.

—duties and powers.

Section 16. Section one hundred and twenty-nine of said act is hereby amended by striking out the words "discipline and" in the first line thereof; by inserting after the word "for" in the fourth line thereof, the words 'said army or' and by adding to said section the following: 'The methods of preparing charges and of procedure for courts martial, boards of inquiry, and

Section 129, amended.

CHAP. 128 other courts or boards shall in general follow those established for the armies of the United States, except where it may be otherwise provided in this act, and in time of war, insurrection or invasion courts martial may in addition to the provisions of the laws of this state, sentence an officer or an enlisted man convicted by them, to penalties and punishments similar to those then provided for substantially like offenses, by the laws, regulations and articles of war then governing the armies of the United States, or to such penalties and punishments, not exceeding those then provided for substantially like offenses, by the laws, regulations and articles of war then governing the armies of the United States, as may be prescribed by the commander-in-chief,' so that said section, as amended, shall read as follows:

System of field exercises to be observed.

—methods of procedure for courts martial.

'Section 129. The system of field exercise ordered to be observed, in the different corps, by the army of the United States or such system as may hereafter be directed for said army or the militia by the laws of the United States, shall be observed by the national guard of the state of Maine. The methods of preparing charges and for procedure for courts martial, boards of inquiry, and other courts or boards shall in general follow those established for the armies of the United States, except where it may be otherwise provided in this act, and in time of war, insurrection or invasion courts martial may in addition to the provisions of the laws of this state, sentence an officer or an enlisted man convicted by them, to penalties and punishments similar to those then provided for substantially like offenses, by the laws, regulations and articles of war then governing the armies of the United States, or to such penalties and punishments, not exceeding those then provided for substantially like offenses, by the laws, regulations and articles of war then governing the armies of the United States, as may be prescribed by the commander-in-chief.'

Approved March 17, 1899.