

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE,

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1833.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, JAN. 25th, 1833.

The joint standing committee on Military affairs to whom was referred so much of the Governor's message as relates to the Militia, and to whom has been referred sundry orders and petitions on the same subject, respectfully ask leave to report, that they have carefully attended to the business assigned them, and with deep solicitude have taken this opportunity to submit their views, on the important subject committed to them, and also to report a bill for the consideration of the present Legislature: Your committee in the discharge of their duty, feel themselves at liberty to remark, that the organization and government of the Militia has in a measure engrossed the time, and elicited opinions from several distinguished gentlemen, both of our national and State government. Much time and labor has been expended to digest a system equal in its bearings upon the community and at the same time employing that efficiency of operation which would insure a firm foundation to our national defence; how far that object has been carried into effect, your committee do not feel themselves called upon to offer an opinion.

It is a self evident fact, that *self defence* is the first law of nature, nor does that law refer with less force to communities and governments, than to individuals.

This position may perhaps be accorded with by a majority of the community, and that majority may also concede in parts to the views of your committee, that a well organized Militia under judicious restrictions is the best and only means by which our national and individual independence can be secured from the deprivations of external invasion, or internal commotion; but that judicious organization however admired, (if accomplished) seems to have been heretofore so complex in its nature, and so fickle in its operation as to have eluded (so far) the grasp of legislation. That something should be done for the betterment of the Militia system, no one will presume to deny, but that something, is per-

haps of all subjects of legislation the most difficult to define.

Your committee therefore feel a degree of reluctance even to express their own opinion, on this intricate subject, when they reflect on the fact, that almost as many theories as there are persons, seem to exist in the public mind in relation to the organization and government of the Militia. But your committee relying on the intelligence and generosity of the present legislature most cheerfully recommend the annexed bill as one calculated to improve and perpetuate this very important arm of our national defence.

All of which is respectfully submitted.

JAMES W. WEBSTER, Per Order.

STATE OF MAINE.

In the year of our Lord one thousand eight hundred and thirty-three.

AN ACT to organize, govern, and discipline the Militia of this State.

Laws of the United States, relating to the Militia, now in force.

WHEREAS, Congress on the eighth day of May, in the year of our Lord one thousand seven hundred and ninety-two, passed the following law, entitled "An Act more effectually to provide for the national defence, by establishing an uniform militia throughout the United States:"

SECT. I. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That each and every free, able bodied, white male citizen

of the respective States, resident therein, who is or shall be of the age of eighteen years, and under the age of forty-five years, (except as is hereinafter excepted,) shall severally and respectively be enrolled in the Militia, by the Captain or Commanding Officer of the Company, within whose bounds such citizen shall reside, and that within twelve months after the passing of this act. And it shall at all times hereafter be the duty of every such Captain or Commanding Officer of a Company, to enroll every such citizen as aforesaid, and also those who shall, from time to time, arrive at the age of eighteen years, or being of the age of eighteen years, and under the age of forty-five years, (except as before excepted,) shall come to reside within his bounds, and shall without delay notify such citizen of the said enrollment, by a proper non-commissioned officer of the Company, by whom such notice may be proved. That every citizen so enrolled and notified, shall, within six months thereafter, provide himself with a good musket or firelock, a sufficient bayonet and belt, two spare flints, and a knapsack, a pouch, with a box therein to contain not less than twenty-four cartridges, suited to the bore of his musket or firelock, or with a good rifle, knapsack, shot pouch and powder horn, twenty balls, suited to the bore of his rifle, and a quarter of a pound of powder; and shall appear so armed and accoutred and provided, when called out to exercise, or into service, except that when called out on company days to exercise only, he may appear without a knapsack. That the Commissioned Officers shall severally be armed with a sword or hanger, an espartoon; and that from and after five years from the passing of this act, all muskets for arming the Militia, as herein required, shall be

of bores sufficient for balls of the eighteenth part of a pound. And every citizen so enrolled, and providing himself with the arms, ammunition, and accoutrements required as aforesaid, shall hold the same exempt from all suits, distresses, executions of sales for debt, or for the payment of taxes.

SECT. 2. *And be it further^d enacted*, That the Vice-President of the United States, the Officers, Judicial and Executive of the Government of the United States, the Members of both Houses of Congress, and their respective officers; all Custom House Officers, with their Clerks; all Post Officers and Stage Drivers, who are employed in the care and conveyance of the Mail of the Post Office of the United States; all Ferrymen, employed at any ferry on the post road; all Inspectors of Exports; all Pilots; all Mariners, actually employed in the sea service of any citizen or merchant, within the United States; and all persons who now are, or may hereafter be exempted by the laws of the respective States, shall be, and are hereby exempted from military duty, notwithstanding their being above the age of eighteen, and under the age of forty-five years.

SECT. 3. *And be it further enacted*, That within one year after the passing of this act, the Militia of the respective States, shall be arranged into Divisions, Brigades, Regiments, Battalions and Companies, as the Legislature of each State shall direct; and each Division, Brigade, and Regiment, shall be numbered at the formation thereof; and a record made of such numbers, in the Adjutant General's office, in the State; and when in the field, or in service in the State, each Division, Brigade, and Regiment, shall respectively take rank according to

their numbers, reckoning the first or lowest number, highest in rank. That if the same be convenient, each Brigade shall consist of four Regiments, each Regiment of two Battalions, each Battalion of five Companies, each Company of sixty-four Privates. That the said Militia shall be officered by the respective States, as follows: To each Division, one Major General and two Aids-de-Camp, with the rank of Major; to each Brigade, one Brigadier General, with one Brigade Inspector, to serve also as Brigade Major, with the rank of a Major; to each Regiment, one Lieutenant Colonel Commandant; and to each Battalion, one Major; to each Company, one Captain, one Lieutenant, one Ensign, four Sergeants, four Corporals, one Drummer and Fifer, or Bugler. That there shall be a Regimental Staff, to consist of one Adjutant, and one Quarter Master, to rank as Lieutenants; one Pay Master, one Surgeon, and one Surgeon's Mate; one Sergeant Major, one Drum Major, and one Fife Major.

SECT. 4 *And be it further enacted*, That out of the Militia enrolled as is herein directed, there shall be formed for each Battalion at least one company of grenadiers, light infantry or riflemen; and that to each Division there shall be at least one company of artillery, and one troop of horse; there shall be to each company of artillery, one Captain, two Lieutenants, four Sergeants, four Corporals, six Gunners, six Bombardiers, one Drummer, and one Fifer. The Officers to be armed with a sword or hanger, a fusée, bayonet and belt, with a cartridge-box, to contain twelve cartridges; and each Private or Matross shall furnish himself with all the equipments of a private in the infantry, until proper ordnance and Field Artillery is provided.

There shall be to each Troop of Horse, one Captain, two Lieutenants, one Cornet, four Sergeants, four Corporals, one Saddler, one Farrier and one Trumpeter. The Commissioned Officers to furnish themselves with good horses, of at least fourteen hands and a half high, and to be armed with a sword and a pair of pistols, the holsters of which to be covered with bear skin caps. Each dragoon to furnish himself with a serviceable horse, at least fourteen hands and a half high, a good saddle, bridle, mail pillion and valise, holsters, and a breast plate and crupper, a pair of boots and spurs, a pair of pistols, a sabre and cartouch box, to contain twelve cartridges for pistols. That each Company of Artillery and Troop of Horse, shall be formed of volunteers from the Brigade, at the discretion of the Commander in Chief of the State, not exceeding one Company of each to a Regiment, nor more in number than one eleventh part of the Infantry, and shall be uniformly clothed in regimentals, to be furnished at their own expense; the color and fashion to be determined by the Brigadier commanding the Brigade to which they belong.

SECT. 5. *And be it further enacted*, That each Battalion and Regiment shall be provided with the State and Regimental Colors, by the Field Officers, and each company with a drum and fife, or bugle horn, by the commissioned Officers of the company, in such manner as the Legislature of the respective States shall direct.

SECT. 6. *And be it further enacted*, That there shall be an Adjutant General appointed in each State, whose duty it shall be to distribute orders from the Commander in Chief of the State to the several corps; to attend all public reviews, when the Commander in Chief of the State shall review the Militia, or any part there-

of; to obey all orders from him relative to carrying into execution and perfecting the system of Military Discipline, established by this act; to furnish blank forms of different returns that may be required, and to explain the principles on which they should be made; to receive from the several officers of the different corps throughout the States, returns of the Militia under their command, reporting the annual situation of their arms and accoutrements and ammunition, their delinquencies, and every other thing that relates to the general advancement of good order and discipline: all which the several officers of the Divisions, Brigades, Regiments and Battalions, are hereby required to make, in the usual manner, so that the said Adjutant General may be duly furnished therewith; from all which returns he shall make proper abstracts, and lay the same annually before the Commander in Chief of the State.

SECT. 7. *And be it further enacted*, That all Commissioned Officers shall take rank according to the date of their commissions, and when two of the same grade bear an equal date, then their rank to be determined by lot, to be drawn by them before the Commanding Officer of the Brigade, Regiment, Battalion, Company or detachment.

SECT. 8. *And be it further enacted*, That if any person, whether officer or soldier, belonging to the militia of any State, and called into the service of the United States, be wounded or disabled while in actual service, he shall be taken care of, and provided for, at the public expense.

SECT. 9. *And be it further enacted*, That it shall be the duty of the Brigade Inspector, to attend the Regimental and Battalion meetings

of the Militia composing their several Brigades, during the time of their being under arms, to inspect their arms, ammunition and accoutrements; superintend their exercises and manœuvres, and introduce the system of Military Discipline before described, throughout the Brigade, agreeably to law, and such orders as they shall from time to time receive from the Commander in Chief of the State; to make returns to the Adjutant General of the State, at least once in every year, of the Militia of the Brigade to which he belongs, reporting therein the actual situation of the arms, accoutrements and ammunition, of the several corps and every other thing, which, in his judgment, may relate to the government and general advancement of good order and military discipline; and the Adjutant General shall make a return of all the Militia of the State to the Commander in Chief of the said State, and a duplicate of the same to the President of the United States. And whereas sundry corps of Artillery, Cavalry and Infantry, now exist in several of the said States, which, by the laws, customs or usages, thereof, have not been incorporated with or subject to, the general regulations of the Militia:

SEC. 10. *And be it further enacted.* That such corps retain their accustomed privileges, subject nevertheless to all other duties, required by this act, in like manner with the other Militia.

And, whereas, Congress, on the second day of March, in the year of our Lord one thousand eight hundred and three, passed the following additional law, entitled.

“An Act in addition to an Act entitled an Act more effectually to provide for the National Defence, by establishing an uniform Militia throughout the United States.”

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That it shall be the duty of the Adjutant General of the Militia in each State, to make return of the Militia in each to which he belongs, with their arms, accoutrements and ammunition, agreeably to the directions of the act, to which this is an addition, to the President of the United States, annually, on or before the first Monday in January in each year; and it shall be the duty of the Secretary of War from time to time to give such directions to the Adjutant Generals of the Militia, as shall in his opinion be necessary to produce an uniformity in the said returns, and he shall lay an abstract of the same before Congress on or before the first Monday of February annually.

SECT. 2. *And be it further enacted,* That every citizen duly enrolled in the Militia, shall be constantly provided with arms, accoutrements and ammunition, agreeably to the direction of the said act, from and after he shall be duly notified of his enrolment; and any notice or warning to the citizens so enrolled to attend a company, battallion or regimental muster or training, which shall be according to the laws of the State in which it is given for that purpose, shall be deemed a legal notice of his enrolment.

SECT. 3. *And be it further enacted.* That in addition to the officers provided by said act, there shall be to the Militia of each State one Quarter Master General; to each Brigade one Quarter Master of Brigade; and to each Regiment one Chaplain.

Whereas, Congress, on the 18th day of April, in the year of our Lord one thousand eight hundred and fourteen, passed the following laws, entitled an Act in further addition to an Act,

entitled "An Act more effectually to provide for the national defence, by establishing an uniform Militia through the United States."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in addition to the officers of Militia provided for by the act entitled an Act more effectually to provide for the national defence, by establishing an uniform Militia throughout the United States, approved May the eighth, one thousand seven hundred and ninety-two, and by an act in addition to said recited act, approved March the second, one thousand eight hundred and three, there shall be to each Division one Division Inspector, with the rank of Lieutenant Colonel, and one Division Quarter Master, with the rank of Major; to each Brigade one Aid-de-Camp, with the rank of Captain; and the Quarter Masters of Brigades heretofore provided for by law, shall have the rank of Captain.

And it shall be incumbent on the said officers to do and perform all the duties which by law and military principles are attached to their officers respectively.

Whereas, Congress on the twentieth day of April, in the year of our Lord one thousand eight hundred and sixteen, passed the following law, entitled "An act concerning the Field Officers of the Militia."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the first day of May next, instead of one Lieutenant Colonel Commandant to each Regiment, and one Major to each Battalion of the Militia, as is provided by the act, entitled "An Act more effectually to provide for the national defence,

by establishing an uniform Militia throughout the United States, approved May the eighth one thousand seven hundred and ninety-two, there shall be one Colonel, one Lieutenant Colonel, and one Major, to each Regiment of the Militia, consisting of two Battalions; where there shall be only one battalion, it shall be commanded by a Major: *Provided*, That nothing contained herein shall be construed to annul any commission in the Militia which may be in force as granted by the authority of any State or Territory, in pursuance of the act herein recited, and bearing date prior to the said first day of May next."

And whereas, Congress on the twelfth day of May, in the year of our Lord one thousand eight hundred and twenty, passed the following additional law, entitled, "An act to establish an uniform mode of discipline and field exercise, for 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 system of discipline and field exercise which is and shall be ordered to be observed by the regular army of the United States in the different corps of infantry, artillery and riflemen, shall also be observed by the Militia in the exercises and discipline of the said corps respectively, throughout the United States.

SECT. 2. *And be it further enacted*, That so much of the Act of Congress approved the eighth day of May, one thousand seven hundred and ninety two, as approves and establishes the rules and discipline of the Baron de Steuben, and requires them to be observed by the Militia throughout the United States, be and the same is hereby repealed.

MILITIA LAW.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled, That, in addition to the exemptions made by the foregoing laws of the United States, the Justices of the Supreme Judicial Court; all regularly ordained Ministers of the Gospel, of every denomination, while they shall ordinarily officiate as such, and continue in regular standing; all officers, who have heretofore held, or may hereafter hold commissions in the Militia of this State for the term of five years, or shall have been superceded, or whose corps or company shall have been disbanded, and who have been honorably discharged; and every person of the religious denominations of Quakers and Shakers who shall on or before the first Monday of April annually, produce a certificate to the commanding officer of the company within whose bounds such Quaker or Shaker resides; which certificate, signed by two or more of the elders or overseers (as the case may be.) and countersigned by the clerk of the society with which such Quaker or Shaker meets for religious worship, shall be in substance as follows:—*

“We, the subscribers, of the Society of the people called in the town of in the the county of do hereby certify that is a member of our Society and that he frequently and usually attends with said Society for religious worship and conforms to the usages of the same, and we believe is conscientiously scrupulous of bearing arms.

A. B. } Elders or Overseers.”
 C. D. } [as the case may be.]

E. F. Clerk.

27 Notwithstanding their being above the age
 28 of eighteen and under the age of forty-five
 29 years, be, and they are hereby exempted from
 30 the performance of military duty; but no
 31 other able bodied white male citizen between
 32 those ages shall be exempted from military
 33 duty except such as are hereinafter excepted.

Sect. 2. *Be it further enacted*, That each
 2 of the persons, hereinafter mentioned, may
 3 be exempted from the performance of military
 4 duty, notwithstanding their being of the age
 5 of eighteen years and under the age of forty-
 6 five years, viz: all Enginemen, upon the
 7 conditions specified in the acts under which
 8 they have been, or may hereafter be appoin-
 9 ted; all officers, who have held or may here-
 10 after hold commissions in the Army or Navy
 11 of the United States; or in the Militia of
 12 any of the United States, for the term of
 13 five years and have been honorably dischar-
 14 ged; and all officers, who have held or
 15 may hereafter hold commissions in the Mili-
 16 tia of this State for a term less than five
 17 years, and have been discharged otherwise
 18 than in pursuance of any sentence of a
 19 Court Martial; and all staff officers, who
 20 shall have ceased to act as such, in conse-
 21 quence of the resignation, promotion, or
 22 removal of the officers, who appointed them:
 23 *Provided*, That each person so exempted,
 24 excepting Enginemen, shall pay to the
 25 Treasurer of the town or plantation, with-
 26 in which such exempt resides, two dol-
 27 lars annually, and produce his receipt there-
 28 for to the commanding officer of the com-
 29 pany within the bounds of which he re-
 30 sides, on or before the first Monday of Au-
 31 gust, in each year; *Provided also*, Nothing

32 contained in this section shall be construed
 33 to prevent the conditional exempts, therein
 34 named, from being called forth to execute
 35 the laws of the United States or of this State,
 36 to suppress insurrection and repel invasion.

Sect. 3. *Be it further enacted*, That all
 2 persons liable by law to the performance
 3 of military duty, who are or may be be-
 4 tween the ages of thirty-five and forty-five
 5 years, be, and they are exempted from all
 6 military duty, except that of being detached
 7 or called forth to execute the laws of the
 8 United States, or of this State, to suppress
 9 insurrections and repel invasions, and of keep-
 10 ing themselves constantly furnished with the
 11 arms and equipments required by the laws
 12 of the United States, and the duty of carry-
 13 ing or sending them on the second Thursday
 14 of September annually, to the place of
 15 inspection or view of arms of the company
 16 within the bounds of which they may reside
 17 and in which they may be enrolled, and the
 18 duty of attending the election of compa-
 19 ny officers. And every non-commission-
 20 ed officer or private who is permitted to
 21 send his arms and equipments for inspection,
 22 on the day and in the manner provided in
 23 this section, shall neglect so to do, or shall
 24 on said day lend or sell them so that they
 25 may be inspected as the property of another,
 26 shall forfeit two dollars and fifty cents, to be
 27 sued for and appropriated according to the
 28 provisions of this act.

Sect. 4. *Be it further enacted*, That the
 2 said Treasurers shall severally keep a fair
 3 account of all monies by them received by
 4 virtue of this act, subject at all times to the
 5 inspection of any of the commanding officers

6 of the company or companies in the towns,
7 or plantations, to which they belong; and
8 shall annually, on or before the second Wed-
9 nesday of January, transmit to the Treasurer
10 of the State, a fair account of all monies so
11 by them received; and shall within thirty
12 days thereafter pay the amount thereof into
13 the Treasury of this State, and the same shall
14 there constitute a fund to be appropriated and
15 disposed of as the Legislature shall, from
16 time to time direct, for the sole purpose of
17 arming, equipping and uniforming the militia.

SECT. 5. *Be it further enacted,* That all
2 students of any College, Theological Semin-
3 ary, or Academy shall be enrolled and held
4 to do duty only in the towns and plantations,
5 wherein their residence is established ac-
6 cording to law.

SECT. 6. *Be it further enacted,* That the Gov-
2 ernor be, and he hereby is authorized and em-
3 powered, by and with the advice of the Coun-
4 cil, to organize and arrange the Militia of this
5 State, conformably to the laws of the United
6 States, and to make such alterations therein,
7 as from time to time, may be deemed neces-
8 sary. And that all applications or petitions
9 for raising companies at large, and for alter-
10 ations in the arrangement of the militia, shall
11 be made to the Governor, and he, by and
12 with the advice and consent of the Council,
13 is hereby authorized to grant such petitions
14 or applications as to him may appear proper:
15 And all companies raised at large, by volun-
16 tary enlistment, may establish by laws, and
17 regulations, not repugnant to the laws of the
18 State, for perfecting themselves in military
19 knowledge and discipline, in which they may
20 determine what number of company train-

21 ings they will have in each year; and may
 22 establish penalties and forfeitures to enforce
 23 the observance thereof, to be recovered by
 24 action of debt in any court of competent ju-
 25 risdiction, for assessing and collecting funds,
 26 and for any other purposes necessary to the
 27 good order and government of such compa-
 28 nies; which by-laws and regulations shall
 29 be binding on such of the members thereof
 30 as subscribe their names to the same.

SECT. 7. *Beit further enacted*, That the com-
 2 missioned officers of the militia, named in the
 3 aforesaid laws of the U. States, shall be chosen
 4 and appointed in the manner following:—

- 5 *The Major Generals* to be chosen by the
 Senate and House of Representatives, each
 having a negative on the other, and to be com-
 missioned by the Governor.
- 6 *The Adjutant General and Quarter Master
 General* to be appointed by the Governor, with
 the advice of Council, with the rank of Brig-
 adier General.
- 7 *The Division Inspectors* to be appointed by
 the Major Generals of their respective Divis-
 ion, with the rank of Lieutenant Colonel.
- 8 *The Aids-de-Camp of the Major Generals* to
 be appointed by their respective Major Gen-
 erals, with the rank of Major.
- 9 *The Division Quarter-Masters* to be appoint-
 ed by the Major Generals of their respective
 Divisions, with the rank of Major.
- 10 *The Brigadier Generals* to be chosen by the
 written votes of the Field Officers of their re-
 spective Brigades.
- 11 *The Brigade Majors* to be appointed by
 their respective Brigadier Generals, with the
 rank of Major.
- 12 *The Aids-de-Camp and Quarter Masters of*

Brigades to be appointed by the Brigadier Generals of their respective Brigades, with the rank of Captain.

- 13 *The Field Officers of Regiments and Battalions* to be chosen by the written votes of the Captains and Subalterns of their respective Regiments and Battalions.
 - 14 *The Captains and Subalterns of Companies* to be chosen by the written votes of the members of their respective companies.
 - 15 *The Adjutants, the Quarter-Masters, and the Pay Masters of Regiments* to be appointed by the Colonels of their respective Regiments, with the rank of Lieutenant.
 - 16 *The Chaplains, the Surgeons, and the Surgeons' Mates, of Regiments* to be appointed by the Colonels of their respective Regiments.
- And the aforementioned officers shall be commissioned by the Governor.

Sect. 8. *Be it further enacted*, That the
2 non-commissioned officers, named in the
3 aforesaid laws of the United States, shall be
4 appointed in the manner following :

5 *The non-commissioned Officers of Companies* to be appointed by the Captains of their respective Companies, who shall forthwith make return thereof to the commanding officer of their respective regiments or battalions, and they shall grant them warrants accordingly. And in case there shall be but one company of Cavalry or Artillery in any Brigade, then the warrant shall be granted by the Captain of such Company.

Sect. 9. *Be it further enacted*, That in ad-
2 dition to the commissioned and non-commis-
3 sioned Officers above enumerated, the follow-
4 ing Officers and non-commissioned Officers
5 shall be appointed in the manner following :

- 6 *Aids-de-Camp to the Commander in Chief not to exceed four in number*, to be appointed and commissioned by the Governor with the rank of Lieutenant Colonel.
- 7 *A Division Advocate* for each Division to be appointed by the Commander in Chief.
- 8 *An Adjutant and a Quarter Master to each Battalion of Artillery and Cavalry* to be appointed by the Commanding Officers of their respective Battalions, and to be commissioned by the Governor, with the rank of Lieutenant.
- 9 *A Quarter Master Sergeant and a Sergeant Major to each Regiment, and a Drum and Fife Major, Master, Deputy Master, and Musicians of the Regimental Bands* to be appointed by the Colonels of their respective Regiments, who shall grant them warrants accordingly.
- 10 *A Quarter Master Sergeant to each Battalion of Artillery and Cavalry* to be appointed by the commanding officers of their respective Battalions, who shall grant them warrants accordingly.

Sect. 10. *Be it further enacted*, That each
 2 Major General be and he hereby is authoris-
 3 ed, and it shall be his duty, from time to
 4 time to give all such orders, as may be nec-
 5 essary, for filling by election any vacancy or
 6 vacancies of brigadier general, field officer,
 7 captain or subaltern, which does now or may
 8 hereafter exist, within his division. And
 9 previous to any such election, the electors
 10 shall have ten days notice thereof at least,
 11 and no election for the choice of Brigadier
 12 General or field officer shall be valid, until a
 13 majority of all the electors qualified by law to
 14 vote in such choice, (counting all existing va-

15 cancies in the offices of such electors,) shall
16 be present at such election ; and all returns
17 of elections, or of neglects, or refusals to elect,
18 shall be made to the Commander in Chief,
19 by the major generals in whose divisions
20 such elections shall have been ordered ; and
21 in case of neglect or refusal by any company
22 to do duty as prescribed by law, or to elect
23 officers when duly notified and ordered
24 thereto, the Governor shall immediately dis-
25 band said company, and order the non-com-
26 missioned officers, musicians and privates
27 thereof to be enrolled in the oldest adjoining
28 standing company, and they shall be held to
29 do therein all the duties required by law.—
30 And all commissions shall be transmitted to
31 the Major-Generals and be regularly passed
32 down to the persons entitled to receive them.
33 And every person, who shall be elected to
34 any office as aforesaid, and shall not within
35 one hour after he shall have been notified of
36 his election, by the officer who presided
37 thereat, (excepting in case of the choice of
38 major-general, who shall be allowed thirty
39 days after he shall be notified by the Secreta-
40 ry of this State,) signify his acceptance there-
41 of, shall be considered as declining to serve,
42 and orders shall be forthwith issued for a
43 new choice. And the commission of every
44 officer shall designate the Division, Brigade,
45 Regiment or Battallion, and the Corps in
46 which he shall be commissioned, and all offi-
47 cers shall take rank from the day of their
48 elections or appointments respectively, which
49 shall be designated in their commissions.—
50 And whenever an officer is transferred from
51 one corps or station to another in the same
52 grade, the day of the date of his original ap-

53 pointment or election shall be expressed in
 54 his new commission, and that day be consid-
 55 ered the date of his commission. And when
 56 an officer shall, by any casualty lose his com-
 57 mission, upon his making an affidavit thereof,
 58 before any Justice of the Peace, for the
 59 county in which he resides, and on filing such
 60 affidavit in the office of the Adjutant Gener-
 61 al, he shall be entitled to receive a new com-
 62 mission of the same tenor and date as the
 63 one so lost as aforesaid. And all officers when
 64 on duty shall take rank by the dates of their
 65 commissions as above defined. And when
 66 two or more officers of the same grade are on
 67 duty together, and their commissions bear an
 68 equal date, and former pretensions of some
 69 commission do not decide, then their relative
 70 rank with each other shall be determined by
 71 lot, to be drawn by them before the com-
 72 manding officer present, and when on court
 73 martial before the president thereof.

SECT. 11. *Be it further enacted*, That every
 2 officer, duly commissioned in pursuance of
 3 the provisions of this act, shall, before he
 4 enters upon the discharge of the duties of
 5 his office, take and subscribe the oaths re-
 6 quired by the constitution, before some jus-
 7 tice of the peace, or before some superior
 8 field, or general officer, or staff officer of the
 9 rank of field officer, who has previously taken
 10 and subscribed them himself. And on the
 11 back of every military commission the follow-
 12 ing form of certificate of qualification shall be
 13 printed.

“STATE OF MAINE.

This may certify, that ———, commis-
 14 *sioned as within, on this ——— day of ———,*
 15 *A. D. 18 , personally appeared and took*
 16 *and subscribed the oaths, required by the*

17 *Constitution of this State, to qualify him to*
 18 *discharge the duties of his office.*

Before me, — — —, — — —."

SECT. 12. *Be it further enacted*, that to every
 2 company there shall be a clerk, who shall
 3 be one of the sergeants, and he shall be ap-
 4 pointed by the captain or commanding offi-
 5 cer of the company, and on the back of his
 6 warrant as sergeant, the captain or com-
 7 manding officer of the company, shall in
 8 writing certify, that he does thereby appoint
 9 him to be clerk of the company. And be-
 10 fore such clerk enters upon the duties of his
 11 clerkship, he shall be sworn to the faithful
 12 discharge of his duty, by taking the follow-
 13 ing oath before the captain, or commanding
 14 officer of the company to which he belongs,
 15 who is hereby authorized to administer the
 16 same, viz.

17 *"I, A. B. do solemnly swear, that I will*
 18 *faithfully and impartially perform all the*
 19 *duties incumbent on me, as clerk of the com-*
 20 *pany to which I belong according to the best*
 21 *of my abilities and understanding. So help*
 22 *me God."*

23 And the captain or commanding officer of
 24 the company shall at the time of his admin-
 25 istering said oath, certify on the back of the
 26 warrant of the sergeant appointed to be
 27 clerk that he was duly qualified, by taking
 28 the oath required by law. And it shall be
 29 the duty of the clerk to keep a fair and exact
 30 roll of the company, together with the state
 31 of the arms and equipments, belonging to
 32 each man, which roll he shall annually re-
 33 vise, in the month of May, and correct the
 34 same from time to time as the state of,
 35 and alterations in, the company may re-

36 quire ; to register all orders and proceedings
 37 of the company, in the orderly book ; to
 38 keep exact details of all drafts and detach-
 39 ments ; to assist the commanding officer of
 40 the company in the enrolment thereof, and
 41 also in enrolling of all such persons without
 42 partiality or favor, liable to any military duty,
 43 coming to live within his company bounds,
 44 as he may from time to time be informed
 45 thereof ; to distribute all company orders and
 46 notifications, which he may be required to
 47 do ; to examine the equipments of the men,
 48 when ordered ; to note all delinquencies, to
 49 sue for and recover all fines and forfeitures,
 50 which are required by this act, to be sued
 51 for, and recovered by him ; to keep accounts
 52 in the orderly book of all fines and forfeit-
 53 ures, and all other monies, collected by him
 54 with the persons' names, of whom they were
 55 collected, and of the times when, and for
 56 what offence, neglect, default, or deficiency ;
 57 which book shall not be alienated from the
 58 company, and shall always be open to the in-
 59 spection of any officer of the company.

SECT. 13. *Be it further enacted,* That the
 2 officers of the militia, (chaplains excepted)
 3 while on duty, shall wear a uniform dress, to
 4 consist of a blue cloth coat, and other arti-
 5 cles of dress of such color and fashion and
 6 with such equipments as shall be prescribed
 7 by the Commander in Chief ; except where
 8 the same is regulated by the laws of the Uni-
 9 ted States.

SECT. 14. *Be it further enacted,* That every
 2 officer, non-commissioned officer and private,
 3 shall hold his uniform exempted from all suits,
 4 distresses, executions or sales for debt, or the
 5 payment of taxes. And no officer, non-com-

6 missioned officer, nor private shall be arrest-
7 ed on any civil process, during his going unto
8 returning from, or his performance of military
9 duty ; nor during his going unto, remaining
10 at, or returning from any place, at which he
11 may be ordered to meet for the election of
12 any officer or officers. And no officer shall
13 be arrested on any civil process while going
14 unto, serving upon, or returning from any
15 court martial, court of inquiry, or board of
16 officers, upon which it may be the duty of
17 such officer to attend.

SECT. 15. *Be it further enacted,* That eve-
2 ry officer, non-commissioned officer and pri-
3 vate of infantry, light infantry, cavalry, ar-
4 tillery, grenadiers and riflemen, shall con-
5 stantly keep himself furnished and provided
6 with arms and equipments required by the
7 laws of the United States before recited, ex-
8 cept such private as shall not be able so to
9 provide himself. And no private shall be
10 considered unable to provide himself with the
11 arms and equipments required as aforesaid,
12 unless he shall produce, after the first day of
13 August and before the second Thursday in
14 September annually, to the commanding of-
15 ficer of the company to which he belongs, a
16 certificate of such inability from the over-
17 seers of the poor, of the town or district where
18 he resides. And the commanding officer of
19 the company to which such private belongs,
20 shall forthwith lay such certificate before the
21 selectmen of the town or district where such
22 private resides. And it shall be the duty of
23 such selectmen, forthwith, at the expense of
24 their respective towns or districts, to provide
25 for every such private, the arms and equip-
26 ments required as aforesaid, and they shall

27 deposit the same in some safe and conve-
28 nient place, and shall permit the commanding
29 officer of the company, to which such pri-
30 vate, unable to provide himself, as aforesaid,
31 belongs, to deliver such arms and equipments
32 to such private, whenever his company shall
33 be ordered out for any military duty. And
34 the said commanding officer shall be respon-
35 sible for the safe return of such arms and
36 equipments to the place of deposit. And if
37 any town shall neglect to furnish arms and
38 equipments to such privates as are unable, as
39 aforesaid, to equip themselves, such town
40 shall forfeit and pay not less than twenty dol-
41 lars, nor more than fifty dollars, to be recov-
42 ered by indictment, to the use of the State.

SECT. 16. *Be it further enacted,* That when-
2 ever the office of major general, brigadier gen-
3 eral, colonel, lieutenant colonel, major com-
4 mandant, or of captain, shall be vacant, the of-
5 ficer next in grade and in commission, in the
6 division, brigade, regiment, battalion, or com-
7 pany, shall exercise the command, and per-
8 form the duties thereof, until the vacancy
9 shall be supplied. And in case of the sick-
10 ness, absence, or other inability of the clerk
11 of any company, the commanding officer
12 thereof is hereby authorized to appoint a
13 clerk pro tempore, who shall be duly sworn
14 before he enters on the duties of the office ;
15 and shall for the time expressed in his ap-
16 pointment or until specially discharged, have
17 all the powers, and be subject to all the du-
18 ties, and be liable to all the penalties of the
19 clerk, in whose place he is put. And when-
20 ever a company shall have neither officers,
21 nor non-commissioned officers, the command-
22 ing officer of the regiment or battalion, to

23 which such company belongs, shall appoint
 24 suitable persons within said company to be
 25 non-commissioned officers of the same, and
 26 grant them warrants accordingly, one of
 27 which non-commissioned officers he shall ap-
 28 point clerk, and shall endorse the warrant of
 29 the non-commissioned officer appointed clerk,
 30 and administer the oath to him, as required
 31 by the commanding officers of companies, in
 32 the twelfth section of this act, and the senior
 33 non-commissioned officer of a company, while
 34 there are no commissioned officers in office,
 35 shall command the same; and all the author-
 36 ities and powers of commanding officer shall
 37 be vested in him, until some commissioned
 38 officer shall be chosen or appointed and has
 39 qualified himself: *Provided however*, That
 40 when a company, destitute of commissioned
 41 officers, shall parade with other troops, the
 42 commanding officer present shall assign some
 43 commissioned officer or officers to such des-
 44 titute company, to command the same while
 45 on parade.

Sect. 17. *Be it further enacted*, That in each
 2 brigade, where there are now, or may hereaf-
 3 ter be two companies of artillery, they shall
 4 form a battalion, and be entitled to a Major,
 5 an Adjutant, and a Quarter Master; that in
 6 each brigade, where there are now, or shall
 7 hereafter be, three companies of artillery,
 8 they shall still form one battalion; and that
 9 in each brigade, where there are now, or may
 10 hereafter be, four companies of artillery, they
 11 shall form a regiment of two battalions, and
 12 be entitled to a colonel, lieutenant colonel
 13 and major. *Provided, however*, that the Gov-
 14 ernor, with advice and consent of Council.
 15 may organize independent battalions of in-

16 fantry, with a battalion staff, where the local
17 situation of the troops is such that they can-
18 not be conveniently connected to a regiment.
19 And where by the division of any corps, a
20 new division or brigade shall be so formed
21 as to leave but three companies of any regi-
22 ment of cavalry or artillery, or where by the
23 disbanding of any company, such regiment
24 of cavalry or artillery shall be reduced to
25 three companies, such three companies shall
27 still constitute a regiment, and all the offi-
28 cers thereof shall retain their command and
29 rank, the same as though said corps had not
30 been reduced. And each company of artil-
31 lery shall be provided by the quarter-master-
32 general with two good brass field pieces, of
33 such calibre as the Commander in Chief may
34 direct, with carriages and apparatus com-
35 plete; an ammunition cart, forty round shot,
36 and forty rounds of cannister shot; also tum-
37 brils, harness, implements, laboratory, and
38 ordnance stores, which may from time to time
39 be necessary for their complete equipment
40 for the field. And the Commander in Chief
41 shall order to be issued, to each company
42 of artillery, annually, a quantity of powder,
43 not exceeding forty pounds, which shall be
44 expended on days of inspection or review,
45 and in experimental gunnery. And the com-
46 manding officer of every company of artillery
47 shall be accountable for the careful preserva-
48 tion of the pieces, and all the apparatus afore-
49 said, appertaining to their equipment, and
50 for the proper expenditure of the ammuni-
51 tion supplied by the government. And the
52 commanding officer of every company of ar-
53 tillery shall lay before the committee on ac-
54 counts for allowance, his accounts of money

55 actually expended in providing horses to
 56 draw the field pieces and tumbril of his com-
 57 pany: *Provided however*, no allowance shall
 58 be made, unless such company is ordered to
 59 appear at a battalion, regimental, brigade or
 60 division inspection or review, or unless such
 61 company is ordered on duty by the Command-
 62 er in Chief. And each commanding officer
 63 of a company of artillery is hereby authori-
 64 zed to enlist three drivers, who, when enlist-
 65 ed, shall be exempted from other military
 66 duty, except that of keeping the harnesses
 67 and apparatus of the carriages, belonging to
 68 the company, in good order.

SECT. 18. *Be it further enacted*, That where
 2 there are now, or may hereafter be, two com-
 3 panies of cavalry in a brigade, they shall
 4 form a battalion, and be entitled to a major,
 5 an adjutant, and a quarter master. And in
 6 those brigades, where there are now, or may
 7 hereafter be, three companies of cavalry,
 8 they shall still form a battalion; and in each
 9 brigade, where there now, or may hereafter
 10 be, four companies of cavalry, they shall form
 11 a regiment of two battalions, and be entitled
 12 to a colonel, lieutenant colonel and major.
 13 And if any non-commissioned officer or pri-
 14 vate of any company of cavalry shall be des-
 15 titute of a suitable horse and furniture for
 16 more than two months at one time, it shall be
 17 the duty of the commanding officer of the com-
 18 pany immediately to apply to the brigadier
 19 general of the brigade, who may discharge
 20 such non-commissioned officer or private from
 21 such company, and cause him to be enroll-
 22 ed in the standing company, within whose
 23 bounds he resides; and if he be a non-com-
 24 missioned officer, he shall be considered as

25 reduced to the ranks. And when any draft
 26 or detachment shall be made from any com-
 27 pany of cavalry for actual service, the men
 28 drafted or detached shall march with their
 29 own horses, and before they march, if there
 30 be time, the horses shall be appraised by
 31 three impartial men, to be appointed by the
 32 commanding officer of the brigade, to which
 33 the company belongs, from which the draft
 34 or detachment is ordered.

SECT. 19. *Be it further enacted,* That no
 2 company of cavalry, artillery, light infantry,
 3 grenadiers, or riflemen, shall be raised at
 4 large when any of the standing companies
 5 shall thereby be reduced to a less number
 6 than forty effective privates, exclusive of
 7 conditional exempts and two musicians, and
 8 including corporals; and if any officer of cav-
 9 alry, artillery, light infantry, grenadiers, or
 10 riflemen, shall enlist any men, belonging to
 11 a standing company, or residing within the
 12 bounds thereof, for the purpose of forming
 13 or recruiting his company, when by means
 14 thereof such standing company would be re-
 15 duced to a less number than forty effective
 16 privates borne on the company roll, exclu-
 17 sive of those between the ages of thirty five
 18 and forty five years, such enlistment shall be
 19 void. And whenever any person shall enlist
 20 into any company of cavalry, artillery, light
 21 infantry, grenadiers or riflemen, the com-
 22 manding officer of the company, into which
 23 such person may enlist, shall give notice
 24 thereof, in writing, to the commanding offi-
 25 cer of the standing company, to which such
 26 person is liable to do duty, within five days
 27 from the time of such enlistment, and state
 28 in such notice, the date of enlistment, other-

29 wise the same shall be void, although the
30 standing company should not thereby be re-
31 duced to a less number than forty eight ef-
32 fective privates. And if any company, rais-
33 ed at large, shall be reduced to a less num-
34 ber than twenty privates, and remain so for
35 three months, then such company shall be
36 disbanded, and the men which belonged to
37 such delinquent company shall be enrolled
38 in the standing company within the bounds
39 of which they respectively reside. And all
40 companies, raised at large, and not annexed
41 to any particular regiment, shall be subject
42 to the orders of the commanding officer of
43 the brigade in which they have been raised ;
44 and shall make their elections of officers in
45 the same manner as other companies, but
46 shall make their returns of elections to the
47 commanding officer of the brigade. And at
48 all parades of regiments, the companies com-
49 manded by the two senior captains shall act
50 as light infantry companies, except where
51 companies of light infantry, grenadiers, or
52 riflemen, have been or may be hereafter rais-
53 ed and annexed to the regiment.

Sect. 20. *Be it further enacted,* That each
2 Colonel or Commanding Officer of a regi-
3 ment, be and he hereby is authorized to raise,
4 by voluntary enlistment, within his own regi-
5 ment, or any adjoining regiment, with the
6 written consent of the Commanding Officer
7 of such Regiment, and organize and estab-
8 lish within his Regiment a band of music
9 not to exceed twenty musicians, including
10 one master and one deputy master, and the
11 Colonel and [or] Commanding officer shall
12 grant the musicians, deputy master, and mas-
13 ter of such band, warrants as such.

14 And each band shall be under the direc-
15 tion of the Commanding Officer of the Regi-
16 ment in which it is organized.

17 And it shall be the duty of the master and
18 deputy master to teach, lead and command
19 such band, and to issue all such orders as
20 they may be, by their Colonel or Command-
21 ing Officer, authorized to do for these purpo-
22 ses.

23 And each master, deputy master and musi-
24 cian shall constantly keep himself provided
25 with the uniform of the band to which he be-
26 longs, which uniform is to be prescribed in
27 the same manner as the uniform of the Regi-
28 ment to which the band belongs—and shall
29 also keep himself constantly provided with
30 such instrument or instruments, as may be
31 directed by the Commanding Officer of the
32 Regiment.

33 And the bands belonging to the Regiments
34 shall also be under the Brigadier General or
35 the Commanding Officer of the Brigade (the
36 senior master present, having the direction
37 of said bands,) wherever the said regiments
38 shall meet in Brigade.

39 And if any master, deputy master or musi-
40 cian shall be guilty of any neglect of duty,
41 disobedience of orders, disorderly or other
42 unlimitary conduct, he shall forfeit not less
43 than five nor more than twenty dollars, for
44 each offence, one half thereof to the use of
45 the officer, suing therefor, and the other half
46 to the Colonel of the Regiment, to which
47 the offender may belong, for the purchase
48 and repair of musical instruments for said
49 band, to be sued for by the Adjutant of the
50 regiment; or by the Brigade Major of the
51 Brigade, if assembled in Brigade; in an ac-

52 tion on the case before any Justice of the
 53 Peace in the county where the offender re-
 54 sides, and no appeal shall be allowed to
 55 either party; and such master, deputy mas-
 56 ter or musician, shall moreover be liable to
 57 be removed from the band at the discretion
 58 of the Colonel or Commanding Officer of the
 59 Regiment, within which such band is organ-
 60 ized, and shall forthwith be enrolled as a pri-
 61 vate in the standing company, within the
 62 bounds of which he resides.

63 And each master, deputy master and musi-
 64 cian of a band, shall be exempted from all
 65 military duty while belonging to the band,
 66 excepting such as shall be required of him by
 67 the Colonel or Commanding Officer of the
 68 Regiment, or by the Brigadier General or
 69 commanding officer of the Brigade when the
 70 Regiments are assembled in Brigade.

SECT. 21 *Be it further enacted*, That every
 2 Commanding Officer of a company shall pa-
 3 rade his company on the second Thursday of
 4 September annually, at one of the clock in
 5 the afternoon, for the purpose of inspecting,
 6 examining, and taking an exact account of
 7 all the equipments of his men, and for noting
 8 all delinquencies of appearance and defi-
 9 ciencies of equipment, and for correcting his
 10 company roll, in order that a thorough in-
 11 spection of each company in the State may
 12 be made. And it shall be the duty of every
 13 commanding officer of a company to parade
 14 his company by his own order, on one other
 15 day in the afternoon, for company discipline,
 16 between said day of inspection and the review
 17 herein provided for; and on the two several
 18 days of training and inspection to use his best
 19 exertions, in instructing and perfecting his

20 men, in their company exercise and evolu-
21 tions. And the troops of each division shall
22 also be paraded for review in Brigades, Regi-
23 ments or Battalions, on some day between the
24 second Thursday in September annually, and
25 the twentieth day of October annually. And
26 when by reason of the residence of any part
27 of the troops on any of the islands in this State,
28 it may be deemed expedient by the Major Gen-
29 eral of the Division to which such troops be-
30 long, they may be reviewed in less bodies
31 than battalions. And whenever the com-
32 manding officer of a company, shall order out
33 his company for inspection or training, or for
34 any battalion, regimental, brigade or divi-
35 sion inspection or review, he shall issue his
36 orders to some one or more of the non-com-
37 missioned officers or privates of his company,
38 requiring him or them, to notify the men be-
39 longing to his company to appear at the time
40 and place appointed; and it shall be the du-
41 ty of the non-commissioned officer or officers,
42 private or privates, so ordered as aforesaid,
43 to give notice of the time and place appoint-
44 ed for the parade of said company, to each
45 and every man, he or they shall have been
46 ordered to notify, either verbally or by de-
47 livering to each man in person, or by leav-
48 ing it at his usual place of abode, a written
49 or printed order. And no notice shall be
50 legal, for any company inspection or train-
51 ing, or for any battalion, regimental, brigade
52 or division inspection or review, unless the
53 same shall be given four days at least pre-
54 vious to the time appointed therefor. *Pro-*
55 *vided always*, that in case of invasion, insur-
56 rection, or other emergency, any notice, how-
57 ever short, shall be legal and binding. And

58 in all cases the testimony of the clerk, or
59 any other non-commissioned officer or pri-
60 vate, who shall have received orders to noti-
61 fy the whole or any part of the men of any
62 company to appear at a time and place ap-
63 pointed for any military duty, shall be con-
64 clusive to prove, that due notice was giv-
65 en to the party prosecuted, unless such
66 testimony be invalidated by other evi-
67 dence; and the commission of the Cap-
68 tain or Commanding officer of any com-
69 pany shall in all cases, be deemed sufficient
70 evidence of the organization of such com-
71 pany. And whenever any company shall be
72 paraded, the commanding officer of such
73 company is hereby authorized verbally to
74 notify the men so paraded, to appear on
75 some future day for company discipline, pre-
76 ceding the day of the annual review, as pro-
77 vided herein, and such notice shall be legal
78 as it respects the men present. *Provided,*
79 That no private shall be compelled to per-
80 form any other military duty in one year, than
81 is herein provided, except in time of war or
82 public danger, and for choice of officers, nor
83 after sunset. But on the approach of any
84 public danger, when in the opinion of the
85 Commander in Chief, any of the exigencies
86 are likely to happen upon which the Militia
87 could, by the Constitution of the United
88 States, be called into actual service, he shall
89 have power to order such other and further
90 training and disciplining the Militia or any
91 part thereof, as he may deem necessary.

Sect. 22. *Be it further enacted,* That every
2 commanding officer, when on duty, is hereby
3 authorized to ascertain and fix necessary lim-
4 its and bounds to his parade, (no road in

5 which people usually travel to be included)
 6 within which no spectator shall have a right
 7 to enter, without liberty from such command-
 8 ing officer; and in case any person shall in-
 9 trude within the limits of the parade, after
 10 being once forbidden, he shall be subject to
 11 be confined under guard during the time of
 12 the parade, or a shorter time, at the discretion
 13 of the commanding officer.

Sect. 23. *Be it further enacted,* That in all
 2 cases of doubt respecting the age of any
 3 person intended to be enrolled, the party
 4 questioned as to his age shall prove the same
 5 to the satisfaction of the enrolling officer;
 6 and if any person liable to military duty, upon
 7 application to him personally by the com-
 8 manding officer of the company, within the
 9 bounds of which such person resides, or upon
 10 application by any person acting under such
 11 commanding officer, shall either refuse to
 12 give his name, or not give his name truly,
 13 every such person, so offending, shall forfeit
 14 twelve dollars, to be sued for by the clerk of
 15 the company in an action on the case before
 16 any Justice of the Peace of the county where
 17 such offender resides.

Sect. 24. *Be it further enacted,* That when
 2 any non-commissioned officer or private in
 3 any company, shall receive orders from the
 4 commanding officer of such company, to no-
 5 tify and warn such company, or any part
 6 thereof, to meet for the purpose of choosing
 7 any officer or officers, it shall be the duty of
 8 such non-commissioned officer or private to
 9 give every person he is so ordered to warn,
 10 verbal notice, or to leave him a written or
 11 printed notification at his usual place of
 12 abode, specifying the time, place and pur-

13 pose of said meeting ; and no election of a
 14 company officer shall be valid in future, un-
 15 less a majority of the voters of the company
 16 are present at the election.

Sect. 25. *Be it further enacted,* That each
 2 and every captain or commanding officer of
 3 any company is hereby empowered to enlist,
 4 as musicians for his company, and within the
 5 bounds of the same, not exceeding two drum-
 6 mers and two fifers, or one fifer and one bu-
 7 gler, for and during the term of seven years,
 8 unless sooner discharged by removal to such
 9 distance from the said company, as to render
 10 it inconvenient for said musician to perform
 11 the duties required of him, or by reason of
 12 some other good and legal excuse. And any
 13 such musician, so enlisted, who after having
 14 been duly notified and warned shall refuse
 15 to perform his duty as musician at all legal
 16 meetings of said company, shall forfeit and
 17 pay for every such offence the same sum, as
 18 would be forfeited by any non-commissioned
 19 officer or private for non-appearance at any
 20 of said meetings; and in case of removal or
 21 discharge of any such musician, the said
 22 captain, or commanding officer may from
 23 time to time enlist other musicians to fill
 24 such vacancy or vacancies.

Sect. 26. *Be it further enacted,* That every
 2 town and plantation within this State shall
 3 provide and deposit, and constantly keep
 4 provided and deposited in some suitable and
 5 convenient place within said town or planta-
 6 tion, one hundred pounds of musket balls,
 7 each of the eighteenth part of a pound; one
 8 hundred twenty-eight flints, suitable for
 9 muskets; three copper, iron, or tin camp
 10 kettles, for every sixty-four soldiers enrolled

11 within said town or plantation, except artille-
12 rists ; and the same proportion of the afore-
13 said articles for a greater or a less number
14 of soldiers enrolled as aforesaid. And every
15 town or plantation, which shall neglect to
16 keep itself constantly provided with the ar-
17 ticles aforesaid, and in the proportions afore-
18 said, shall forfeit and pay to the use of the
19 State, a sum not exceeding five hundred dol-
20 lars, nor less than twenty dollars, according
21 to the nature and degree of the neglect, to
22 be recovered by indictment or information in
23 any court of competent jurisdiction. And
24 it shall be the duty of each quarter master of
25 Regiments of Infantry to cause every town
26 or plantation within the bounds of his Regi-
27 ment, to be prosecuted or presented, which
28 town or plantation he shall find upon his in-
29 spection to be deficient, either in the quality
30 or quantity of military stores, required to
31 be provided as aforesaid, or which he shall
32 find to have neglected to make the provis-
33 ions, or any part thereof, required as afore-
34 said. And whenever, on account of any pub-
35 lic exigency, the Governor, with advice of
36 Council, shall issue his proclamation, requir-
37 ing the several towns and plantations to be
38 provided constantly with powder, at the rate
39 of thirty-two pounds for every sixty-four sol-
40 diers enrolled within their limits respective-
41 ly, and in the same proportion for a greater
42 or less number of soldiers so enrolled, every
43 town and plantation that shall neglect to
44 comply with such requisition, until the same
45 shall be countermanded, shall be subject to
46 the penalty above specified in this section.
Sect. 27. *Be it further enacted*, That the
2 captain or commanding officer of each com-

3 pany, shall cause the clerk of his company
4 to make a return of the state of his compa-
5 ny on the day of the annual inspection, to
6 the commanding officer of his regiment or
7 battalion, on or before the first day of Octo-
8 ber annually: and the commanding officer
9 of each regiment or battalion, shall cause
10 his Adjutant to record an abstract of the re-
11 turns made to him, in a book to be kept for
12 that purpose, and to transmit a copy thereof
13 to the commanding officer of the brigade, on
14 or before the first day of November annual-
15 ly; and the commanding officer of each brig-
16 ade shall cause his Brigade Inspector to
17 transmit the brigade returns to the office of
18 the Adjutant General; also to transmit ab-
19 stracts thereof to the Major General and to
20 the Division Inspector of his division, in the
21 month of November annually; and the Ma-
22 jor General shall cause the Division Inspec-
23 tor to transmit an aggregate abstract of such
24 brigade returns to the office of the Adjutant
25 General, in the month of December annual-
26 ly. And it shall be the duty of the Adju-
27 tant General to form, sign and transmit one
28 correct return of all such division returns to
29 the Commander in Chief, and one to the
30 President of the United States on or before
31 the first day of January annually. And it
32 shall be the duty of the several commanding
33 officers of Regiments, brigades and divisions,
34 to cause such abstracts and returns to be
35 made and transmitted within the several
36 times aforesaid, in all cases of absence or
37 inability of the several staff-officers aforesaid,
38 or of vacancy in their offices. And it shall
39 be the duty of each such staff-officers to re-
40 cord the returns by him made, in a book, to be

41 kept for that purpose and which shall not be
42 alienated from the corps, to which such offi-
43 cers respectively belong. And it shall be
44 the duty of the Adjutant General to furnish
45 such officers with proper books, and from
46 time to time, with blanks, containing proper
47 forms of the abstracts and returns aforesaid.

Sect. 28. *Be it further enacted*, That upon
2 the requisition of any commanding officer of
3 a company for that purpose, at five days no-
4 tice, the Selectmen of towns, and the Asses-
5 sors of plantations, shall pay at the place of
6 inspection and review to each officer and
7 member of such company, belonging to such
8 town or plantation, who shall then and there
9 appear and perform military duty, the sum of
10 Fifty cents. And every town or plantation,
11 which shall fail to pay said sums as aforesaid,
12 shall forfeit to the use of said company, a
13 sum equal to Fifty cents, for every such per-
14 son, who shall do duty on such inspection
15 and review, to be sued for and recovered by
16 the clerk of said company, before any court
17 of competent jurisdiction. And the Treas-
18 urer of each town and plantation in this
19 State shall annually present his bill for such
20 sum of money actually paid to the officers
21 and soldiers aforesaid to the Legislature for
22 allowance. And the Treasurer of every
23 town or plantation shall supply at the ex-
24 pense of the State, or cause the commanding
25 officer of each company of Infantry, Light
26 Infantry, Cavalry and Riflemen, to be supplied
27 with one quarter of a pound of good gun pow-
28 der made into suitable blank cartridges, for
29 each and every non-commissioned officer and
30 private borne on the company roll of such com-
31 manding officer, exclusive of conditional ex-

32 empts, whenever such commanding officer's
 33 company is ordered to parade for review.
 34 And such commanding officer shall make a
 35 written application therefor four days previ-
 36 ous to such review, and shall return to, or
 37 account with said Treasurer, for all powder
 38 he may receive over and above one quarter
 39 of a pound for each man actually on parade
 40 at the muster for which said powder was
 41 drawn; and the Treasurer aforesaid shall
 42 annually present his account for the expense
 43 of such powder to the Legislature for allow-
 44 ance. *Provided*, That when the command-
 45 ing officer of a company raised at large,
 46 shall make requisitions to the selectmen of
 47 a town, or the assessors of a plantation, for
 48 rations and powder directed by law, they
 49 shall designate the number and names of the
 50 members of such company, belonging to such
 51 town or plantation, and certify their perform-
 52 ance of militia duty.

Sect. 29. *Be it further enacted*, That when-
 2 ever in case of threatened or actual invasion,
 3 insurrection or other public danger or emer-
 4 gency, the militia shall be ordered out, or
 5 any part thereof, shall be ordered to be de-
 6 tached or drafted by the Commander in
 7 Chief, any person who shall be ordered out,
 8 detached, or drafted in pursuance of, and
 9 obedience to such orders, and being notified
 10 thereof and ordered to march to the place
 11 of rendezvous, and shall neglect or refuse to
 12 obey such orders, and shall not within twen-
 13 ty-four hours, after he shall have been noti-
 14 fied as aforesaid, pay a fine of fifty dollars,
 15 to the commanding officer of the company
 16 to which he belongs, or procure an able bo-
 17 died man in his stead, such person shall be

18 considered as a soldier, belonging to the
19 detachment, and be dealt with accordingly.
20 And all fines paid as aforesaid, shall be ap-
21 propriated to the hire of men to complete
22 the detachment. And the officers of any
23 detachment, ordered to be made as aforesaid,
24 shall be regularly detailed from the rosters,
25 and the non-commissioned officers and pri-
26 vates by lot from the company rolls: And
27 when any company shall not be organized,
28 the officer commanding the brigade or regi-
29 ment, shall either by himself or some officer
30 under him, proceed to make and complete
31 the detachment, from such unorganized com-
32 pany. And whenever the militia or any part
33 thereof, after having been ordered out or
34 detached as aforesaid, and shall be ordered
35 to march for the service of this State, each
36 non-commissioned officer and private, so or-
37 dered to march, shall provide and take with
38 him three days provisions, unless otherwise
39 ordered. And the Selectmen of every town
40 and the assessors of every plantation to
41 which the men detached as aforesaid, and
42 ordered to march for the service of this
43 State, belong, shall provide and cause car-
44 riages to attend them with further supplies
45 and provisions, and also the necessary camp
46 equipage and camp utensils, until notice
47 shall be given them by the commanding offi-
48 cer of the detachment to desist, and the
49 Selectmen and Assessors shall present their
50 accounts for supplies to the Legislature for
51 allowance. And whenever the Selectmen
52 of any town or Assessors of any plantation,
53 from which a detachment or part thereof as
54 aforesaid shall march, and being notified by
55 the commanding officer of such detachment

56 or part thereof belonging to such town or
57 plantation, and shall neglect or refuse to
58 furnish the necessary supplies, camp equip-
59 age and camp utensils, the town or planta-
60 tion to which the Selectmen or Assessors,
61 neglecting or refusing as aforesaid, belong,
62 shall forfeit not less than two hundred nor
63 more than five hundred dollars, to be sued
64 for and recovered by any person, who may
65 prosecute for the same, in an action on the
66 case, in any court of competent jurisdiction,
67 one moiety to the prosecutor, and the other
68 to the use of the State. And the officer to
69 whom, or by whose order any camp equip-
70 age, or camp utensils, shall be delivered,
71 shall be accountable for the same, unless in-
72 jured or lost by some accident not in his
73 power to prevent.

Sect. 30. *Be it further enacted*, That the
2 annual review of the troops of each division,
3 in brigades, regiments, or battalions of reg-
4 iments, provided for in the twenty-first sec-
5 tion of this act, shall be at such times as the
6 commanding officer of the divisions may or-
7 der. And when a brigade review or inspec-
8 tion is ordered, the commanding officer of
9 the brigade shall appoint the place, and give
10 notice thereof to the commanding officer of
11 the division; when a regimental review or
12 inspection is ordered, the commanding offi-
13 cer of the regiment shall appoint the place,
14 and give notice thereof to the commanding
15 officer of the brigade; and when a review
16 or inspection of a regimental battalion or
17 part of battalion is ordered, the command-
18 ing officer of the regiment shall appoint the
19 place, and give notice thereof to the com-
20 manding officer of the brigade. And the

21 places to be appointed for reviews or inspec-
 22 tions as aforesaid, shall always be as central
 23 as, in the judgment of the officer pointing
 24 out the place, convenience will admit. And
 25 the artillery, cavalry, and other troops raised
 26 at large, and not annexed to any particular
 27 regiment, shall be reviewed and inspected
 28 once in each year, either by themselves, or
 29 with the brigades, regiments, or battalions of
 30 regiments, as the commanding officer of the
 31 respective divisions may order and direct :
 32 *Provided*, That no officer, non-commissioned
 33 officer or private, shall be obliged to travel
 34 more than fifteen miles to any Brigade review.

Sect. 31. *Be it further enacted*, That no offi-
 2 cer, non-commissioned officer or private shall
 3 be holden to perform any military duty on
 4 any day (except on days which are or may
 5 be specially prescribed by law) on which the
 6 selectmen of the town in which such officer,
 7 non-commissioned officer or private resides,
 8 shall appoint a meeting for the election of a
 9 representative to the Legislature, nor shall
 10 there be any military parade on the day point-
 11 ed out by the constitution of this State for
 12 the election of governor, and senators, nor
 13 on any day which may be appointed for the
 14 choice of electors of President and Vice
 15 President of the United States, or represen-
 16 tatives to Congress. And it shall not be
 17 lawful for any officer to parade his men on
 18 either of said days, unless in case of invasion
 19 made or threatened, or in obedience to the
 20 orders of the commander in chief, except as
 21 is herein before excepted.

Sect. 32. *Be it further enacted*, That each
 2 regiment of Infantry and each battalion of
 3 cavalry or artillery shall be furnished with

4 the State colors ; and each company of infant-
 5 ry, artillery, light infantry, grenadiers and
 6 riflemen, shall be furnished with a drum and
 7 fife, or bugle horn, and each company of
 8 cavalry with a trumpet ; and each brigadier
 9 general after the first day of August next
 10 ensuing, is hereby authorized to draw orders
 11 upon the quarter master general, in favor of
 12 the commanding officers of regiments, bat-
 13 talions, and companies for the above purpo-
 14 ses, that the several regiments, battalions
 15 and companies may be supplied as aforesaid.
 16 And the commanding officers of regiments
 17 and battalions shall be responsible for the
 18 safe keeping of their colors ; and the com-
 19 manding officers of companies shall be re-
 20 sponsible for the safe keeping of the drums,
 21 fifes, bugle horns, and trumpets, delivered to
 22 them for the use of their companies ; and it
 23 shall be the duty of the quarter master gen-
 24 eral to furnish such colors and musical in-
 25 struments, and to present his accounts there-
 26 for to the Legislature for allowance. And
 27 the Adjutant General shall furnish blank or-
 28 ders for the commanding officers of compa-
 29 nies to order their non-commissioned offi-
 30 cers and privates to notify their men to at-
 31 tend all the inspections, trainings and re-
 32 views, and meetings for the choice of officers,
 33 which shall be ordered ; also blank notifica-
 34 tions or orders, to be left with the men by
 35 the non-commissioned officers or privates,
 36 ordered to notify as aforesaid ; and Clerk's
 37 complaints to Justices of the Peace ; and it
 38 shall not be necessary that seals be affixed
 39 to any orders whatever.

SECT. 33. *Be it further enacted*, That all
 -2 parents, masters or guardians, shall furnish

3 all minors enrolled in the militia, who shall
 4 be under their care respectively, with the
 5 arms, and equipments, required by this act ;
 6 and if any parent, master, or guardian, hav-
 7 ing any minor under his care, enrolled as
 8 aforesaid, shall neglect to provide such mi-
 9 nor with the arms and equipments, required
 10 by this act ; or if said minor shall absent
 11 himself from any meeting of the company, to
 12 which he belongs, required by law, without
 13 sufficient excuse, the said parent, master or
 14 guardian is hereby subjected and made lia-
 15 ble to the same forfeitures as such minor
 16 would be liable to, for a like deficiency, neg-
 17 lect or non-appearance, if such minor were
 18 of age ; and all persons liable by this act to
 19 do military duty, shall be allowed six months,
 20 immediately from and after their arrival at
 21 the age of eighteen years, and not afterwards,
 22 within which to furnish themselves with the
 23 arms and equipments required by law : *Pro-*
 24 *vided however,* That such parents, masters,
 25 or guardians as shall produce, on or before
 26 the first Tuesday of May annually, certifi-
 27 cates from the overseers of the poor of the
 28 town or district in which they reside, of their
 29 inability to provide arms and equipments as
 30 aforesaid, to the commanding officer of the
 31 company in which the minor under their
 32 care is enrolled, shall be exempted from the
 33 forfeitures aforesaid.

SECT. 34. *Be it further enacted,* That no
 2 non-commissioned officer or private of any
 3 company shall be exempted from military
 4 duty on account of bodily infirmity, unless
 5 he shall obtain from the surgeon or surgeon's
 6 mate of the regiment to which he belongs,
 7 if either of those officers are commissioned

8 in such regiments, if not, from some respect-
 9 able physician, living within the bounds of
 10 the same, a certificate that he is unable to
 11 perform military duty on account of bodily
 12 infirmity, the nature of which infirmity is to
 13 be described in said certificate, and the com-
 14 manding officer of the company may, on the
 15 back of such certificate, discharge the non-
 16 commissioned officer or private, named there-
 17 in, from performing military duty, for such a
 18 term of time, as he shall judge reasonable,
 19 not exceeding one year, which certificate, if
 20 approved and countersigned by the com-
 21 manding officer of the regiment or battalion,
 22 to which the disabled non-commissioned offi-
 23 cer or private belongs, shall entitle him to
 24 exemption from military duty for the time
 25 specified. And any non-commissioned offi-
 26 cer or private, having obtained a certificate
 27 as aforesaid, and who may be refused a dis-
 28 charge, may apply to the commanding offi-
 29 cer of the regiment for further examination
 30 of his case, and if on such examination, the
 31 commanding officer of the regiment shall be
 32 well satisfied that the bodily infirmity of such
 33 non-commissioned officer or private is such
 34 that he ought to be discharged, he is hereby
 35 authorized to discharge him from military
 36 duty for such time as he shall judge reason-
 37 able, not exceeding one year, which being
 38 certified by the commanding officer of the
 39 regiment on the back of the certificate, shall
 40 discharge the non-commissioned officer, or
 41 private, from military duty, for the time spe-
 42 cified by the commanding officer of the reg-
 43 iment.

SECT. 35. *Be it further enacted,* That if any
 2 non-commissioned officer or private shall be

3 killed, or die of wounds received when on
 4 any military duty required by this act, his
 5 widow, child, or children, shall receive from
 6 the Legislature such relief as shall be just
 7 and reasonable. And if any officer, non-
 8 commissioned officer, or private, shall be
 9 wounded, or otherwise disabled when on
 10 such duty, he shall receive from the State
 11 just and reasonable relief.

COURTS MARTIAL.

1 Sect. 36. *Be it further enacted*, That a
 2 Division Court Martial be constituted in each
 3 Division of the Militia of this State, consist-
 4 ing of three members, holding commissions
 5 in the Militia of this State above the rank
 6 of captain, (staff officers excepted,) for the
 7 trial of all military officers within their re-
 8 spective Divisions, who are or may be charg-
 9 ed with offences within the cognizance of
 10 the powers which have heretofore appertain-
 11 ed to General and Division Courts Martial.
 12 And the members of each of said Courts shall
 13 be appointed annually, in the month of May,
 14 in and by a General Order of the Command-
 15 er in Chief, and to continue in office for and
 16 during the term of one year next succeeding
 17 their appointment. One of the members of
 18 each Court shall be designated in the Order
 19 under which they shall act, as the President
 20 thereof; and in case of his absence at the tri-
 21 al of any cause within their jurisdiction, the
 22 senior officer of such Court who shall be pres-
 23 ent, shall officiate as President *pro tempore*.
 24 And any two members of either of said Courts
 25 shall constitute a quorum within their re-
 26 spective Divisions, for the trial of all causes
 27 coming before them in the manner hereinaf-

28 ter provided. But in case of a vacancy in
29 either of said Courts, a new member shall be
30 forthwith appointed in the way above provi-
31 ded, to continue in office during the term
32 for which the person, by whom such vacancy
33 shall be occasioned, was appointed. *Provi-*
34 *ded nevertheless*, that no such vacancy, shall
35 operate to disqualify any two members of ei-
36 ther of said Courts from proceeding in any
37 trial within their jurisdiction in the way and
38 manner they otherwise are empowered to do.
39 And any one member of said Court may and
40 it shall be his duty to adjourn the proceed-
41 ings thereof from time to time, as to him may
42 appear just, in the absence of the other mem-
43 bers.

SECT. 37. *Be it further enacted*, That there
2 shall be appointed and commissioned by the
3 Governor, a Division Advocate for the Mili-
4 tia, of suitable learning in the law, for each
5 Division, with the rank of Major, to continue
6 in office for the term of five years, whose
7 duty it shall be to reduce to proper form the
8 charges and specifications of charges con-
9 tained in every written complaint which may
10 be lodged with him against any military offi-
11 cer within his Division upon any alleged of-
12 fence by such officer committed, and cogni-
13 zable by the Division Court Martial within
14 his Division; and, to transmit the same, when
15 so reduced to form, to the Adjutant General's
16 office, within fifteen days next after the re-
17 ceipt of such complaint, for the considera-
18 tion of the Commander in Chief. And when-
19 ever a Court Martial is ordered by the Com-
20 mander in Chief for the trial of any officer on
21 charges and specifications preferred against
22 him, the Division Advocate for such Division

23 shall prosecute the same; and in all such
 24 cases the Division Advocate shall be furnish-
 25 ed by the Adjutant General, forty days at
 26 least before the time of trial, with a copy of
 27 the General Order convening the Court, and
 28 of the charges and specifications preferred,
 29 and cause the respondent to be served with
 30 a copy of each twenty days at least before
 31 the day of trial. And it shall further be the
 32 duty of the Division Advocate to collect all
 33 fines for military offences which shall be ad-
 34 judged by the Court within his Division, as
 35 hereinafter is provided.

Sect. 38. *Be it further enacted*, That the
 2 several Courts hereby authorized, shall be
 3 convened from time to time within their re-
 4 spective Divisions, according to the appoint-
 5 ment and order of the Commander in Chief,
 6 for the trial of such officers as are by the
 7 provisions of this act made amenable to the
 8 jurisdiction of said Courts respectively.—
 9 And all persons summoned to testify, in any
 10 cause ordered for trial or pending before
 11 either of said Courts, by virtue of a subpoena
 12 issued by the Division Advocate, if for the
 13 State, or by any Justice of the Peace, if for
 14 the respondent, shall be held to obey such
 15 subpoena, under the same penalties and lia-
 16 bilities for neglect as are provided in other
 17 public prosecutions: And all oaths required
 18 of persons testifying in either of said Courts,
 19 may be administered by either member there-
 20 of. And depositions may be taken and used
 21 in like manner as in cases pending in Courts
 22 of Common Law, by consent of the Divis-
 23 ion Advocate and respondent. And if the
 24 respondent shall be found guilty by said
 25 Court either upon admission, trial or default,

26 of any charge preferred against him, involv-
27 ing an offence against military law, or the
28 principles of duty and usage attached to his
29 office, the court shall sentence him to be
30 reprimanded in orders, and to pay a fine of
31 not less than ten dollars nor exceeding fifty
32 dollars together with part or all the costs of
33 Court, or to either, according to the nature
34 of the offence ; or to be removed from office,
35 with or without the payment of such fine and
36 costs, at the discretion of the court, and in
37 addition thereto, if the court think proper,
38 to be disqualified for and incapable of hold-
39 ing any military office under this State for
40 life or for a term of years. And the judg-
41 ment or sentence of the court, shall, as soon
42 as may be, be certified by the President, un-
43 der the seal of the court, to the Commander
44 in Chief, to be promulgated and carried into
45 effect.

SECT. 39. *Be it further enacted,* That in the
2 Order of the Commander in Chief, promul-
3 gating the sentence of any Division Court
4 Martial as provided in the thirty-eighth sec-
5 tion of this act, if such sentence shall include
6 the payment by any officer of any fine and
7 costs, or either, the Division Advocate of
8 such Division shall be directed to enforce
9 the payment of such fine and costs by an ac-
10 tion of debt to be commenced in his own
11 name within thirty days next succeeding
12 such order, unless the same shall be sooner
13 paid to him by such officer. And the court,
14 before whom such action shall be commenc-
15 ed, shall render judgment therein, and issue
16 execution accordingly against the property
17 and body of the defendant, for the amount
18 of such fine and costs, including the costs of

19 such action, upon proof that the same has
 20 been awarded by the sentence of a Court
 21 Martial in the manner provided by this act.
 22 And the fine and costs which shall be includ-
 23 ed in such sentence, shall be paid over by
 24 the Division Advocate, when collected, to
 25 the Treasurer of the State, for the use of the
 26 State.

Sect. 40. *Be it further enacted*, That at any
 2 session of either of said Courts, the Presi-
 3 dent thereof shall appoint a Marshal whose
 4 duty it shall be to preserve order therein ;
 5 and the President thereof, by advice of either
 6 of the associate members, may also appoint
 7 a warrant officer to attend upon the same.—
 8 And a summary record of the proceedings of
 9 each court shall be kept from day to day by
 10 the Division Advocate in attendance, under
 11 the direction of the Court, for which addition-
 12 al service he shall receive such compensation
 13 in each case, as the court shall adjudge rea-
 14 sonable, to be made up in the pay roll of the
 15 court.

Sect. 41. *Be it further enacted*, That each
 2 member of said courts, and each Division
 3 Advocate, shall receive three dollars for each
 4 day spent in going to or returning from and
 5 in holding a session of said court, by order
 6 of the Commander in Chief, and ten cents a
 7 mile for travel ; each Division Advocate shall
 8 also be allowed such fees for reducing such
 9 charges and specifications of charges into
 10 form, and filing the same in the Adjutant
 11 General's office, and for preparing each
 12 case for trial, as the respective courts shall
 13 deem reasonable, to be made up in the
 14 pay-roll of the court. And all witnesses du-
 15 ly summoned and attending any court as

16 aforesaid, shall be allowed one dollar and
 17 fifty cents a day, for attendance, and eight
 18 cents a mile for travel to and from the court;
 19 but no witness shall be taxed against the
 20 State, until he has certified his travel and at-
 21 tendance, and unless summoned by direction
 22 of the Division Advocate. And a pay-roll
 23 shall be made up including all of said fees
 24 and reasonable expenses, at the close of each
 25 session of said courts, by them respectively,
 26 and certified by the President and Division
 27 Advocate, and filed in the office of the Ad-
 28 jutant General, and the same shall be paid
 29 out of the Treasury of the State.

Sect. 42. *Be it further enacted,* That it
 2 shall be the duty of the President of each of
 3 said courts to prepare compendious reports
 4 of all questions of law arising and adjudged
 5 in trials had before them respectively, and
 6 of the decisions made thereon, stating in sub-
 7 stance so much of the evidence as may be
 8 necessary for a correct understanding there-
 9 of, and as nearly as may be in conformity
 10 with the "Reports of Decisions in the Circuit
 11 Courts Martials," prepared and published
 12 agreeably to a Resolve of the Legislature of
 13 Maine, passed the thirty-first day of March,
 14 in the year eighteen hundred and thirty-one;
 15 and annually in the month of April, deposit
 16 such Reports in the office of the Adjutant
 17 General, that the same may be published as
 18 the Legislature may from time to time de-
 19 termine.

Sect. 43. *Be it further enacted,* That the
 2 Commander in Chief shall have power to ap-
 3 point any member of said court to make a
 4 summary inquiry into the truth and circum-
 5 stances of any matter contained in any com-

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plaint or allegation against the conduct of any officer or corps of the militia, whose duty it shall be to report the result of such inquiry and investigation to the Commander in Chief, as soon as may be after he shall have completed such investigation, and file his account for such service in the Adjutant General's office, to be presented to the Legislature for allowance and payment.

RULES AND ARTICLES,

Governing the MILITIA when not in actual service.

Sect. 44. *Be it further enacted*, That the
2 following shall be the Rules and Articles, by
3 which the Militia of this State shall be gov-
4 erned when not in actual service.

Article 1. Every commissioned officer who
2 shall be guilty of any unmilitary conduct,
3 neglect of duty, or disobedience of orders, or
4 who shall, when on duty, appear or behave
5 himself in an unofficer-like manner, or who
6 shall wilfully oppress or injure any under his
7 command, or who shall at any time set on
8 foot, or join in any combination to resist or
9 evade the lawful orders of any commissioned
10 officer, shall be liable to be tried by a court
11 martial.

Article 2. If any officer shall, in due course
2 of law, be convicted of any infamous crime,
3 he shall be forthwith put in arrest, and de-
4 prived of all military command, until an op-
5 portunity shall be had for both houses of the
6 Legislature to address the government for
7 his removal.

Article 3. Every officer, to be tried by a
2 court marshal, shall be put in arrest, so as to
3 be suspended from the exercise of his office,
4 and shall have a copy of the charges exhibi-
5 ted against him, and notice of the time and
6 place appointed for his trial; which copy
7 and notice shall be given twenty days at least
8 before his trial is commenced.

Article 4. In case any officer, for the trial
2 of whom a court martial is appointed, shall

3 neglect to appear and make defence, or, if
 4 appearing, shall afterwards withdraw in con-
 5 tempt of the court, or being arraigned before
 6 a court martial, shall, from obstinacy or de-
 7 liberate design, stand mute, or answer for-
 8 eign to the purpose, the court may proceed
 9 to trial and judgment as if he had regularly
 10 pleaded not guilty.

Article 5. If any officer, after having been
 2 put in arrest, shall presume to exercise any
 3 military command, until he is discharged
 4 from his arrest, he shall be liable to be tried
 5 by a court martial, and if convicted, he shall
 6 be removed from office.

Article 6. No officer shall be tried by a
 2 court martial for any offence which shall have
 3 been committed more than one year, previous
 4 to the time when a complaint shall have been
 5 made in writing therefor, unless he shall have
 6 repeated such offence in two or more suc-
 7 cessive years, or by reason of having absented
 8 himself, or some other manifest impediment,
 9 shall not have been amenable to justice with-
 10 in that period.

Article 7. Every captain or commanding
 2 officer who shall either neglect or refuse to
 3 call out his company as often as, and at the
 4 times required by this act, or at any other
 5 time, when lawfully thereto required by his
 6 superior officer, or who shall at any time ex-
 7 cuse any under his command for unnecessary
 8 absence or deficiency, shall be liable to be
 9 tried by court martial.

Article 8 No officer shall be permitted to
 2 resign while under arrest: And no resigna-
 3 tion of any officer shall be approved, if such
 4 resignation be offered between the first day
 5 of May and the first day of November, un-

6 less the reasons offered by the officer wishing
 7 to resign within those days be very urgent.
 8 And no arrest for offences committed on pa-
 9 rade shall be legal unless made by order of
 10 the commanding officer present in writing ;
 11 and unless such commanding officer shall
 12 within fifteen days exhibit to the competent
 13 authority his complaint in writing, setting
 14 forth the cause of such arrest.

Article 9. No officer shall be discharged,
 2 except by the Commander in Chief, on re-
 3 quest of such officer, in writing, or by actual
 4 removal of residence, out of the bounds of
 5 his command, and to such distance that his
 6 Major-General shall think it inconvenient for
 7 him to discharge the duties of his office, or
 8 by twelve months' absence, without leave of
 9 the commanding officer of his division, or by
 10 the corps to which he belongs being disband-
 11 ed by law. And whenever any division,
 12 brigade, regiment or battalion shall be divi-
 13 ded, and the residence of any staff officer at-
 14 tached thereto, shall be without the bounds
 15 of the corps in which he was commissioned,
 16 such staff officer shall be entitled to an hon-
 17 orable discharge, and shall cease to do duty
 18 after such division is made, and the command-
 19 ing officer of such corps may proceed to fill
 20 the vacancy occasioned thereby.

Article 10. No officer shall consider himself
 2 as exempted from the duties of his station,
 3 except when under arrest, until he shall have
 4 been discharged by one of the methods or
 5 causes pointed out in the preceding article,
 6 or shall have received a certificate of his dis-
 7 charge from the Commander in Chief.

Article 11. No general or field officer shall
 1 approve a resignation, until the orderly and

2 other books and property of the State, in the
3 possession of the resigning officer, are taken
4 care of, for the use of the corps to which
5 such officer belongs, in order that such books
6 and property may be delivered to his succes-
7 sor.

Article 12. The captain or commanding
2 officer of every company raised at large,
3 shall annually, in the month of August, make
4 out a list of the names of the men belonging
5 to his company, and deliver the same to the
6 commanding officer of the regiment or regi-
7 ments, within whose bounds such men reside.

Article 13. Every person who shall lawfully
2 enlist in any volunteer company, (whether
3 such person be exempted by this act from
4 any military duty or not) shall be holden to
5 do duty therein for the term of seven years,
6 unless such person be sooner discharged by
7 the order of the commanding officer of the
8 brigade.

Article 14. Each Brigadier General or
2 commanding officer of brigade, within his
3 own brigade, upon application of the com-
4 manding officer of any company of artillery,
5 cavalry, light infantry, grenadiers, or rifle-
6 men, may discharge any non-commissioned
7 officer or private from any of the aforesaid
8 companies; and such non-commissioned of-
9 ficer or private shall forthwith be enrolled
10 in the standing company, within the bounds
11 of which he resides; and every non-commis-
12 sioned officer so discharged, shall be consid-
13 ered as reduced to the ranks.

Article 15. Whenever different corps shall
2 parade, join, or do duty together, the senior
3 officer present, according to rank, shall com-
4 mand, without regard to corps.

Article 16. Any officer neglecting or refusing to make a draft or detachment, when ordered in pursuance of the thirtieth section of this act, shall be arrested, and be liable to be tried by a court martial, and the officer next in command, shall be ordered to make the draft or detachment.

Article 17. It shall be the duty of each commanding officer of a company, drawing cartridges in pursuance of the twenty ninth section of this act, to cause them to be distributed equally among his men on the parade, and to be used in teaching his men precision in their firings. And if any non-commissioned officer or private shall come on to any parade with his musket, rifle, or pistol, loaded with ball, slugs, or shot, he shall for such offence forfeit not less than *five* nor more than *twenty* dollars.

Article 18. If any officer, contrary to the provision of the thirty second section of this act, shall parade his men on either of the days of election in said section pointed out, he shall be liable to be tried by court martial; and moreover shall forfeit a sum not less than *fifty* nor more than *three hundred dollars*, to be sued for and recovered in any action on the case, before any court of competent jurisdiction, one moiety thereof to the use of the person who may prosecute for the same, the other to the use of the State.

Article 19. At all regimental and battalion parades, the several companies shall form in regiment or battalion, according to the rank of the officers present, actually commanding them; and the same rule shall apply in all cases, excepting those in which artillery, cavalry, light infantry, grenadiers, and rifle-

8 men, may by usage and necessity, be detach-
9 ed from the regiments and battalions.

Article 20. Any non-commissioned officer
2 or private, who shall, while under arms, or
3 when on duty, behave himself with contempt
4 to an officer, or shall conduct in a disorderly
5 manner, or excite or join in any tumult or
6 riot, or be guilty of any other unmilitary con-
7 duct, may be put under guard, and so kept
8 for a longer or shorter time, at the discretion
9 of the commanding officer of the company ;
10 not exceeding however, the time which the
11 company to which he belongs is dismissed ;
12 and shall moreover forfeit a sum not less than
13 *five*, nor more than *twenty dollars* for each
14 offence, according to the degree and aggra-
15 vation of the same.

Article 21. Any non-commissioned officer
2 or private, who shall, without leave of his of-
3 ficer, quit his guard, section, platoon, or
4 company, shall for each offence forfeit not
5 less than *two* nor more than *ten dollars*.

Article 22. Any non-commissioned officer
2 or private, who shall, in going to, or return-
3 ing from, or while on the place of parade, or
4 while under arms, unnecessarily, and without
5 orders, discharge his musket, rifle, or pistol,
6 shall forfeit not less than *five*, nor more than
7 *twenty dollars* for each offence.

Article 23. Any non-commissioned officer
2 or private, who shall refuse or neglect to give
3 any notice or warning, when ordered thereto
4 by the commanding officer of the company
5 to which he belongs, shall for such offence
6 forfeit not less than *one*, nor more than *four*
7 *dollars*, for each non-commissioned officer or
8 private, which he shall neglect or refuse to
9 warn or notify, to be recovered on indict-

10 ment in the Circuit Court of Common Pleas,
 11 or on complaint before some Justice of the
 12 Peace; one half thereof to the complainant,
 13 and the other half thereof to the State.

Article 24. If any non-commissioned offi-
 2 cer or private, shall, in due course of law, be
 3 convicted of any infamous crime, he shall be
 4 forthwith disenrolled from the militia.

Article 25. Every non-commissioned offi-
 2 cer, who shall be guilty of any disobedience
 3 of orders, neglect of duty, or other unmilita-
 4 ry conduct, may be reduced to the ranks by
 5 the commanding officer of the regiment to
 6 which he belongs, by and with the advice of
 7 the commanding officer of the company to
 8 which such non-commissioned officer be-
 9 longs.

Article 26. Every non-commissioned offi-
 2 cer or private, (excepting those, who by the
 3 third section of this act are permitted to send
 4 their arms and equipments on that day for
 5 inspection,) who being duly ordered to ap-
 6 pear at the company inspection and view of
 7 arms on the second Thursday of September,
 8 and shall unnecessarily neglect to appear at
 9 the time and place appointed, shall forfeit
 10 *four dollars*.

Article 27. Every non-commissioned offi-
 2 cer or private, who being duly ordered, shall
 3 unnecessarily neglect to appear at any com-
 4 pany training, at the time and place appoint-
 5 ed, shall forfeit *three dollars*.

Article 28. Every non-commissioned offi-
 2 cer or private, who being duly ordered, shall
 3 unnecessarily neglect to appear for any bat-
 4 talion, regimental, or brigade inspection or
 5 review, at the time and place appointed, shall
 6 forfeit *three dollars*. And in no case in time,
 7 of peace shall any substitute be received.

Article 29. Every non-commissioned officer
 2 or private, who shall appear at the company
 3 inspection, on the second Thursday in Sep-
 4 tember, or at any company training, or for
 5 any battalion, regimental, or brigade inspec-
 6 tion or review, and shall not be armed and
 7 equipped as the law directs, shall for each
 8 article; in which he is deficient, or which
 9 shall be of bad quality, or in bad condition,
 10 forfeit as follows: If deficient of a good
 11 musket, bright and in good order, of a bore
 12 sufficient for balls of the eighteenth part of
 13 a pound, a sufficient bayonet and belt, and
 14 an iron or steel ramrod; all which articles
 15 are to be considered as one, and a deficiency
 16 in either shall be considered a deficiency of
 17 the whole, he shall forfeit *two dollars*; if
 18 deficient of a cartridge box, capable of
 19 containing twenty-four cartridges suited to
 20 the bore of his musket, or if deficient of a
 21 serviceable knapsack, he shall forfeit *sixty*
 22 *cents*; if deficient of two spare flints and
 23 priming wire and brush, or either of them,
 24 he shall forfeit *forty cents*: *Provided never-*
 25 *theless*, that none of the above forfeitures
 26 shall be incurred by any private; in case he
 27 appears with a good rifle, knapsack, shot
 28 pouch, powder horn, a quarter of a pound
 29 of powder, and twenty balls suited to the
 30 bore of his rifle: *Provided moreover*, That
 31 cartridges, with ball, shall not be brought
 32 into the field, except at the company inspec-
 33 tion on the second Thursday in September,
 34 and knapsacks may be dispensed with at
 35 company trainings.

Article 30. If any non-commissioned offi-
 2 cer or private of any company of artillery,
 3 cavalry, light infantry, grenadiers, or rifle-

4 men, shall appear on any of the occasions
5 mentioned in the preceding article, without
6 the uniform of the company to which he be-
7 longs, he shall forfeit *three dollars*.

Article 31. All excuses for non-appearance
2 of non-commissioned officers and privates,
3 must be made within twenty days of any
4 training, view of arms, or other military du-
5 ty, to the commanding officers of their re-
6 spective companies; and on the delinquent's
7 producing, or causing to be produced, satis-
8 factory evidence of his inability to appear,
9 his commanding officer may excuse him; but
10 all commanding officers of companies are
11 hereby forbidden from receiving any excuse,
12 for non-appearance, under any pretence
13 whatever, after the expiration of the twenty
14 days allowed. And any such non-commis-
15 sioned officer or private, who shall neglect
16 to give or cause to be given, to his com-
17 manding officer, such satisfactory evidence
18 of his inability to appear, (*Provided* he is
19 not prevented therefrom by severe sickness)
20 within the said twenty days, shall forfeit and
21 pay the penalty by law provided for such
22 non-appearance. And all commanding offi-
23 cers of companies shall inform, or cause
24 their clerks to be informed, of all excuses
25 for non-appearances, which they may allow
26 as good and sufficient. And all prosecutions
27 for the recovery of any fine or forfeiture
28 shall be commenced before some Justice of
29 the Peace residing in the town or plantation
30 where the company to which the delinquent
31 belongs usually parades, and within forty
32 days from the time when the same accrued;
33 and no clerk shall be compelled to com-
34 mence a prosecution against any delinquent,

35 who in the opinion of a majority of the com-
 36 missioned officers of his company, is unable
 37 to pay the fine or forfeiture incurred by him.

Article 32. Any non-commissioned officer
 2 or private, being a legal voter of a company,
 3 who, after being duly notified, shall unneces-
 4 sarily neglect to appear at any meeting for
 5 the choice of any officer or officers of the
 6 company to which he belongs, he shall for
 7 every such neglect, forfeit *one dollar*.

Article 33. All surgeons and surgeons'
 2 mates are prohibited from taking any fee or
 3 gratuity whatever, under any pretence what-
 4 soever, from any man to whom they may
 5 give a certificate of inability to perform
 6 military duty on account of bodily infirmity.
 7 And it shall be their duty critically to ex-
 8 amine the case of any applicant for such
 9 certificate, and not to grant a certificate un-
 10 less the infirmity or disability be such, be-
 11 yond all doubt, as to render him unable to
 12 perform military duty. And if any surgeon
 13 or surgeon's mate, shall in violation of this
 14 article, take any fee or gratuity, or if any
 15 surgeon or physician not commissioned as
 16 surgeon or surgeon's mate, shall without
 17 good and sufficient cause, grant such certifi-
 18 cate in violation of this article, he shall for
 19 every such offence, forfeit and pay not less
 20 than twenty, nor more than one hundred
 21 dollars, to be recovered by indictment in the
 22 Circuit Court of Common Pleas; one half
 23 thereof to the complainant and the other
 24 half to the State.

Article 34. The aid-de-camp to each Major
 2 General, by him appointed orderly officer;
 3 the aid-de-camp of each brigade, and the
 4 adjutant of each regiment, battalion, or

5 corps, shall constantly keep a correct roster
6 of the division, brigade, regiment, battalion,
7 or corps, to which they respectively belong ;
8 and an orderly book, and record therein all
9 orders and other official communications,
10 received or issued by their respective com-
11 manding officers, and copy, distribute, and
12 transmit, all such orders and other papers,
13 as they may be directed by said officers, and
14 attend them while on the performance of
15 military duty.

Article 35. Every sergeant-major, quarter-
2 master sergeant, drum major or fife major,
3 who shall be guilty of neglect or disobedi-
4 ence of the orders of the commanding officer
5 of their respective regiments or battalions,
6 shall, for each offence, forfeit not less than
7 five dollars, nor more than twenty dollars, to
8 be recovered by the adjutants of their re-
9 spective regiments or battalions, on com-
10 plaint, in the same manner, that fines are
11 recovered by clerks of companies ; one half
12 thereof to said adjutant, for his own use,
13 and the other half to be expended by him,
14 under the direction of the field officers, in
15 the repair of the regimental and battalion
16 colors, and of the musical instruments furn-
17 ished by the State for the use of the compa-
18 nies of his said regiment or battalion, and the
19 purchase of camp colors. And every such non-
20 commissioned officer, who shall be guilty of
21 any disobedience of orders, neglect of duty, or
22 other unmilitary conduct, may be reduced
23 to the ranks by their Brigadier General, by
24 and with the advice of the commanding offi-
25 cer of the regiment or battalion to which
26 such non-commissioned officer may belong.

Article 36. These rules and articles shall
2 be read at the head of each company on the
3 second Thursday of September, annually.

Sect. 45. *Be it further enacted,* That all
2 fines and forfeitures incurred by non-com-
3 missioned officers and privates, under the
4 provisions of this act, the recovery of which,
5 and the mode of the recovery of which, are
6 not in and by this act otherwise provided for,
7 shall be prosecuted for and recovered by the
8 respective clerks of the companies to which
9 such non-commissioned officer or officers,
10 private or privates, incurring any fine or for-
11 feiture, as aforesaid, belong, in an action of
12 debt, before any Court proper to try the same.
13 And such action shall not be commenced till
14 after twenty days, and shall be commenced
15 within forty days, after the day of any parade
16 of the company to which such clerk belongs.
17 And in every case in which it is made the
18 duty of any clerk to prosecute for any fines
19 incurred by virtue of this act, if said clerk
20 shall unreasonably refuse to prosecute for
21 the same, he shall pay a fine of five dollars
22 for each and every such neglect, to be recov-
23 ered by complaint before any Justice of the
24 Peace for the county in which said clerk re-
25 sides, for the use of the company. And if
26 there be no clerk to prosecute, as aforesaid,
27 the captain, or commanding officer of the
28 company shall prosecute for said fines, for
29 the use of the company, and upon neglect so
30 to do, shall be subjected to trial by a court
31 martial; and if found guilty, shall be remov-
32 ed from office: *Provided however,* That such
33 complaint may be made before the Judge of
34 the Municipal Court when the cause of com-
35 plaint shall arise in the town of Portland.

36 And it shall be lawful for any clerk in such
 37 action, to amend his writ in any stage of the
 38 process before the rendition of final judg-
 39 ment therein, without paying costs. And no
 40 clerk shall be liable to pay any defendant
 41 costs, in any case in which the commanding
 42 officer of the company has endorsed his ap-
 43 proval on the writ of such clerk. And no
 44 appeal shall be allowed from any judgment
 45 of a justice of the peace, when the forfeiture
 46 by him adjudged does not exceed ten dollars,
 47 exclusive of costs.

Sect. 46. *Be it further enacted*, That the
 2 clerk of each company shall retain to his own
 3 use, one fourth part of all fines and forfeit-
 4 ure collected or recovered by him, and the
 5 residue he shall faithfully pay over to the
 6 commanding officer of the company, on de-
 7 mand; and the commanding officer of the
 8 company shall give his receipt to the clerk
 9 for all money paid over to him as aforesaid.
 10 And it shall be the duty of every command-
 11 ing officer of a company to expend such part
 12 of the money paid him by the clerk as may
 13 be necessary for defraying such company ex-
 14 penses, as a majority of the commissioned of-
 15 ficers of the company shall judge to be ne-
 16 cessary.

Sect. 47. *Be it further enacted*, That the
 2 adjutant general and the quarter master gen-
 3 eral, shall receive compensation for their ser-
 4 vices, to be allowed by the legislature.

Sect. 48. *Be it further enacted*, That the
 2 following shall be the annual allowance to
 3 the officers hereinafter named, as a full com-
 4 pensation for all the services they may ren-
 5 der in the official discharge of their duties
 6 respectively :

To the aid-de-camp acting as orderly officer to the major general of each division, thirty dollars; to the brigade inspector of each brigade, thirty dollars; to the aid-de-camp of each brigadier general, thirty dollars; to the adjutant of each regiment, twenty five dollars; to the adjutant of each battalion of cavalry or artillery, fifteen dollars: *Provided*, the said officers shall promptly and faithfully perform the duties belonging to them, respectively.

Sect. 49. *Be it further enacted*, That it shall be incumbent on all officers and non-commissioned officers, whose duties are not herein fully defined, to do and perform all such duties as by law and military principles and usage are attached to their offices, respectively: *Provided*, such duties shall be required of them by their senior and proper commanding officer.

Sect. 50. *Be it further enacted*, That the adjutant general is hereby authorized to issue blank forms, to be uniform throughout the State, for the use of the officers of the militia, and for the auditing of military accounts of every description.

Sect. 51. *Be it further enacted*, That the Commander in Chief is hereby authorized to cause all necessary repairs to be made in all the carriages and apparatus of the artillery, and in all the gun-houses belonging to the State; and also to cause gun-houses to be erected for the safe keeping of the public property as aforesaid, where such have not been erected, good and sufficient deeds of land therefor being first given free of expense to the State. And whenever any or either of the gun-houses, used for the protection

13 and preservation of guns, gun carriages, tum-
14 brils, munitions of war, or any other appara-
15 tus, provided for the use of the artillery of
16 this State, shall be so far injured or decayed,
17 as that in the opinion of the commanding of-
18 ficer of any division of the Militia, in which
19 said gun-houses are situated, it is inexpedi-
20 ent to repair the same, such commanding of-
21 ficer may authorize the captain of the artil-
22 lery company having the immediate superin-
23 tendence of the gun-house, thus injured or
24 decayed, to dispose of the same, either at
25 public or private sale, as he may judge most
26 advantageous, and deposit the proceeds
27 thereof in the Treasury of the State for the
28 use thereof.

SECT. 52. *Be it further enacted,* Every
2 new division shall be designated by the num-
3 ber, next higher than that of the division es-
4 tablished next before it, and the divisions
5 shall take rank according to the numbers by
6 which they are severally designated, the first
7 being highest in rank.

RULES AND ARTICLES

For governing the Troops stationed in Forts and Garrisons, within this State ; and also the Militia or any part thereof, when called into actual service.

SECT. 53. *Be it further enacted,* That the
2 following rules and articles, be, and they
3 hereby are, established, and declared to be
4 in force, for governing all troops stationed in
5 forts and garrisons within this State ; and also
6 the militia, or any part thereof, when called
7 into actual service, *viz.*

ARTICLE *first.* All officers and soldiers
2 shall diligently attend divine service : All
3 officers and soldiers who shall unnecessarily
4 absent themselves from, or behave indecent-
5 ly or irreverently at any place of divine wor-
6 ship, shall, if commissioned officers, be brought
7 before a general Court Martial, there to be
8 publicly and severely reprimanded by the
9 President ; if non-commissioned officers or
10 soldiers, every person so offending, shall for
11 the first offence, forfeit twenty cents, to be de-
12 ducted out of his next pay ; for the second of-
13 fence he shall not only forfeit a like sum, but
14 be confined twenty four hours ; and for every
15 like offence, shall suffer and pay in like man-
16 ner : which money, so forfeited, shall be ap-
17 plied to the use of the sick soldiers of the
18 troop or company to which the offender be-
19 longs.

ART. *second.* Whatsoever non-commis-
2 sioned officer or soldier shall use any profane
3 oath or exécration, shall incur the penalties
4 expressed in the foregoing article ; and if a
5 commissioned officer be thus guilty of pro-

6 fane cursing or swearing, he shall forfeit and
7 pay, for each and every such offence, sixty
8 seven cents.

ART. *third*. Whatsoever officer or soldier
2 shall presume to use traitorous or disrespect-
3 ful words, against the authority of the Unit-
4 ed States, in Congress assembled, or the
5 Legislature of this State ; if a commissioned
6 officer, he shall be cashiered ; if a non-com-
7 missioned officer or soldier, he shall suffer
8 such punishment as shall be inflicted upon
9 him by the sentence of a Court Martial.

ART. *fourth*. Any officer or soldier who
2 shall behave himself with contempt or disre-
3 spect towards the Commander in Chief, or
4 any general or commanding officer of the
5 troops or militia of this State, or shall speak
6 words tending to his hurt or dishonor, shall
7 be punished according to the nature of his
8 offence, by the judgment of a Court Martial.

ART. *fifth*. Any officer or soldier who shall
2 begin, excite, cause or join in any mutiny or
3 sedition, in the troop, company or regiment
4 to which he belongs, or in any other troop or
5 company in the service of the State, or in any
6 party, post, detachment or guard, on any pre-
7 tence whatsoever, shall suffer such punish-
8 ment as by a Court Martial shall be inflict-
9 ed.

ART. *sixth*. Any officer, non-commissioned
2 officer or soldier, who, being present at any
3 mutiny or sedition, doth not use his utmost
4 endeavors to suppress the same ; or coming
5 to the knowledge of any intended mutiny,
6 doth not without delay give information there-
7 of to his commanding officer, shall be punish-
8 ed by sentence of a Court Martial, according
9 to the nature of his offence.

ART. *seventh.* Any officer or soldier who
 2 shall strike his superior officer, or draw or
 3 lift up any weapon, or offer any violence a-
 4 gainst him, being in the execution of his of-
 5 fice, on any pretence whatsoever, or shall
 6 disobey any lawful command of his superior
 7 officer, shall suffer such punishment as shall,
 8 according to the nature of his offence, be in-
 9 flicted upon him by the sentence of a Court
 10 Martial.

ART. *eighth.* Any non-commissioned offi-
 2 cer or soldier, who shall desert, or, without
 3 leave from his commanding officer, absent
 4 himself from the troop or company to which
 5 he belongs, or from any detachment of the
 6 same, shall, upon conviction thereof, suffer
 7 death, or such other punishment as shall be
 8 inflicted by the sentence of a general Court
 9 Martial.

ART. *ninth.* Whatever officer or soldier
 2 shall be convicted of having advised or per-
 3 suaded any other officer or soldier to desert
 4 shall suffer such punishment as shall be in-
 5 flicted by the sentence of a Court Martial.

ART. *tenth.* No officer or soldier shall use
 2 any reproachful or provoking speeches or
 3 gestures to another; nor shall any officer or
 4 soldier presume to send a challenge to any
 5 person to fight a duel, upon pain, if a com-
 6 missioned officer, of being cashiered; if a
 7 non-commissioned officer or soldier, of suffer-
 8 ing corporal punishment, at the discretion of
 9 a Court Martial.

ART. *eleventh.* If any commissioned, or
 2 non-commissioned officer commanding a
 3 guard, shall knowingly and willingly suffer
 4 any person whatsoever to go forth to fight a
 5 duel, he shall be punished as a challenger;

6 and likewise all seconds, promoters and car-
7 riers of challenges, in order to duels, shall be
8 deemed as principals, and be punished ac-
9 cordingly.

ART. *twelfth*. All officers of what condition
2 soever shall have power to part and quell
3 all quarrels, frays and disorders, though the
4 persons concerned should belong to another
5 regiment, troop or company ; and either to
6 order officers into arrest, or non-commission-
7 ed officers or soldiers to prison, until their
8 proper superior officers shall be acquainted
9 therewith ; and whosoever shall refuse to o-
10 bey such officer, (though of an inferior rank)
11 or shall draw his sword upon him, shall be
12 punished at the discretion of a general Court
13 Martial.

ART. *thirteenth*. Whatsoever officer or
2 soldier shall upbraid another for refusing a
3 challenge, shall be considered as a challen-
4 ger, and punished accordingly.

ART. *fourteenth*. Every officer commanding
2 in quarters, garrisons, or on a march, shall
3 keep good order, and to the utmost of his
4 power redress all such abuses or disorders
5 as may be committed by any officer or soldier
6 under his command ; and if, upon complaint
7 made to him of officers or soldiers beating or
8 otherwise ill treating any person, or of com-
9 mitting any kind of riots to the disquieting
10 the good citizens of this or either of the
11 United States, he shall refuse or omit to see
12 justice done on the offender or offenders, and
13 reparation made to the party or parties in-
14 jured, so far as the offenders' pay shall en-
15 able him or them, he shall, upon proof, there-
16 of, be punished by a general Court Martial, as
17 if he himself had committed the crimes or
18 disorders complained of.

ART. *fifteenth.* If any officer shall think
 2 himself to be wronged by his Colonel or the
 3 commanding officer of his regiment, and
 4 shall, upon due application made to him, be
 5 refused to be redressed, he may complain to
 6 the General or Commander in Chief of the
 7 forces in service, in order to obtain justice,
 8 who shall examine into the complaint and
 9 see that justice be done.

ART. *sixteenth.* If any inferior officer or
 2 soldier shall think himself wronged by his
 3 captain, or other officer commanding the
 4 troop or company to which he belongs, he
 5 may complain thereof to the commanding
 6 officer of the regiment, who shall summon a
 7 regimental Court Martial, for the doing jus-
 8 tice to the complainant; from which regi-
 9 mental Court Martial either party, if he
 10 think himself still aggrieved, may appeal to a
 11 general Court Martial. But if, upon a second
 12 hearing, the appeal shall appear to be vexa-
 13 tious and groundless, the person so appealing
 14 shall be punished at the discretion of the said
 15 general Court Martial.

ART. *seventeenth.* Whatsoever non-com-
 2 missioned officer or soldier shall be convict-
 3 ed at a Court Martial of having sold, or de-
 4 signedly, or through neglect, wasted the am-
 5 munition delivered out to him to be employ-
 6 ed in the service of this State, shall, if a
 7 non-commissioned officer, be reduced to a
 8 private, and if a soldier, shall suffer such
 9 punishment as shall be inflicted upon him
 10 by a Court Martial.

ART. *eighteenth.* All non-commissioned of-
 2 ficers and soldiers who shall be found one
 3 mile from the camp without leave, in writing,
 4 from their commanding officer, shall suffer

5 such punishment as shall be inflicted on
6 them by the sentence of a Court-Martial.

ART. *nineteenth.* No officer or soldier shall
2 be out of his quarters or camp, without
3 leave from his commanding officer, upon
4 penalty of being punished according to the
5 nature of his offence, by the sentence of a
6 Court Martial.

ART. *twentieth.* Every non-commissioned
2 officer and soldier shall retire to his quar-
3 ters or tent, at the beating of the tattoo, in
4 default of which he shall be punished accor-
5 ding to the nature of his offence, by the sen-
6 tence of a Court Martial.

ART. *twenty-first.* No officer, non-commis-
2 sioned officer or soldier shall fail to repair,
3 at the time fixed, to the place of parade or
4 exercise, or other rendezvous, appointed by
5 his commanding officer, if not prevented by
6 sickness or some other evident necessity;
7 nor shall go from the said place of rendez-
8 vious or from the guard, without leave from
9 his commanding officer, before he shall be
10 regularly dismissed or relieved, on the pen-
11 alty of being punished according to the na-
12 ture of his offence, by the sentence of a
13 Court Martial.

ART. *twenty-second.* Whatsoever commis-
2 sioned officer shall be found drunk on his
3 guard, party or other duty, under arms, shall
4 be cashiered for it; and any non-commis-
5 sioned officer or soldier, so offending, shall
6 suffer such punishment as shall be inflicted
7 by the sentence of a Court Martial.

ART. *twenty-third.* Whatsoever sentinel
2 shall be found sleeping upon his post, or
3 shall leave it before he shall be regularly
4 relieved, shall suffer such punishment as

5 shall be inflicted by the sentence of a gener-
6 al Court Martial.

ART. *twenty-fourth*. Any person belonging
2 to the forces employed in the service of this
3 State, who, by discharging of fire-arms,
4 drawing of swords, beating of drums, or by
5 any other means whatsoever, shall occasion
6 false alarms in camp, garrison or quarters,
7 shall suffer such punishment as shall be or-
8 dered by the sentence of a general Court
9 Martial.

ART. *twenty-fifth*. Any officer or soldier,
2 who shall, without urgent necessity or with-
3 out the leave of his superior officer, quit his
4 platoon or division, shall be punished accord-
5 ing to the nature of his offence, by the sen-
6 tence of a Court Martial.

ART. *twenty-sixth*. No officer or soldier
2 shall do violence or offer any insult or abuse
3 to any person who shall bring provisions or
4 other necessaries to the camp, garrison, or
5 quarters, of the forces of this State, on pain
6 of suffering such punishment as a Court Mar-
7 tial shall direct.

ART. *twenty-seventh*. Whatsoever officer
2 or soldier shall abandon any post committed
3 to his charge, or shall speak words inducing
4 others to do the like, in time of an engage-
5 ment, shall suffer death, or such other punish-
6 ment as shall be inflicted by the sentence of
7 a general Court Martial.

ART. *twenty-eighth*. Any person belonging
2 to the forces in the service of this State who
3 shall make known the watch word to any
4 person not entitled to receive it according
5 to the rules and discipline of war, or shall
6 presume to give the parole or watch word
7 different from what he received, shall suffer

8 death, or such other punishment as shall be
9 ordered by the sentence of a general Court
10 Martial.

ART. *twenty-ninth.* Whosoever belonging
2 to the forces in the service of this State shall
3 relieve the enemy with money, victuals or
4 ammunition ; or shall knowingly harbor and
5 protect an enemy, shall suffer such punish-
6 ment as by the sentence of a Court Martial
7 shall be inflicted.

ART. *thirtieth.* Whosoever belonging to
2 the main forces shall be convicted of hold-
3 ing correspondence with, or giving intelli-
4 gence to the enemy, either directly or indi-
5 rectly, shall suffer such punishment as by the
6 sentence of a Court Martial shall be inflict-
7 ed.

ART. *thirty-first.* All public stores taken
2 from the enemy by the forces in the service
3 of this State, shall be secured for the use of
4 the State.

ART. *thirty-second.* If any officer or sol-
2 dier shall leave his post or colors to go in
3 search of plunder, he shall, upon conviction
4 thereof, before a general Court Martial, suf-
5 fer such punishment as by the sentence of
6 the said Court Martial shall be inflicted.

ART. *thirty-third.* If any commander of
2 any garrison, fortress, or post shall be com-
3 pelled, by the officers or soldiers under his
4 command, to give up to the enemy or to
5 abandon it, the commissioned officers, non-
6 commissioned officers, or soldiers, who shall
7 be convicted of having so offended, shall suffer
8 death, or such other punishment as shall be
9 inflicted upon them by the sentence of a
10 Court Martial.

ART. *thirty-fourth.* All sutlers and retail-

2 ers to the camp, and all persons serving with
3 the troops of the State in the field, shall be
4 subject to orders according to the rules and
5 discipline of war.

ART. *thirty-fifth.* If, upon marches, guards
2 or in quarters, different corps shall happen
3 to join or do duty together, the eldest officer
4 by commission there on duty, or in quarters,
5 shall command the whole, and give out or-
6 ders for what is needful for the service, re-
7 gard being always had to the several ranks
8 of those corps, and the posts they usually
9 occupy.

ART. *thirty-sixth.* If any regiments, troops
2 or detachments of horse or foot shall happen
3 to march with, or be encamped or quartered
4 with, any bodies or detachments of other
5 troops, the eldest officer, without respect to
6 corps, shall take upon him the command of
7 the whole, and give the necessary orders to
8 the service.

ART. *thirty-seventh.* A general Court Mar-
2 tial shall not consist of less than thirteen
3 commissioned officers, and the President of
4 such Court Martial shall not be the Com-
5 mander in Chief, nor commanding officer of
6 the troops in service or garrison, where the
7 offender shall be tried, nor under the degree
8 of a Field officer.

ART. *thirty-eighth.* The members of Courts
2 Martial, shall, when belonging to different
3 corps, take rank as is herein before directed
4 when on other duty.

ART. *thirty-ninth.* Some person shall be
2 appointed by the commanding officer, who
3 shall order the Court Martial to prosecute in
4 the name of the State of Maine; and in tri-

5 als of offenders, such person shall adminis-
6 ter to each member the following oath :

YOU swear, that you will well and truly try
2 and determine, according to your evidence,
3 the matter now before you, between the
4 State of Maine and the prisoner to be tried ;
5 that you will duly administer justice accord-
6 ing to the rules and articles for governing
7 the troops of the said State, without partiali-
8 ty, favor or affection ; and if any doubt shall
9 arise which is not explained by the said arti-
10 cles, according to your conscience, the best
11 of your understanding, and the custom of
12 war in like cases ; that you will not divulge
13 the sentence of the Court until it shall be
14 approved of by the commanding officer ; and
15 that you will not, upon any account, at any
16 time whatsoever, disclose or discover the
17 vote or opinion of any particular member
18 of the Court Martial, unless required to give
19 evidence as a witness by a court of justice,
20 in a due course of law. *So help you God.*

Which oath being administered to the mem-
2 bers of the Court, the President shall admin-
3 ister the following oath to the person prose-
4 cuting as aforesaid.

YOU *A. B.* do swear, that you will not, upon
2 any account, at any time whatsoever, disclose
3 or discover the vote or opinion of any par-
4 ticular member of the Court Martial, unless
5 required to give evidence thereof as a wit-
6 ness, by a court of justice, in a due course
7 of law. *So help you God.*

ART. *fortieth.* All the members of a Court
2 Martial are to behave with calmness and de-
3 cency ; and in the giving their votes, are to
4 begin with the youngest in commission.

ART. *forty-first.* All persons who give ev-

2 idence before a Court Martial, shall be ex-
 3 amined upon oath, which oath shall be ad-
 4 ministered by the President of the Court Mar-
 5 tial, in the form following :

YOU swear, the evidence you shall give in the cause now in
 hearing, shall be the truth, the whole truth, and nothing but
 the truth. So HELP YOU GOD.

ART. *forty-second.* No sentence of death
 2 shall be given against any offender by any
 3 general Court Martial, unless two thirds of
 4 the members shall concur therein.

ART. *forty third.* All persons called to
 2 give evidence in any cause before a Court
 3 Martial, who shall refuse to give evidence,
 4 shall be punished for such refusal at the dis-
 5 cretion of such Court Martial.

ART. *forty-fourth.* No field officer shall
 2 be tried by any person under the degree of a
 3 captain ; nor shall any proceedings or trials
 4 be carried on excepting between the hours
 5 of sun-rise and sun-set.

ART. *forty-fifth.* No sentence of a Court
 2 Martial shall be put in execution, until after
 3 report shall be made to the commanding offi-
 4 cer where the Court Martial shall be held,
 5 and his orders to be issued for carrying such
 6 sentence into execution.

ART. *forty-sixth.* The commissioned offi-
 2 cers in any regiment, may, by the appoint-
 3 ment of their colonel, or commanding officer,
 4 hold regimental Courts Martial for the en-
 5 quiring into such disputes or criminal mat-
 6 ters as may come before them, and for in-
 7 flicting corporal punishment for small offen-
 8 ces, and shall give judgment by the majority
 9 of voices ; but no sentence shall be executed
 10 till the commanding officer (not being a

11 member of the Court Martial) shall have con-
 12 firmed the same.

ART. *forty-seventh.* No regimental Court
 2 Martial shall consist of less than five officers,
 3 excepting in cases where that number can-
 4 not be conveniently assembled, when three
 5 may be sufficient; who shall likewise deter-
 6 mine upon the sentence by the majority of
 7 voices.

ART. *forty-eighth.* Any officer command-
 2 ing in a fort, castle, barrack or elsewhere,
 3 where the corps under his command consists
 4 of detachments from different regiments, or
 5 of any independent company or companies,
 6 may assemble Courts Martial for the trial of
 7 offenders, in the same manner as if they were
 8 regimental, whose sentence shall not be exe-
 9 cuted until it shall be confirmed by the said
 10 commanding officer.

ART. *forty-ninth.* No person whatsoever
 2 shall use menacing words, signs or gestures
 3 in the presence of a Court Martial then sit-
 4 ting, or shall cause any disorder or riot so as
 5 to disturb their proceedings, on the penalty
 6 of being punished at the discretion of the
 7 said Court Martial.

ART. *fiftieth.* To the end that offenders
 2 may be brought to justice, whenever any of-
 3 ficer or soldier shall commit a crime deserv-
 4 ing punishment, he shall, by his command-
 5 ing officer, if an officer, be put in arrest; if
 6 a non-commissioned officer or soldier, be im-
 7 prisoned until he shall be either tried by a
 8 Court Martial, or shall be lawfully discharg-
 9 ed by proper authority.

ART. *fifty-first.* No officer or soldier who
 2 shall be put in arrest or imprisonment, shall
 3 continue in his confinement more than eight

4 days, or until such time as a Court Martial
5 can be conveniently assembled.

ART. *fifty-second*. No officer commanding
2 a guard or provost-martial, shall refuse to
3 receive or keep any prisoner committed to
4 his charge by any officer belonging to the
5 forces of this State; which officer, shall,
6 at the time of commitment, deliver an ac-
7 count, in writing, signed by himself, of the
8 crime with which the prisoner is charged.

ART. *fifty-third*. No officer commanding
2 a guard or provost-martial, shall presume to
3 release any prisoner committed to his charge
4 without proper authority for so doing, nor
5 shall he suffer any prisoner to escape, on the
6 penalty of being punished for it by the sen-
7 tence of a Court Martial.

ART. *fifty-fourth*. Every officer or provost-
2 martial to whose charge prisoners shall be
3 committed, is hereby required, within twenty
4 four hours after such commitment, or as soon
5 as he shall be released from his guard, to
6 give, in writing, to the colonel of the regi-
7 ment to which the prisoner belongs, (where
8 the prisoner is confined upon the guard be-
9 longing to the said regiment and his offence
10 only relates to the neglect of duty in his own
11 corps) or to the commander in chief, their
12 names, their crimes, and the names of the
13 officers who committed them, on the penalty
14 of his being punished for disobedience or
15 neglect, at the discretion of a Court Martial.

ART. *fifty-fifth*. If any officer under arrest,
2 shall leave his confinement before he shall
3 be set at liberty by the officer who confined
4 him, or by a superior power, he shall be cash-
5 iered for such his offence.

ART. *fifty-sixth*. Whatsoever commission-

2 ed officer shall be convicted before a gener-
 3 al court martial of behaving in a scandalous,
 4 infamous manner, such as is unbecoming the
 5 character of an officer and gentleman, shall
 6 be discharged from the service.

ART. *fifty-seventh*. All officers, conduct-
 2 ors, gunners, matrosses, drivers, or any other
 3 person whatsoever, receiving pay or hire in
 4 the service of the State artillery, shall be
 5 governed by the aforesaid rules and articles ;
 6 and shall be subject to be tried by courts
 7 martial in like manner with other officers and
 8 soldiers.

ART. *fifty-eighth*. For differences arising
 2 amongst themselves, or in matters relating
 3 to their own corps, the courts martial may
 4 be composed of their own officers ; but
 5 where a sufficient number cannot be assemb-
 6 led, or in matters wherein their corps are in-
 7 terested, the officers of artillery shall sit in
 8 courts martial with the officers of other
 9 corps.

ART. *fifty-ninth*. No person shall be sen-
 2 tenced to suffer death, except in the cases
 3 expressly mentioned in the foregoing articles.

ART. *sixtieth*. The field officers of each
 2 and every regiment shall appoint some suit-
 3 able person belonging to such regiment to
 4 receive such fines as may arise within the
 5 same for any breach of any of the foregoing
 6 articles ; and shall direct the same to be
 7 properly applied to the relief of such sick, or
 8 necessitous soldiers as belong to such regi-
 9 ment ; and such persons shall account with
 10 such officer for all fines received and the ap-
 11 plication thereof.

ART. *sixty-first*. All crimes not capital,
 2 and all disorders and neglects, which officers

3 and soldiers may be guilty of, to the preju-
 4 dice of good order and military discipline,
 5 though not mentioned in the foregoing arti-
 6 cles, are to be taken cognizance of by a gen-
 7 eral or regimental Court Martial, according
 8 to the nature and degree of the offence, and
 9 be punished at their discretion.

ART. *sixty-second*. Whenever any officer
 2 or soldier shall be accused of a capital crime
 3 or having used violence, or committed any
 4 offence against the person or property of the
 5 good people of this or either of the United
 6 States, such as is punishable by the known
 7 laws of the land, the commanding officer or
 8 officers of every regiment, troop or party, to
 9 which the person or persons so accused shall
 10 belong, are hereby required, upon applica-
 11 tion duly made by or in behalf of the party
 12 or parties injured, to use his utmost endeav-
 13 ors to deliver over such accused person or
 14 persons to the Civil Magistrate, and likewise
 15 to be aiding and assisting the officers of jus-
 16 tice in apprehending and securing the per-
 17 son or persons so accused, in order to bring
 18 them to trial. And if any commanding offi-
 19 cer or officers shall wilfully neglect, or shall
 20 refuse, upon the application aforesaid, to
 21 deliver over such accused person or persons
 22 to the Civil Magistrate, or to be aiding and
 23 assisting the officers of justice in apprehend-
 24 ing such person or persons, such officer or
 25 officers, so offending, shall be cashiered.

Sect. 54. *Be it further enacted*, That no
 2 member of any company of artillery, cavalry,
 3 light-infantry or riflemen, shall be appointed
 4 an Engineman, during the time for which he
 5 may have enlisted into such company, and
 6 when by such appointments any such compa-

ny would be reduced below forty eight ef-
fective privates.

Sect. 55. *Be it further enacted*, That an act entitled "An Act to organize, govern and discipline the Militia of this State," passed the twenty first day of March, eighteen hundred and twenty one, and all acts in addition thereto, and all acts inconsistent with the provisions of this act, be, and hereby are repealed : *Provided, however*, That the present organization of the Militia shall continue until conformed to the provisions of this act, or the Governor by and with the advice of Council, shall otherwise order. And nothing contained in this act shall be construed to repeal or in any way affect the twenty-sixth section of an act, entitled "An Act providing for the government of the State Prison, and for the punishment of convicts," passed the twenty-fifth day of February, in the 19 year of our Lord, one thousand eight hundred and twenty four.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
January 25, 1833. }

Ordered, That three hundred copies of the foregoing Report and Bill be printed for the use of the Legislature.

(Extract from the Journal.)

Attest—ASAPH R. NICHOLS, Clerk.