

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE,

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1834.

FOURTEENTH LEGISLATURE.

NO. 1.

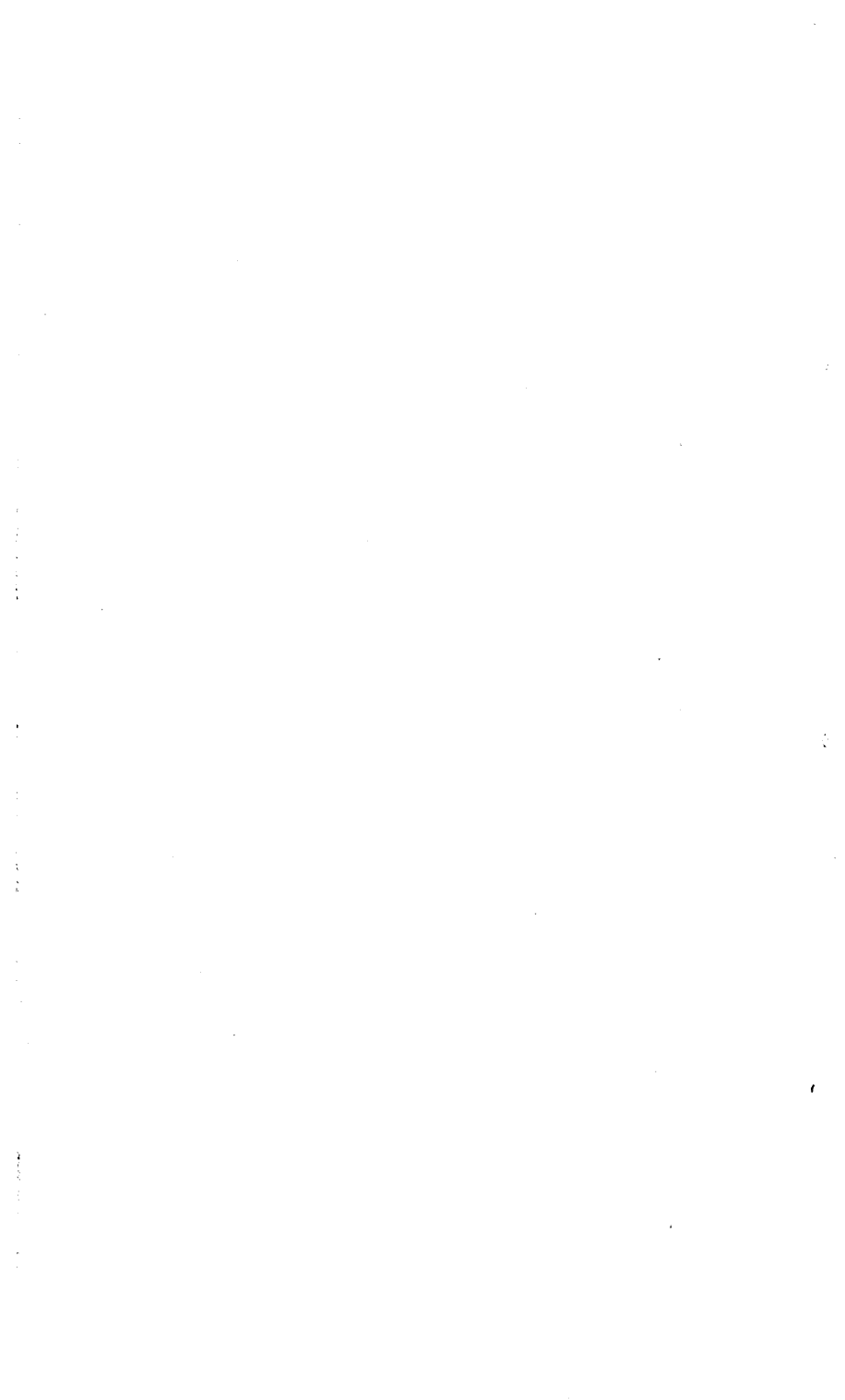
SENATE.

To the Senate and House of Representatives:

I herewith transmit the **Annual Report** of the **Adjutant General**, which, with the accompanying documents, I deem worthy of your especial consideration.

ROBERT P. DUNLAP.

COUNCIL CHAMBER, AUGUSTA, }
January 4, 1884. }



ADJUTANT GENERAL'S REPORT.

ADJUTANT GENERAL'S OFFICE, }
Augusta, January 2, 1834. }

To the Hon. **ROBERT P. DUNLAP**, Governor and Commander
in Chief of the State of Maine.

SIR,

I HAVE the honor to submit to you an annual return of the Militia of Maine, for the year ending the 31st of December 1833. It is marked A. and accompanies this paper. In obedience to the requirements of the Act of Congress, relating to the Militia, I have made a similar return to the President of the United States. This return is made from the inspection returns of such companies, (made on the second Thursday of September last, agreeably to the Act of the last Legislature,) as have been forwarded by the proper officers to this office.

Although it is confided to a staff, selected for its supposed competency and promptitude, to make an annual return of their respective corps, it is with regret that I am obliged to repeat the suggestion, which I find the officer who preceded me in the discharge of the duties of this department, found it necessary to make—that there has been much negligence in this respect. Neither the obligations imposed by the express requirements of law, and assumed by the acceptance of the commission, nor the compensa-

tion allowed for this special service, have ensured a return from the Adjutants and Inspectors of some of the corps. To supply this deficiency I have recurred to the returns of former years. The propriety of providing by law that no Adjutant shall receive any compensation for his service as such, until he files in this office, a certificate from the Brigade Inspector of the Brigade to which he belongs, that he has made all the returns required of him, within the time provided by law, nor that any Brigade or Division Inspector shall receive such compensation, until the Adjutant General certifies that, the returns by them respectively required to be made annually, to this department, have been duly made, is suggested for your consideration.

By the Resolve of the Legislature of the 4th March 1833, "making certain appropriations for military purposes," nine hundred dollars was appropriated "for the repair and alteration of gun carriages, five hundred dollars for the purchase of musical instruments, and one hundred and fifty dollars for the purchase of flannel, match rope and laboratory stores, and for transportation," the expenditure of which was confided to the Adjutant General.

The amount of the first appropriation has been expended on the Artillery of the First Brigade, in the Fourth Division, and the carriages and apparatus of the three companies, composing the Battalion, attached to that Brigade, have been put in a state of complete repair, and made conformable to the requirements of the "System of Exercise and Instruction of Field Artillery," established by Congress, for this arm of the Militia. This system requiring a material alteration of the gun carriages and apparatus, formerly used by the Artillery, it becomes necessary, as

well in obedience to its requisitions, as to avail ourselves of the improvements it introduces in the operation of this arm, and to keep it in a suitable state of preparation for future emergencies, to provide for the alteration and repair of the carriages and apparatus of such Battalions, as are not yet equipped agreeably to its requirements. A similar appropriation for the service of the ensuing year will therefore be necessary.

No part of the second appropriation, made by the Resolve above named, has been drawn from the Treasury. I did not deem that the public service required its expenditure within the past year, and so certified to the Governor and Council. No further appropriation therefore for this purpose is necessary at present.

That portion of the appropriation "for the purchase of flannel, match rope, laboratory stores, and for transportation," which was necessary for the Keeper of the State's Arsenal at Portland, to meet these expenditures there, was advanced by me to that officer, who has accounted for its expenditure. The remainder has been applied to the specified purposes of the appropriation, in the discharge of the duties of Acting Quarter Master General. As was intended by the Legislature, this appropriation has relieved the Keeper of the Arsenal from the necessity of advancing the sums necessary for these purposes, and waiting until the succeeding session of the Legislature to be reimbursed. An appropriation for these purposes for the ensuing year is respectfully recommended.

Although by law, the care of the public property in the Arsenal at Portland is confided to a Keeper, appointed for that purpose, I have deemed it proper in the discharge of

the duties of Acting Quarter Master General, which rest on me, to make, from time to time, a personal inspection of the ordnance and munitions deposited there ; and it gives me pleasure to report, that the whole is in a good state of preservation and ready for any of the occasions for which it was designed. The duties of the Keeper have been very faithfully performed by the person who has charge of this property.

The public property in the State's Arsenal at Bath is in good condition, though some repairs are necessary for the building in which it is deposited, as well for its future protection as for that of the building itself. I have the honor to annex a schedule marked B. of the State's property in the Arsenal at Portland ; also one marked C. of the public property in the Arsenal at Bath, which will give a more particular description of these munitions, than is to be found in the annual return of the Militia.

From an appraisal of this property made in 1827, it was estimated to be worth \$156,897. Since that period, very considerable additions have been made to it, under the appropriations made by Congress for the gradual arming the Militia, and by appropriations from the State Treasury ; so that notwithstanding the delivery of some articles for the use of the Militia, and any supposed deterioration in value, occasioned by time, it may now be considered worth at least, that sum. Such an acquisition in case of any military emergency cannot but be highly appreciated, nor can the means for its preservation be disregarded.

By a resolve of the Legislature, entitled "A Resolve for the erection of a Gun House in Bath," passed February 8, 1832, it was provided, that the Commander in Chief cause

a gun house to be erected at Bath for the use of the Artillery Company there, whenever a suitable lot of land should be conveyed to the State for that purpose. The town of Bath having conveyed to the State a suitable site for the building, I have by direction of the Commander in Chief, caused it to be erected for the sum appropriated for this purpose.

The fourth Section of the Act of the Legislature, entitled "An additional Act to organize, govern and discipline the Militia of this State, approved March 18, 1833, provided that there should be paid by the Adjutant General, to the Major Generals of the several Divisions, the sum of fifty dollars for the use of each Regiment of Infantry, to be expended by the Major Generals, for the purchase of musical instruments for the regimental bands. Having received from the Executive a warrant for the funds necessary for this purpose, I paid to the several Major Generals the sum to which they were respectively entitled under the provisions of this Act, amounting for the fifty-five Regiments of Infantry in the State, to the sum of twenty-seven hundred and fifty dollars. Returns of this expenditure have been made by the Major Generals of the Second, Third, Fourth, Fifth, Sixth, Seventh and Eighth Divisions. Of the expenditure by the Major General of the First Division, I am not yet advised. Particular accounts of all expenditures made by this department have been submitted to the Council.

Having thus reported to you such of the transactions of this Department, during the past year, as seemed manifestly proper for the consideration of the Governor, I avail myself of the occasion, very respectfully to suggest some con-

siderations which have arisen in the administration of the Militia laws of the State. That these laws are not suited to the institution to which they are intended to apply, that they are unequal in their operation, and oppressive in some degree, and that they require some revisal seems to be conceded by all. The efforts of almost every Legislature since the separation to amend them, as well as the continued and decided expression of the people, both through the press and otherwise, of their inadequacy, seem to have proved, that some action of government is still wanting in relation to the Institution.

It would be presumptuous in the undersigned, to attempt to suggest remedies which have eluded the wisdom of the Legislature ; but he believes he concurs in opinion with a great majority of those who have a practical knowledge of the operation of our Militia laws, as well as others, who though not immediately connected with the institution, have given the subject consideration, that the various recent attempts to amend these statutes have not been productive of the desired effects, but have had a contrary tendency. It is respectfully submitted, whether it would not be wise to retrace our steps in this respect, and recur to the general provisions of the Militia law of 1821. You cannot have failed to have observed, that such is the recommendation of a Convention which has had the subject under consideration, and such it is believed is the opinion of very many others who have reflected upon it. Some of the provisions of that Statute might be dispensed with, consistently with the public good, and some of the additional enactments retained. Among the former are those which required the exhibition of cartridges with balls at

the annual inspections, those which required towns to keep deposited a quantity of powder, those which required the drill of privates in the more advanced ages, and perhaps some others. Among the latter are those relating to Courts Martial, the present system of organizing this tribunal, being attended with less expense to the State, than the former, and in its operation, equally as efficient for the purposes of its establishment, as a Court composed of a larger number.

The principal provisions of the Militia Law of this State of 1821, were those which were adopted from the Statute of Massachusetts of 1810 upon the same subject. They were revised and re-enacted after the separation, so as to conform to the Constitution of this State, and with but little alteration. They had been found suited to the views of the people and adequate to sustaining the institution of the Militia. The practice of the duties required by them, had become familiar to all affected by their operation ; and judicial investigation had been so far required upon the various clauses of this statute, that but few of its provisions remained of doubtful construction. The process for the collection of fines and forfeitures accruing under it, being by complaint and warrant, in a simple and concise form, set forth in the statute, was well adapted to the purpose, and relieved the officer whose duty it is to enforce those provisions, from much of the embarrassment which the present method by action of debt, restricted as it is to time and place, imposes on him.

That provision of the Militia Law, which required the frequent training of the troops by Company, and an annual muster by Regiment or Battalion for inspection, review and discipline, has given rise to the most discussion as re-

spects its expediency and necessity in time of peace. That frequent musters of the Militia in large bodies, as they have generally been regulated, have not been advantageous to the institution, has been very generally confessed. The short time which the Regiment or Battalion is under arms, does not admit of much instruction either to officers or soldiers; nor can the drill discipline or evolution there practised, add much, if any thing, to the efficiency required for the campaign. To extend the time allowed for these musters, so far as to admit of more thorough instruction and effectual discipline, would perhaps be considered too great an encroachment upon the time and resources of the citizens. But, although we cannot expect by a limited training of the Militia in time of peace, to make its officers thorough tacticians, or give its line all the firmness and efficiency of regular troops, still we are accustomed to believe "that the Militia may be trained to a degree of energy equal to any military emergency," and that in peace it is the duty of the people, to prepare themselves for the exigencies for which the institution was designed. Some training and discipline therefore of the Militia cannot but be beneficial. The habit of command and obedience there acquired, will prepare the way in some measure, for the discipline and subordination of the camp; the manual exercise will make the citizen familiar with the use of the musket, or the arm of his corps, and that of the platoon, as well as the higher evolutions of the column and line, cannot but give him some knowledge of the duties of the campaign. But above all, the effect which the occasional assembling and exercising the Militia has in reminding the citizens of their equality as guards of the public safety, and

the power they possess to protect and defend themselves, and inspiring them with a mutual confidence in each other, cannot but convince them of their ability to preserve, and animate them with a determination to sustain all the rights, privileges and institutions so dear to freemen. If the Militia be considered worth preserving in any form, other than in a mere return of the number borne upon its rolls, it is worthy of consideration, whether without some opportunity to exercise themselves in the duties of their stations, citizens can be found to accept the commissions, necessary to complete the organization.

On recurring to the Constitution of the United States, it will be perceived that to Congress has been delegated the power "to provide for organizing, arming and disciplining the Militia and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively, the appointment of the officers, and the authority of training the Militia, according to the discipline prescribed by Congress." It is apparent therefore that the authority to determine who shall be liable to militia service, the formation and arrangement of the corps, the rank and duties of the officers attached to them, the prescription of the arms and accoutrements, and the system of instruction which shall be given to the officers and soldiers in the use of their arms, and in the drill evolution and manoeuvre of the respective corps, is vested in the National Legislature and paramount to the State power on this subject. Under this authority, Congress has provided for an organization of the Militia and established "a System of Discipline and Field Exercise to be observed by its respective corps," and made

it “the duty of the Brigade Inspectors to attend the Regimental and Battalion meetings of the Militia of their respective Brigades during the term of their being under arms, to inspect their arms, ammunition and accoutrements, superintend their exercise and manoeuvres and introduce the system” thus established, “and 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.” The system of discipline and field exercise thus established by Congress, can only be practised by the troops under arms, and as much of it is applicable to Battalions and Regiments, it cannot be practically introduced, without a parade of those corps. The returns of the Brigade Inspector made to this department, from the actual inspection on the field, have been considered the proper basis of the return, which by law the Adjutant General is required to make annually, to the Commander in Chief, and to the President of the United States.

therefore it be expedient to dispense with all the other trainings of the Militia except the annual inspection by companies, it will doubtless be considered by the authority competent to decide the question whether it would be consistent with the acts of Congress relating to the Militia now in force, so to do. It is not the province of the undersigned to question the propriety or constitutionality of any law of the Legislature. Upon him rests the obligation of discharging according to the best of his ability all the duties imposed upon his station.

Should the Legislature deem it practicable to require any more training of the Militia than is provided for by the present laws of the State, I have no doubt, it would be an improvement to require the service of, and confine the instruction to, the younger portion of those who are enrolled. Although all between the ages of eighteen and forty five are liable to military duty, and must be enrolled, armed and equipped, the power of exemption granted to the State Legislature by the existing laws of Congress, would authorize exemption from actual service in time of peace, a portion of the respective corps, which make up the organization of the Militia. Such exemption was afforded to such as were between the ages of forty and forty five years when the Militia was required to be trained by Companies as well as by Regiment or Battalion. The undersigned is of opinion that such exemption might well be extended to all above the age of thirty years, still holding them to an annual inspection of arms, with their company in which they are enrolled, and liable to all the duties of the soldier, when the Militia may be called out for either of the express purposes provided for in the Constitution.

Notwithstanding such exemption, the organization of the several corps of the Militia would remain perfect, and if the arrangement should leave in the ranks of any of the Companies or Battalions a smaller number than would be convenient for instruction or drill, Companies and Battalions might be so consolidated, as to remedy the difficulty, without detriment to the service. All instruction is more readily received by the young, than at a more advanced age. In military science and practice it is peculiarly so; and observation has proved that after ten or twelve years

duty in the Militia, the private begins to consider the service irksome. He looks forward to the period of his exemption from it, with a desire that prevents much further improvement. If he becomes skilful in the use of his arms, or acquires any useful knowledge of the duty of the soldier, it is generally done, within the period named. His physical power does not indeed decline, nor does his moral energy, or his patriotism abate by exemption from the active duties of his corps after that time. He still remains as fit for the duties of the campaign as he would if further held to the ordinary duties of militia service in time of peace.

By an Act relating to the Militia passed at the last session of the Legislature, the commissioned officers of the several Brigades are required to assemble on two successive days annually, for the purpose of military drill and instruction. The result of this method of instruction, has not been so beneficial as must have been expected. The officers are required to appear at these drills with side arms only. Even with a competent instructor no practice can be had in the manual of the piece used by the respective corps, nor can the appropriate evolutions and manoeuvres of the different arms of the Militia be practically introduced without a more full equipment.

If however the Legislature shall not deem it expedient to make any material alteration of the Statutes now in force relating to the Militia, still I would respectfully request you to suggest the propriety of their revising them, and embodying all these existing laws into one Statute. The rules for the government of the Militia, and those called to the administration of laws applicable to it, are

now to be searched after, in the statutes of several different years; some containing additional enactments to former laws, and some repealing prior provisions. Of the edition printed for the use of the Militia, but a few numbers remain for distribution, and as it will be necessary to procure a new one soon, it would be a relief to those who are required to perform military duty, as well as to all who may have occasion to consult the provisions of these laws, if they could be found in a more condensed form, and divested of the sections and clauses which have been repealed. These sections of the different chapters which are now in force might be embodied into one Statute, and the repealed clauses omitted, without any material alteration of their present phraseology.

Of the necessity of preserving our military institutions and rendering them as effectual for the purposes for which they were intended, as is consistent with the powers of government, and the interest of the people who sustain them, there cannot be any diversity of opinion. No government can exist without some military force. "So long as men remain as they are, and not what they would be, some rights will have to be protected, and duties enforced, by something more than the mild mandate of the magistrate, or the acquiescence of the subject" and so long as different nations exist, governed by different laws, possessing different habits, pursuing different interests, and actuated by different motives and impulses, it will be in vain to rely upon the progress of civilization, or the acknowledged laws of nations, or the influence of civil institutions or religion itself, for the preservation of peace, or the due protection of individual and national rights. Nor

can the most favored geographical position of a nation secure it against the danger of invasion. There is no bound to the ambition of man, and the vehement desire of power is not abated by any obstacles or resistance with which it may be interposed. It becomes the duty therefore of all governments so far to provide itself with sufficient military institutions, as to insure the execution of its own laws, protect its subjects from oppression, and itself from insult or invasion. Even in the most free republic, there is no less necessity for a competent military force, than under any other of the forms of government established by men. The same resistance may be made to its laws as to those enacted by any other sovereign, the same passions which would create insurrection or rebellion will be found here, as there. Government itself may become too intolerable or oppressive, or recreant to the principles of the constitution to be restrained by the mere vote of the people, and the very enjoyment of its superior institutions, and the blessings which its civil liberties confer, may, if no other inducement be found, excite the jealousy of foreign power, and make it the object of foreign invasion.

Of the most suitable military establishment for a government and people free as ours, there cannot now, it is believed, be any discussion. Although for the purposes of established warfare, government may find it necessary to strengthen its military arm, by enlisting an army, and thereby give its operation more of the efficiency which will result from discipline and duration of service, than can be expected from a citizen soldiery, and although in time of peace, a small standing army may be found needful for the general government, in the preservation of its for-

fications, and to afford it prompt aid, in case of resistance to its laws, and although it may be confessed, that it is the power of strict discipline and the accustomed use of arms, that will give unity to action and success to operation in war, still it must be acknowledged that a standing army is not friendly to the principles of civil liberty. A well organized and well disciplined Militia is the natural defence, the chief security of a free people. It is best adapted to all our civil institutions, the surest guaranty of our political rights, and must ever be the main defence of our National independence. "Directed by public sentiment, it will guard us from the oppression of power; regulated by wisdom and patronized by government it will secure us from anarchy; officered, trained, and supported by the States it is the guarantee of their sovereignty and union. It is essential to the preservation of civil as well as territorial rights. As auxiliary to a regular force," says Mr. Madison, "and a substitute for a large one, in time of peace, a disciplined Militia forms an essential part of a republican system, it being certain that liberty cannot be supported with powerful standing armies, nor in danger without them; and that without an effective Militia the danger of such armies cannot be precluded." "It is," said General Knox, "when public virtue is despised, and avarice, indolence and effeminacy of manners predominate, and prevent the establishment of institutions that would elevate the minds of men, that standing armies are formed and riveted."

In a government established upon the principles of civil liberty, where all laws are made, and all institutions formed for the benefit of the people, there is a principle ever active, which, if properly directed, will ensure the execu-

tion of its laws, and protect and sustain all those institutions, which confer upon its citizens such inestimable civil, religious, and political rights. It is only necessary for government so far to give power and action to this principle, as to insure its own permanency, and the happiness of its subjects. Upon this principle connected as it is with a love of country, a reverence for its laws, intelligence and courage of the people, and a willingness to submit to any of the burdens of a system established solely for their own defence, is based the Militia. Shall an institution so necessary for the preservation of our liberties, and the defence of our rights, and capable of exerting such power, be disregarded and brought into disrepute. When we reflect that no government can exist without some military force to insure domestic tranquility, and suitable respect from other powers, and that a standing army is not genial to the freedom of our institutions, and that the Militia is composed of the great body of the citizens, those to whom belongs the soil and property of the nation, and who have the deepest interest in the preservation of all our institutions, it must be with concern, we observe any neglect of it, or any disposition to disregard it. Such a disregard may well be considered an indication of that decay which has so often been predicted would soon destroy any government, which has its foundation in the popular will. Can there be any detriment to the State arising from arming, organizing and disciplining and sustaining the Militia. In its ranks, if the laws which govern it were properly enforced, and the institution itself had that regard from government and people, which its importance demands, would be found all the "free able-bodied white male citizens" of the States of suitable

age for its service. Can the virtue of the people be endangered, any of the political institutions be invaded, or any undue sacrifice of the personal services of the citizens be made by permitting, it need not be said by requiring the Militia in time of peace, occasionally to assemble, and by practice and discipline to prepare itself for the exigencies for which it was designed by the constitution.

It is only when invidious distinctions have found their way into the community, when exemption from military service is obtained by the influence of wealth, affected effeminacy, or any of the artificial means by which some members of the community, escape bearing their due proportion of the public burden, that the assembling and training the corps of the citizen soldiery, can be said to have any injurious operation upon the morals of the people. The pride of bearing arms, becomes humbled in the breast of the few, who by fortune or any other adventitious circumstances, may be thus separated from their fellow citizens, and who cannot obtain the exemption, so easily purchased by others. This influence pervades the whole line, and every grade. It is an evil attendant upon the present system, growing partly out of the laxity of the laws, and the administration of them, and partly out of that state of public sentiment and general indifference in relation to our military institutions, which is apt to prevail in a time of profound peace, and great national security and prosperity, but nevertheless demands serious consideration. There will be found in every community individuals who are desirous of being exempted from any support of the public institutions connected with the government. Such will always exclaim against the Militia, as imposing an intolerable

ble burden in time of peace. But all civil society, by the blessings which it confers, imposes certain obligations. Government, for its protection, requires of every citizen, who participates in it, his due proportion of support. "To attempt such a degree of refinement as to excuse all the members of the community from all personal service to the State, would at once render them incapable of the exercise, and unworthy the character of freemen." Every State has the right to claim of all its citizens their due proportion of the means necessary for the support of its government and the protection of its people. Military duty is the personal service required of the citizen, for the public safety; and the right to require it, and to regulate it upon principles of equality, is as indubitable, as that to impose any other tax. All being permitted to enjoy the benefits resulting from the public defence, all are bound to contribute to its support, and none should complain of it as a hardship, in being obliged to perform only his part. "Those who decline or refuse to submit to the requirements of law established for the public defence, should be considered unworthy of public trust or public honor."

In the American Militia is to be found the best material for an efficient Military force. In the theory of its formation it combines that moral feeling which results from the free and liberal institutions of the country, with a distinguished mental sagacity, and physical strength and energy of the people. It is composed of men who are actuated by those patriotic and personal motives, upon which the government may always rely with confidence for aid, and who cannot be dangerous to their own interests. It should therefore be the wisdom of government, as well as the

pride of the people, to make the institution, what the patriotism of our ancestors intended it should be, what the constitution contemplated it to be, and what it is believed a virtuous and intelligent people are willing it should be. That such is not the power of our Militia, or the tendency of the system in operation for its government, at the present time, must be confessed, and that it is not in the power of the State to remedy all the seeming defects of the present Militia system, must also be acknowledged. In the distribution of the powers of government, that portion relating to the Militia, which the States delegated to Congress is so extensive, and that reserved so limited, that most of the action of the State Legislature in reference to the institution, must necessarily be dependent upon the exercise of the power thus vested in the General government. Under the very extensive power which by the constitution had thus been given to Congress over the Militia, the "Act entitled an Act more effectually to provide for the national defence by establishing an uniform Militia throughout the United States," was passed by Congress in 1792, and still remains in force, and with a few subsequent enactments, relating to the appointment and rank of certain officers, and the "system of discipline and field exercise to be observed by the Militia," continues to be the governing rule of action for the Militia of the States. A system which at that period was well suited to the exigencies of the country, may, since the vast increase of our numerical strength, the general acquisition of arms, and the accession of other means of defence, now be deemed susceptible of some improvement in its adaptation to the present situation and condition of the people. To the

general government with so extensive constitutional powers over the subject, we must look for the commencement of the reform that is demanded, and it cannot be believed, after the urgent and repeated calls, which have been made upon Congress, by the National Executive as well as by several of the State Legislatures, for a renewed exercise of the power thus delegated, that the Militia will much longer be denied that consideration which its importance demands. The people who must ever place their whole military, and chief civil dependence on this institution, will no sooner justify the neglect to exercise a power so necessary for State and individual rights, than they would the abuse of any constitutional power.

The principal defects in the present Militia system, are to be found in its excess of numbers, the want of proper instruction of its officers, and the great inequality with which the burdens of the service, now bear upon the community. By the excess of its numbers, it is not meant that too many of the free able-bodied citizens of the country are required to afford the necessary means for the support and maintenance of the institution; but that the personal service of the citizens in time of peace, is required for a longer term than is necessary; and that by selecting for the preparatory service of the Militia, which is all that can be expected from the drill and discipline of it, in the absence of any of the calls for its effective operation, we hold a numerical force, of greater magnitude, than can ever be demanded for any of the constitutional purposes of the establishment. An effectual remedy for this defect, can only be applied by the General Government. And although it is in the power of the State and might not re-

quire from its treasury, an amount which the people would be unwilling to pay, to provide some means for the instruction of officers, and some opportunities for practice, still that thorough knowledge which the emergencies of a campaign would require, cannot be expected to be obtained by Militia officers without the establishment of camps of instruction, and providing instructors and other means of information and practice, the expense of which, as well as a just remuneration for the time thus devoted to the public service, should be a charge on the National Treasury. It is more within the power of the State Legislature to afford relief for the latter evil attendant upon the system, above alluded to, than to either of the others. The burden of military service bears heaviest upon those who have the least means to support it. By far the largest proportion of the citizens who are required to perform military duty are those who have the least pecuniary means. As well as others they pay according to their ability such taxes as are required of them for the support of all the other institutions of government, and in addition, render this personal service, arm and equip themselves, provide for their own support while on duty, and in going to and returning from the place of parade, while others of equal physical, and more pecuniary ability, either by the partialities of the law, or the laxity of their administration, obtain an exemption from a service intended for the protection of all. The inequality in the operation of our existing Militia laws in this respect, is no less oppressive upon the citizens, than it is destructive of that just pride, with which freemen are accustomed to support an institution, so necessary for the protection of their liberties. It is not the sacrifice of the

time they devote to the public service, which they complain of. Their lives and liberties are as dear to them, as those of their more favored fellow citizens, and they are as willing and as anxious to protect them; their patriotism will always impel them in the performance of this duty. But they believe they ought not to be subjected to the double duty imposed by the present laws. While in common with others, they contribute their just proportion for the support of all the other institutions of government, they alone as it were, sustain its chief military dependence; and they are constrained to assert that the expenses attendant upon the due performance of this service, should be a charge upon the property protected. They ask that the institution may be preserved; but to the Legislature they apply for relief from the inequality of the system in its present bearings, and from the embarrassments attendant on a due discharge of their duty. They believe "that a well regulated Militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed;" but they ask that the laws enacted for the government and regulation of the Militia, may be based upon those principles of equality which, while they afford protection to all, shall insure a corresponding support from all who may participate in the benefits they confer. To the Legislature they apply, and through the Commander in Chief they make their appeal.

I have the honor to be,
with the highest respect
and consideration,

Your obedient servant,

JOSEPH SEWALL, *Adj. General.*

A.

ABSTRACT OF THE ANNUAL RETURN OF THE MILITIA OF THE STATE OF MAINE FOR THE YEAR 1833.

	Major Generals.	Brigadier Generals.	Adjutant General.	Quarter Masters General.	Division Inspectors.	Aids-de-Camp.	Brigade Majors.	Brigade Quarter Masters.	Colonels.	Lieutenant Colonels.	Majors.	Adjutants.	Quarter Masters.	Pay-Masters.	Chaplains.	Surgeons.	Surgeons' Mates.	Captains.	Lieutenants.	Ensigns.	Cornets.	Sergeant Majors.	Quarter Master Sergeants.	Musicians.	Drummers and Trumpeters.	Sergeants.	Corporals.	Artificers.	Privates.	TOTAL Commissioned Officers.	TOTAL Non-Commissioned Officers, Musicians, Artificers, and Privates.	AGGREGATE.	No. of Divisions.	No. of Brigades.	No. of Regiments.	No. of Battalions.	No. of Companies.	REMARKS.		
GENERAL STAFF.			1			4																																		
CAVALRY.									1	2	11	11	10	3	2	6	3	25	59		27	4	6		61	107	53		1259	160	1490	1650				2	13	32	In this Return are not included one company of Cavalry, one company of Infantry, and five companies of Light Infantry, organized, but from which no return is received.	
ARTILLERY.								1	2	9	9	9	3	2	3	3	29	53			2	5	114		99	91		1344	123	1655	1778				2	10	29			
INFANTRY.	8	12			8	29	15	13	53	52	51	54	50	53	45	48	43	417	427	404		50	46	1456		1572	1043		25546	1782	29713	31495	8	16	55		451			
RIFLEMEN.																		26	28	29						110	94		888	83	1225	1308					30			
LIGHT INFANTRY.																		62	64	62						250	187		2500	188	3180	3368					68			
AGGREGATE.	8	12	1		8	33	15	13	55	56	71	74	69	59	49	57	49	559	631	495	27	56	57	1946	61	2138	1468		31537	2336	37263	39599	8	16	59	23	610			

SCHEDULE A. (Continued.)

ARMS, ACCOUTREMENTS, AND AMMUNITION.

AGGREGATE.	In Arsenals.	In the field, or in possession of the troops.	ORDNANCE AND ORDNANCE STORES.	
			BRASS.	IRON.
2	2		12	Pounders.
14		14	6	Pounders.
44		44	3	Pounders.
8	3		6	Inch Howitzers.
8	3		{	Inch Howitzers.
			}	Eprovettes.
1	1		42	Pounders.
4	4		32	Pounders.
25	25		24	Pounders.
5	5		18	Pounders.
2	2		12	Pounders.
7	5	2	9	Pounders.
12	12		6	Pounders.
8	8		4	Pounders.
8	5	3	3	Pounders.
1	1		10	Inch Howitzers.
99	35	64	Sponges and Rammers.	
87	37	57	Ladles and Worms.	
344	112	232	Bricoles and Drag Ropes.	
155	92	63	Trail Handspikes.	
78	40	38	Lead Aprons.	
120	38	92	Ammunition Boxes.	
32	3	29	Tumbrils or Powder Carts.	
146	14	132	Sets of Harness.	
8244	8244		Rounds of Shot and Shells.	
25565	8619	16946	Muskets.	
25535	8619	16816	Bayonets.	
20717	2915	17792	Cartridge Boxes and Belts.	
17571	898	16673	Bayonet Scabbards and Belts.	
16880		16880	Brushes and Picks.	
85104	50000	85104	Spare Flints.	
26701	19981	6720	Ball Cartridges.	
1570	540	1030	Rifles.	
1061	540	521	Powder Horns.	
1051	540	511	Pouches.	
111820	111600	220	Loose Balls.	
133		133	Pounds of Rifle Powder.	
1353	350	1003	Horseman's Pistols.	
2303	550	1453	Swords.	
2234	850	1384	Sword Scabbards and Belts.	
16402		16402	Knapsacks.	
67	8	59	Haversacks.	
594	12	582	Drums.	
455	29	426	Fifes.	
53	3	50	Bagles and Trumpets.	

Adjutant General's Office, thirty-first day of December, 1833.

JOSEPH SEWALL, Adj. General of the Militia of the State of Maine.

B.

**Schedule of Public Property in the Arsenal
at Portland, delivered to Joshua Tolford, keeper
of the same, appointed under Resolve of the
Legislature of April 1st, 1831.**

No.	Description.	Remarks.
1	Iron 42 Pounder Cannon,	
4	“ 32 “ “	
22	“ 24 “ “	
3	“ 18 “ “	
2	“ 12 “ “	
3	“ 9 “ “	
10	“ 6 “ “	
3	“ 4 “ “	
1	“ 3 “ “	
1	“ 3 “ “	Trunnion broke,
1	“ 10 Inch Howitzer,	
3	“ 18 Pounder Cannon,	Mounted on trav'ng carriages.
2	“ 12 “ “	“ “ “ “
2	“ 4 “ “	“ “ “ “
2	Brass 12 “ “	
1	{ New pair of six pound Iron Cannon with their apparatus complete, }	Mounted on travelling carriages.
1	New 6 Inch Howitzer,	Mounted on travelling carriages.
2	“ “ “ “	Mounted.
3	“ Eprovetts,	
7	Gun Carriages, (travelling,)	
1	“ “ “ “	Unserviceable.
1	Sling Cart and apparatus,	
1	Baggage Waggon,	

PUBLIC PROPERTY IN THE ARSENAL AT PORTLAND.

2	Tumbrils,	
1	Travelling Forge,	
1	Pair Sea Coast Gun Carriages,	
12	Fort " "	
1	do " "	in pieces
1	Gin,	
	Sundry parts of old Gun Carriages,	
	Lot of wheel bands, &c.	
1	Pair of Brass Field Guns,	3 pr with a part of their
1	Tumbril,	(old) apparatus (old)
6	Forge Bellows,	
46	Wheelbarrows,	(old)
1	Copper Adze,	
7	Ladles, Worms and Sponges,	Unserviceable,
12	Powder Measures,	Various Sizes.
30	Empty Powder Casks,	
2800	Hand Grenades,	
708	13 Inch Shells,	
341	9½ " "	
134	8 " "	
274	6½ Inch Shells,	
187	5½ " "	
214	4½ " "	
38	42 Pound Shot,	
226	32 " "	
1548	24 " "	
808	18 " "	
1023	12 " "	
819	9 " "	
2180	4 " "	
17	6 " "	
1836	Double head and Chain Shot.	New 6 & 3 900 lb
8563	American Muskets,	Weight 5663.
56	English " "	
7	" " "	Unserviceable.
540	Rifles,	
540	Rifle Hasks,	
541	Rifle Pouches,	
540	Rifle Straps,	
265	Gun Locks,	
1253	{ Sword and Bayonet Scabbards }	
	{ and Belts,	
2915	Cartridge Boxes and Belts,	
1990	Bayonet Belts,	
898	Bayonet Scabbards,	
350	Cavalry Pistols,	
350	" Swords,	

PUBLIC PROPERTY IN THE ARSENAL AT PORTLAND.

500	Artillery Swords.		
17	Wall Tents.		
1	Marquee,	(old)	
3	Tarpaulings,	(old)	
2	Tackle blocks,		
457	Common Tents.		
480	Mallets,		
2	Sheepskins.		3 used for sponges.
375	Flannel Cartridge Bags.		
	Lot Paper Cartridge,		
3	Signal Lanterns,		
1	" "	(old)	
2	Sieves,		
1	Desk and Sundry Books.		
1	Tin Water Pot,		
500	Round tin Pans,		
25	Old square Pans,		
178	Bill Hooks,		
332	Cartridge Box woods,		
812	Canteens,		
61	Pikes,		
1	Gun Rimmer,		
1	Gun Searcher,		
1201	Rammers, Ladles, and Sponges,		10 delivered.
3	Rakes,		
4	Tongs and Ladles,		
3	Sea Sponges,		
30	Priming Wires,		10 delivered.
1	Oil Canister,		
	Lot Paint Pots and Brushes,		
80	Bricoles,		20 delivered.
6	Leather Powder Bags,		
2	Haversacks,		
5	Powder Buckets,		
4	Tube Boxes,		
10	Powder Horns and Belts,		
8	Horse Collars,	(old)	
45	Back and Belly Bands.		8 delivered.
5	Breechings,	(old)	
40	Pairs Wooden Hames,		6 delivered.
4	Whiffletrees,		
9	Tompson Straps,		2 delivered.
1	Pair pole Straps.		
179	Iron Shovels,		
4	" "	(broken)	
51	Spades,		
2	" "	(broken)	

PUBLIC PROPERTY IN THE ARSENAL AT PORTLAND.

9	Broad Axes,	
30	Narrow Axes,	
4	Old Hatchets,	
62	Pick Axes,	
35	Pairs Trace Chains,	
12	Crows and Bars,	
40	Old Match and Portfire Stocks,	
20	Trace Spreads,	(wood)
87	Handspikes,	
1	Swingletree,	
	Lot Brimstone,	
	Lot Flints,	
	Lot Tent pins,	
	Lot Toggles,	
3	Boxes Hand Grenades,	
141	Cases Case and Strap Shot,	Some with powder fixed.
52	Cases Lead Balls,	
107	Boxes fixed Ammunition,	For small arms.
29	Wooden Pails,	On hand 7 kegs powder, 25 lbs. each, which was purchased to fire on the arrival of the President. Two delivered to Capt. Billings' order for Saco.
1050	Tent Poles,	
620	Powder Horns,	
130	Tin Camp Kettles,	
133	" " "	(old)
	Lot of old Harnesses,	
	Lot of old Drums,	
	Tackle and Fall,	
2	Slings to Tackle and Fall,	
	Lot of old Drag Ropes,	
8	Handsaws, 1 small do.	
6	Pairs Pincers,	
1	Ball Mould,	
1	Plate for Standard,	
12 ^s	In Lignum Vitæ former,	
12	Sets of Standards for Infantry,	
1	" not painted,	
7	" painted for Artillery,	
3	" " " Cavalry,	
2	Old Ensigns,	
4	Day Flags,	
	Lot Sheet Lead,	
10	Sets Drag Ropes,	
2 ¹ / ₂	" old "	
5	Prolongs,	
1	Polishing Lathe,	(old)
1	Grindstone,	(old)
2	Large Vises,	(old)
2	Hand "	(old)

Arsenal Shop.

PUBLIC PROPERTY IN THE ARSENAL AT PORTLAND.

2	Iron Bit Stocks,	
	Lot of old Poles,	
1	Cast Iron Stove and Funnel,	
4	State Brands,	
1	Ladle for Shot,	
1	Sledge Hammer,	
7	Old Brushes,	
1	Pair Brass Scales and Weights,	
1	Pair Shoe Pincers,	
1	Drawing Knife,	
1	Fortfire Mould and Rammers,	
1	Set Bench Tools,	
	Lot old Chisels and Gouges,	
1	Tool Chest,	
1	Large Chain,	
1	Ladder,	
22	Cast Iron Trucks for Gun Carriages,	
	Lot of Wads,	
12	Drums,	(good)
3	Bugles,	(old)
29	Fifes,	

The foregoing is a Schedule of property belonging to the State of Maine.

To Joseph Sewall, Esq., Adjutant General.

SIR,—In compliance with your order of Oct. 18, 1833, I now transmit a Schedule of all the ordnance, arms, equipments, camp equipage, ammunition, and all military stores, in the State Arsenal at Portland, having recorded the same in one of the State Books in the Arsenal under my care.

I am, Sir,

Very Respectfully,

Your Obedient Servant,

JOSHUA TOLFORD,

*Keeper of the Public
Property, Portland.*

C.

Memorandum of property belonging to the State of Maine, and now deposited in the State's Gun House at Bath.

No.	Description.
1	Iron 9 Pr. Cannon, carriage, limber, ammunition boxes, harnesses and apparatus complete.
1	9 Pr. Carronade, carriage and apparatus complete.
3	Iron 3 Pr. Cannon, carriage, limber, ammunition boxes, harnesses and apparatus complete.
1	Tumbril and Harness.
4	Collars.
5	Headstalls.
19	Halters.
2	Pr. Hames.
16	Belts.
10	Bands.
9	Haversacks.
80	Bricoles.
4	Prolongs.
8	Drag Ropes.
9	Port fire Stocks.
8	Linstocks.
4	Sponge pails.
5	Tube boxes.
21	Tubes.
7	Powder Horns.
15	Priming Wires.
6	Gimblets.
1	Gouge.
1	Auger

PROPERTY IN THE STATE'S GUN HOUSE AT BATH.

2	Hammers.
1	Chisel.
23	Port fire.
3	Saws.
2	Axes.
1	Pr. Nippers.
3	Boxes Canister Shot.
	Lot Double Headed Shot.
	Lot Round Shot.
2	Nippers for Hot Shot.
	Lot Grape Shot.
2	Hatchets.
	Lot Wadding.
8	Chains.
4	Worms and Spoons.
5	Sponge and Rammers.
40	Case Shot.
10	Boxes Bullets, 1800 each of 18 to lb.
896	Packs Cartridges and Balls of 12 to the pack.

ADJUTANT GENERAL'S OFFICE, }
 Augusta, January 1, 1833. }

J. SEWALL, *Adjutant General,*
and acting Qr. Master Gen.

STATE OF MAINE.

IN SENATE, January 4, 1834.

Read and ordered to lie upon the table, and that six hundred copies be printed for the use of the Legislature.

(Extract from the Journal.)

Attest, WILLIAM TRAFTON, *Secretary.*