

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. 6.

SENATE.

STATE OF MAINE.

In Senate, January 20, 1834.

THE Joint Standing Committee on the Militia, to whom was referred so much of the Governor's Message as relates to the Militia, and the Report of the Adjutant General, having had the same under consideration, and having bestowed upon the subject that attention which its importance demands, ask leave to report :

That notwithstanding the great diversity of sentiment which prevails in relation to the most salutary system of legislation to be applied to the Institution, all concur in the belief that "the Militia is an essential part of a republican system" of Government, and that the security and permanency of all our political rights and civil institutions demand that it be preserved. In delegating the powers, which by the Constitution the people granted to the General Government, while they were cautious to assert that the Institution is necessary for their security, and that their right to sustain and use it for their own

good, should not be infringed, they imposed the obligation of providing for its perfect organization, and rendering it efficient for their own safety and defence. To Congress belongs the power to organize, arm, and prescribe the system of discipline to be practised by the Militia, and to govern such part of them as may be employed in the service of the United States. To the States is reserved the power of appointing the officers, training the Militia according to the discipline prescribed by Congress, and governing them, except such part as may be subject to the constitutional control of the National Government. Congress having exercised the powers thus delegated, and provided for an organization of the Militia, and established a system of discipline for its use, it remains only for the State to adapt its legislation to the Institution, in conformity to the limits of the power thus defined, and in such a manner as best to execute the plan of organization and discipline thus established. Upon these principles was based the Act of this State of eighteen hundred and twenty-one, relating to the organization and discipline of the Militia, and a system of government adopted, simple in detail, suited to the views and habits of the people, and with which the minds of all connected with the establishment had become familiar, and efficient in all its operations. To the alterations of that law and the innovations made upon the System established by it, the Committee attribute much of the prevailing discontent in rela-

tion to the Militia, and in them, it is believed, may be discovered the principal defects of the System now in operation for the government of the Institution. To that law therefore, for the basis of a system now to be adopted for the government of the Militia, the Committee propose to recur, and in accordance with these views herewith respectfully submit a Bill.

ROWLAND H. BRIDGHAM, *Chairman.*

STATE OF MAINE.

IN THE YEAR OF OUR LORD, ONE THOUSAND EIGHT
HUNDRED AND THIRTY FOUR.

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. 1. *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 enrol 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 enrolment, 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 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 per-

sons 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 fusee, 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 servicable horse, at least fourteen hands and a half high, a good saddle, bridle, mail pillion and valise, holsters and a breastplate and crupper, a pair of boots and spurs, a pair of pistols, a sabre and cartridge 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 thereof ; 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:

SECT. 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 in 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, battalion 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 addi-

tion 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 offices 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 pro-

vide 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 Rep-*
resentatives in Legislature assembled, That, in addition to
 the exemptions made by the foregoing laws of the Uni-
 ted 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 com-
 missions in the Militia of this State for the term of five
 years, or shall have been superseded, 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 coun-
 tersigned 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 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.*

22 Notwithstanding their being above the age of eighteen
23 and under the age of forty-five years, be, and they are
24 hereby exempted from the performance of military
25 duty ; but no other able bodied white male citizen be-
26 tween those ages shall be exempted from military duty
27 except such as are hereinafter excepted.

SECT. 2. *Be it further enacted,* That each of the per-
2 sons, hereinafter mentioned, may be exempted from the
3 performance of military duty, notwithstanding their
4 being of the age of eighteen years and under the age of
5 forty-five years, viz : all Enginemen, upon the condi-
6 tions specified in the acts under which they have been,
7 or may hereafter be appointed ; all officers, who have
8 held or may hereafter hold commissions in the Army or
9 Navy of the United States ; or in the Militia of any of
10 the United States, for the term of five years and have
11 been honorably discharged ; and all officers, who have
12 held or may hereafter hold commissions in the Militia
13 of this State for a term less than five years, and have
14 been discharged otherwise than in pursuance of any
15 sentence of a Court Martial ; and all staff officers, who
16 shall have ceased to act as such, in consequence of the
17 resignation, promotion, or removal of the officers, who
18 appointed them : *Provided,* That each person so ex-

19 emptied, excepting Enginemen, shall pay to the Trea-
 20 surer of the town or plantation, within which such ex-
 21 empt resides, two dollars annually, and produce his
 22 receipt therefor to the commanding officer of the com-
 23 pany within the bounds of which he resides, on or be-
 24 fore the first day of May, in each year : *Provided also,*
 25 Nothing contained in this section shall be construed to
 26 prevent the conditional exempts, therein named, from
 27 being called forth to execute the laws of the United
 28 States or of this State, to suppress insurrection and re-
 29 pel invasion.

SECT. 3. *Be it further enacted,* That all persons liable by
 2 law to the performance of military duty, who are or
 3 may be between the ages of thirty-five and forty-five
 4 years be, and they are exempted from all military duty,
 5 except that of being detached or called forth to exe-
 6 cute the laws of the United States, or of this State, to
 7 suppress insurrections and repel invasions, and of keep-
 8 ing themselves constantly furnished with the arms and
 9 equipments required by the laws of the United States,
 10 and the duty of carrying or sending them on the first
 11 Tuesday of May annually, to the place of inspection or
 12 view of arms of the company within the bounds of
 13 which they may reside and in which they may be en-
 14 rolled, and the duty of attending the election of com-
 15 pany officers. And every non-commissioned officer or
 16 private who is permitted to send his arms and equip-
 17 ments for inspection, on the day and in the manner pro-

18 vided in this section, shall neglect so to do, or shall on
 19 said day lend or sell them so that they may be inspect-
 20 ed as the property of another, shall forfeit two dollars
 21 and fifty cents, to be sued for and appropriated accord-
 22 ing to the provisions of this act.

SECT. 4. *Be it further enacted,* That the said Treasu-
 2 rers shall severally keep a fair account of all moneys by
 3 them received by virtue of this act, subject at all times
 4 to the inspection of any of the commanding officers of
 5 the company or companies in the towns, or plantations,
 6 to which they belong ; and shall annually, on or before
 7 the second Wednesday of January, transmit to the
 8 Treasurer of the State, a fair account of all moneys so
 9 by them received ; and shall within thirty days there-
 10 after pay the amount thereof into the Treasury of this
 11 State, and the same shall there constitute a fund to be
 12 appropriated and disposed of as the Legislature shall,
 13 from time to time direct, for the sole purpose of arm-
 14 ing, equipping and uniforming the militia.

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

SECT. 6. *Be it further enacted,* That the Governor be,
 2 and he hereby is authorized and empowered, by and
 3 with the advice of the Council, to organize and arrange

4 the Militia of this State, conformably to the laws of the
 5 United States, and to make such alterations therein, as
 7 from time to time, may be deemed necessary. And
 8 that all applications or petitions for raising companies
 9 at large, and for alterations in the arrangement of the
 10 militia; shall be made to the Governor, and he, by and
 11 with the advice and consent of the Council, is hereby
 12 authorized to grant such petitions or applications as to
 13 him may appear proper. And all companies raised at
 14 large, by voluntary enlistment, may establish by-laws,
 15 and regulations, not repugnant to the laws of the State,
 16 for perfecting themselves in military knowledge and
 17 discipline, in which they may determine what number
 18 of company trainings they will have in each year ; and
 19 may establish penalties and forfeitures to enforce the
 20 observance thereof, to be recovered by action of debt
 21 in any court of competent jurisdiction, for assessing
 22 and collecting funds, and for any other purposes neces-
 23 sary to the good order and government of such compa-
 24 nies ; which by-laws and regulations shall be binding on
 25 such of the members thereof as subscribe their names
 26 to the same.

SECT. 7. *Be it further enacted,* That the commissioned
 2 officers of the militia, named in the aforesaid laws of
 3 the United States, shall be chosen and appointed in the
 4 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 commissioned 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 Brigadier General.
 - 7 *The Division Inspectors* to be appointed by the Major Generals of their respective Divisions, with the rank of Lieutenant Colonel.
 - 8 *The Aids-de-Camp of the Major Generals* to be appointed by their respective Major Generals, with the rank of Major.
 - 9 *The Division Quarter Masters* to be appointed 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 respective 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 non-commissioned officers, named in the aforesaid laws of the United States, shall be appointed in the manner following :

4 *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 addition to the 2 commissioned and non-commissioned Officers above 3 enumerated, the following Officers and non-commissioned Officers 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 Major General be and he hereby is authorised, and it shall be his duty, from time to time to give all such orders, as may be necessary, for filling by election any vacancy or vacancies of brigadier general, field officer, captain or subaltern, which does now or may hereafter exist within his division. And previous to any such election, the electors shall have ten days notice thereof at least, and no election for the choice of brigadier general or field officer shall be valid, until a majority of all the electors qualified by law to vote in such choice, (counting all existing vacancies in the offices of such electors,) shall be present at such election; and all returns of elections, or of neglects, or refusals to elect, shall be

15 made to the Commander in Chief, by the Major Gene-
16 rals in whose divisions such elections shall have been
17 ordered ; and in case of neglect or refusal by any com-
18 pany to do duty as prescribed by law, or to elect offi-
19 cers when duly notified and ordered thereto, the Gov-
20 ernor shall immediately disband said company, and or-
21 der the non-commissioned officers, musicians and pri-
22 vates thereof to be enrolled in the oldest adjoining
23 standing company, and they shall be held to do therein
24 all the duties required by law. And all commissions
25 shall be transmitted to the Major Generals and be reg-
26 ularly passed down to the persons entitled to receive
27 them. And every person, who shall be elected to any
28 office as aforesaid, and shall not within one hour after
29 he shall have been notified of his election, by the offi-
30 cer who presided thereat, (excepting in case of the
31 choice of Major General, who shall be allowed thirty
32 days after he shall be notified by the Secretary of this
33 State,) signify his acceptance thereof, shall be consid-
34 ered as declining to serve, and orders shall be forthwith
35 issued for a new choice. And the commission of every
36 officer shall designate the Division, Brigade, Regiment
37 or Battalion, and the Corps in which he shall be com-
38 missioned, and all officers shall take rank from the day
39 of their elections or appointments respectively, which
40 shall be designated in their commissions. And when-
41 ever an officer is transferred from one corps or station
42 to another in the same grade, the day of the date of
43 his original appointment or election shall be expressed

44 in his new commission, and that day be considered the
 45 date of his commission. And when an officer shall by
 46 any casualty lose his commission, upon his making an
 47 affidavit thereof, before any Justice of the Peace, for
 48 the county in which he resides, and on filing such affi-
 49 davit in the office of the Adjutant General, he shall be
 50 entitled to receive a new commission of the same tenor
 51 and date as the one so lost as aforesaid. And all offi-
 52 cers when on duty shall take rank by the dates of their
 53 commissions as above defined. And when two or more
 54 officers of the same grade are on duty together, and
 55 their commissions bear an equal date, and former pre-
 56 tensions of some commission do not decide, then their
 57 relative rank with each other shall be determined by
 58 lot, to be drawn by them before the commanding offi-
 59 cer present, and when on court martial before the pre-
 60 sident thereof.

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

“STATE OF MAINE.

This may certify, that — — —, *commissioned as within,*
 12 *on this* — — — *day of* — — —, *A. D. 18* , *personally*

13 *appeared and took and subscribed the oaths required by the*
 14 *Constitution of this State to qualify him to discharge the du-*
 15 *ties of his office.*

Before me, — — —, — — —."

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

14 *"I, A. B. do solemnly swear, that I will faithfully and*
 15 *impartially perform all the duties incumbent on me, as clerk*
 16 *of the company to which I belong according to the best of my*
 17 *abilities and understanding. So help me God."*

18 *And the captain or commanding officer of the com-*
 19 *pany shall at the time of his administering said oath,*
 20 *certify on the back of the warrant of the sergeant ap-*
 21 *pointed to be clerk, that he was duly qualified, by ta-*
 22 *king the oath required by law. And it shall be the*
 23 *duty of the clerk to keep a fair and exact roll of the*
 24 *company, together with the state of the arms and*
 25 *equipments, belonging to each man, which roll he shall*

26 annually revise, on the first Tuesday of May, and cor-
 27 rect the same from time to time as the state of, and
 28 alterations in, the company may require; to register
 29 all orders and proceedings of the company, in the or-
 30 derly book; to keep exact details of all drafts and
 31 detachments; to assist the commanding officer of the
 32 company in the enrolment thereof, and also in enrolling
 33 of all such persons without partiality or favor, liable to
 34 any military duty, coming to live within his company
 35 bounds, as he may from time to time be informed
 36 thereof; to distribute all company orders and notifica-
 37 tions, which he may be required to do; to examine the
 38 equipments of the men, when ordered; to note all de-
 39 linquencies, to sue for and recover all fines and forfeit-
 40 ures, which are required by this act to be sued for, and
 41 recovered by him; to keep accounts in the orderly
 42 book of all fines and forfeitures, and all other moneys
 43 collected by him with the persons' names, of whom
 44 they were collected, and of the times when, and for
 45 what offence, neglect, default, or deficiency; which
 46 book shall not be alienated from the company, and
 47 shall always be open to the inspection of any officer of
 48 the company.

SECT. 13 *Be it further enacted,* That the officers of
 2 the militia, (chaplains excepted,) while on duty, shall
 3 wear a uniform dress, to consist of a blue cloth coat,
 4 and other articles of dress of such color and fashion and
 5 with such equipments as shall be prescribed by the

6 Commander in Chief; except where the same is regu-
7 lated by the laws of the United States.

SECT. 14. *Be it further enacted,* That every officer,
2 non-commissioned officer and private, shall hold his
3 uniform exempted from all suits, distresses, executions
4 or sales for debt, or the payment of taxes. And no
5 officer, non-commissioned officer, nor private shall be
6 arrested on any civil process, during his going unto,
7 returning from, or his performance of military duty;
8 nor during his going unto, remaining at, or returning
9 from any place, at which he may be ordered to meet
10 for the election of any officer or officers. And no offi-
11 cer shall be arrested on any civil process while going
12 unto, serving upon, or returning from any court martial,
13 court of inquiry, or board of officers, upon which it
14 may be the duty of such officer to attend.

SECT. 15. *Be it further enacted,* That every officer,
2 non-commissioned officer and private of infantry, light
3 infantry, cavalry, artillery, grenadiers and riflemen, shall
4 constantly keep himself furnished and provided with
5 arms and equipments required by the laws of the Uni-
6 ted States before recited, except such private as shall
7 not be able so to provide himself. And no private
8 shall be considered unable to provide himself with the
9 arms and equipments required as aforesaid, unless he
10 shall produce, after the first day of April, and before
11 the first Tuesday in May annually, to the commanding
12 officer of the company to which he belongs, a certifi-
13 cate of such inability from the overseers of the poor, of

14 the town or district where he resides. And the com-
15 manding officer of the company to which such private
16 belongs, shall forthwith lay such certificate before the
17 Selectmen of the town or district where such private
18 resides. And it shall be the duty of such Selectmen,
19 forthwith, at the expense of their respective towns or
20 districts, to provide for every such private, the arms
21 and equipments required as aforesaid, and they shall
22 deposit the same in some safe and convenient place,
23 and shall permit the commanding officer of the compa-
24 ny, to which such private, unable to provide himself,
25 as aforesaid, belongs, to deliver such arms and equip-
26 ments to such private, whenever his company shall be
27 ordered out for any military duty. And the said com-
28 manding officer shall be responsible for the safe return
29 of such arms and equipments to the place of deposit.
30 And if any town shall neglect to furnish arms and equip-
31 ments to such privates as are unable, as aforesaid, to
32 equip themselves, such town shall forfeit and pay not
33 less than twenty dollars, nor more than fifty dollars, to
34 be recovered by indictment, to the use of the State.

SECT. 16. *Be it further enacted,* That whenever the
2 office of major general, brigadier general, colonel, lieu-
3 tenant colonel, major commandant, or of captain, shall
4 be vacant, the officer next in grade and in commission,
5 in the division, brigade, regiment, battalion or compa-
6 ny, shall exercise the command, and perform the du-
7 ties thereof, until the vacancy shall be supplied. And
8 in case of the sickness, absence, or other inability of

9 the clerk of any company, the commanding officer
10 thereof is hereby authorized to appoint a clerk pro
11 tempore, who shall be duly sworn before he enters on
12 the duties of the office ; and shall for the time ex-
13 pressed in his appointment or until specially discharged,
14 have all the powers, and be subject to all the duties,
15 and be liable to all the penalties of the clerk, in whose
16 place he is put. And whenever a company shall have
17 neither officers, nor non-commissioned officers, the
18 commanding officer of the regiment or battalion, to
19 which such company belongs, shall appoint suitable
20 persons within said company to be non-commissioned
21 officers of the same, and grant them warrants accord-
22 ingly, one of which non-commissioned officers he shall
23 appoint clerk, and shall endorse the warrant of the
24 non-commissioned officer appointed clerk, and admin-
25 ister the oath to him, as required by the commanding
26 officers of companies, in the twelfth section of this act,
27 and the senior non-commissioned officer of a company,
28 while there are no commissioned officers in office, shall
29 command the same ; and all the authorities and powers
30 of commanding officer shall be vested in him, until
31 some commissioned officer shall be chosen or appointed
32 and has qualified himself : *Provided however*, That when
33 a company, destitute of commissioned officers, shall
34 parade with other troops, the commanding officer pre-
35 sent shall assign some commissioned officer or officers
36 to such destitute company, to command the same while
37 on parade.

SECT. 17. *Be it further enacted*, That in each brigade,
 2 where there are now, or may hereafter be two compa-
 3 nies of artillery, they shall form a battalion, and be en-
 4 titled to a Major, an Adjutant and a Quarter Master ;
 5 that in each brigade, where there are now, or shall
 6 hereafter be, three companies of artillery, they shall
 7 still form one battalion ; and that in each brigade,
 8 where there are now, or may hereafter be, four compa-
 9 nies of artillery, they shall form a regiment of two bat-
 10 talions, and be entitled to a colonel, lieutenant colonel,
 11 and major. *Provided however*, that the Governor with
 12 advice and consent of Council, may organize independ-
 13 ent battalions of infantry, with a battalion staff, where
 14 the local situation of the troops is such that they can-
 15 not be conveniently connected to a regiment. And
 16 where by the division of any corps, a new division or
 17 brigade shall be so formed as to leave but three com-
 18 panies of any regiment of cavalry or artillery, or where
 19 by the disbanding of any company, such regiment of
 20 cavalry or artillery shall be reduced to three compa-
 21 nies, such three companies shall still constitute a regi-
 22 ment, and all the officers thereof shall retain their com-
 23 mand and rank, the same as though said corps had not
 24 been reduced. And each company of artillery shall be
 25 provided by the Quarter Master General with two
 26 good brass field pieces, of such calibre as the Com-
 27 mander in Chief may direct, with carriages and appara-
 28 tus complete ; an ammunition cart, forty round shot,
 29 and forty rounds of cannister shot ; also tumbrils, har-

30 ness, implements, laboratory, and ordnance stores,
 31 which may from time to time be necessary for their
 32 complete equipment for the field. And the Command-
 33 er in Chief shall order to be issued, to each company
 34 of artillery, annually, a quantity of powder not exceed-
 35 ing forty pounds, which shall be expended on days of
 36 inspection or review, and in experimental gunnery.
 37 And the commanding officer of every company of artil-
 38 lery shall be accountable for the careful preservation
 39 of the pieces, and all the apparatus aforesaid, appertain-
 40 ing to their equipment, and for the proper expenditure
 41 of the ammunition supplied by the government. And
 42 the commanding officer of every company of artillery
 43 shall lay before the committee on accounts for allow-
 44 ance, his accounts of money actually expended in pro-
 45 viding horses to draw the field pieces and tumbril of his
 46 company: *Provided however*, no allowance shall be
 47 made, unless such company is ordered to appear at a
 48 battalion, regimental, brigade or division inspection or
 49 review, or unless such company is ordered on duty by
 50 the Commander in Chief. And each commanding offi-
 51 cer of a company of artillery is hereby authorized to
 52 enlist three drivers, who, when enlisted, shall be ex-
 53 empted from other military duty, except that of keep-
 54 ing the harnesses and apparatus of the carriages, be-
 55 longing to the company, in good order.

SECT. 18. *Be it further enacted*, That where there are
 2 now, or may hereafter be, two companies of cavalry in
 3 a brigade, they shall form a battalion, and be entitled

4 to a major, an adjutant, and a quarter master. And in
5 those brigades, where there are now, or may hereafter
6 be, three companies of cavalry, they shall still form a
7 battalion ; and in each brigade, where there are now, or
8 may hereafter be, four companies of cavalry, they shall
9 form a regiment of two battalions, and be entitled to a
10 colonel, lieutenant colonel and major. And if any non-
11 commissioned officer or private of any company of cav-
12 alry shall be destitute of a suitable horse and furniture
13 for more than two months at one time, it shall be the
14 duty of the commanding officer of the company imme-
15 diately to apply to the brigadier general of the brigade,
16 who may discharge such non-commissioned officer or
17 private from such company, and cause him to be en-
18 rolled in the standing company, within whose bounds
19 he resides ; and if he be a non-commissioned officer, he
20 shall be considered as reduced to the ranks. And
21 when any draft or detachment shall be made from any
22 company of cavalry for actual service, the men drafted
23 or detached shall march with their own horses, and
24 before they march, if there be time, the horses shall be
25 appraised by three impartial men, to be appointed by
26 the commanding officer of the brigade, to which the
27 company belongs, from which the draft or detachment
28 is ordered.

SECT. 19. *Be it further enacted,* That no company of
2 cavalry, artillery, light infantry, grenadiers, or rifle-
3 men, shall be raised at large when any of the standing
4 companies shall thereby be reduced to a less number

5 than forty effective privates, exclusive of conditional
6 exempts and two musicians, and including corporals ;
7 and if any officer of cavalry, artillery, light infantry,
8 grenadiers, or riflemen, shall enlist any men, belonging
9 to a standing company, or residing within the bounds
10 thereof, for the purpose of forming or recruiting his
11 company, when by means thereof such standing com-
12 pany would be reduced to a less number than forty
13 effective privates borne on the company roll, exclu-
14 sive of those between the ages of thirty-five and forty-
15 five years, such enlistment shall be void. And when-
16 ever any person shall enlist into any company of cav-
17 alry, artillery, light infantry, grenadiers or riflemen, the
18 commanding officer of the company, into which such
19 person may enlist, shall give notice thereof, in writing,
20 to the commanding officer of the standing company, in
21 which such person is liable to do duty, within five days
22 from the time of such enlistment, and state in such no-
23 tice, the date of enlistment, otherwise the same shall
24 be void, although the standing company should not
25 thereby be reduced to a less number than forty effect-
26 ive privates. And if any company, raised at large,
27 shall be reduced to a less number than twenty privates,
28 and remain so for three months, then such company
29 shall be disbanded, and the men which belonged to
30 such delinquent company shall be enrolled in the stand-
31 ing company within the bounds of which they respect-
32 ively reside. And all companies, raised at large, and
33 not annexed to any particular regiment, shall be sub-

34 ject to the orders of the commanding officer of the bri-
 35 gade in which they have been raised ; and shall make
 36 their elections of officers in the same manner as other
 37 companies, but shall make their returns of elections to
 38 the commanding officer of the brigade. And at all pa-
 39 rades of regiments, the companies commanded by the
 40 two senior captains shall act as light infantry compa-
 41 nies, except where companies of light infantry, grena-
 42 diers or riflemen, have been or may be hereafter raised
 43 and annexed to the regiment.

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

12 And each band shall be under the direction of the
 13 commanding officer of the regiment in which it is or-
 14 ganized.

15 And it shall be the duty of the master and deputy
 16 master to teach, lead and command such band, and to
 17 issue all such orders as they may be, by their colonel
 18 or commanding officer, authorized to do for these pur-
 19 poses.

20 And each master, deputy master and musician shall
21 constantly keep himself provided with the uniform of
22 the band to which he belongs, which uniform is to be
23 prescribed in the same manner as the uniform of the
24 regiment to which the band belongs—and shall also
25 keep himself constantly provided with such instrument
26 or instruments, as may be directed by the command-
27 ing officer of the regiment.

28 And the bands belonging to the regiments shall also
29 be under the Brigadier General or the commanding
30 officer of the brigade (the senior master present, having
31 the direction of said bands,) wherever the said regi-
32 ments shall meet in brigade.

33 And if any master, deputy master or musician shall
34 be guilty of any neglect of duty, disobedience of or-
35 ders, disorderly or other unmilitary conduct, he shall
36 forfeit not less than five nor more than twenty dollars,
37 for each offence, one half thereof to the use of the of-
38 ficer, suing therefor, and the other half to the Colonel
39 of the Regiment, to which the offender may belong, for
40 the purchase and repair of musical instruments for said
41 band, to be sued for by the Adjutant of the regiment,
42 or by the Brigade Major of the brigade, if assembled in
43 Brigade; in an action on the case, before any Justice
44 of the Peace in the county where the offender resides,
45 and no appeal shall be allowed to either party; and
46 such master, deputy master or musician, shall moreover
47 be liable to be removed from the band at the discre-
48 tion of the Colonel or commanding officer of the Re-

49 giment, within which such band is organized, and shall
50 forthwith be enrolled as a private in the standing com-
51 pany, within the bounds of which he resides.

52 And each master, deputy master and musician of a
53 band, shall be exempted from all military duty while
54 belonging to the band, excepting such as shall be re-
55 quired of him by the Colonel or commanding officer of
56 the regiment, or by the Brigadier General or Com-
57 manding officer of the brigade when the Regiments are
58 assembled in brigade.

SECT. 21. *Be it further enacted,* That every com-
2 manding officer of a company shall parade his company
3 on the first Tuesday of May annually, at one of the
4 clock in the afternoon, for the purpose of inspecting,
5 examining, and taking an exact account of all the equip-
6 ments of his men, and for noting all delinquencies of
7 appearance and deficiencies of equipment, and for cor-
8 recting his company roll, in order that a thorough in-
9 spection of each company in the State may be made.
10 And it shall be the duty of every commanding officer
11 of a company to parade his company by his own order,
12 on one other day in the afternoon, for company disci-
13 pline, between said day of inspection and the review
14 herein provided for ; and on the two several days of
15 training and inspection to use his best exertions in in-
16 structing and perfecting his men in their company exer-
17 cise and evolutions. And the troops of each division
18 shall also be paraded for review in brigades, regiments
19 or Battalions, on some day in the month of September

20 annually. And when by reason of the residence of any
21 part of the troops on any of the islands in this State, it
22 may be deemed expedient by the Major General of the
23 division to which such troops belong, they may be re-
24 viewed in less bodies than battalions. And whenever
25 the commanding officer of a company shall order out his
26 company for inspection or training, or for any battal-
27 ion, regimental, brigade or division inspection or review,
28 he shall issue his orders to some one or more of the
29 non-commissioned officers or privates of his company,
30 requiring him or them, to notify the men belonging to
31 his company to appear at the time and place appointed ;
32 and it shall be the duty of the non-commissioned offi-
33 cer or officers, private or privates, so ordered as afore-
34 said, to give notice of the time and place appointed for
35 the parade of said company, to each and every man, he
36 or they shall have been ordered to notify, either ver-
37 bally, or by delivering to each man in person, or by
38 leaving it at his usual place of abode, a written or
39 printed order. And no notice shall be legal, for any
40 company inspection or training, or for any battalion,
41 regimental, brigade or division inspection or review,
42 unless the same shall be given four days at least previ-
43 ous to the time appointed therefor. *Provided always,*
44 *that in case of invasion, insurrection, or other emer-*
45 *gency, any notice, however short, shall be legal and*
46 *binding. And in all cases the testimony of the clerk,*
47 *or any other non-commissioned officer or private, who*

48 shall have received orders to notify the whole or any
 49 part of the men of any company to appear at a time and
 50 place appointed for any military duty, shall be conclu-
 51 sive to prove that due notice was given to the party
 52 prosecuted, unless such testimony be invalidated by
 53 other evidence ; and the commission of the captain or
 54 commanding officer of any company shall in all cases,
 55 be deemed sufficient evidence of the organization of
 56 such company. And whenever any company shall be
 57 paraded, the commanding officer of such company is
 58 hereby authorized verbally to notify the men so para-
 59 ded, to appear on some future day for company disci-
 60 pline, preceding the day of the annual review, as provi-
 61 ded herein, and such notice shall be legal as it respects
 62 the men present. *Provided,* That no private shall be
 63 compelled to perform any other military duty in one
 64 year, than is herein provided, except in time of war or
 65 public danger, and for choice of officers, nor after sun-
 66 set. But on the approach of any public danger, when
 67 in the opinion of the Commander in Chief, any of the
 68 exigencies are likely to happen upon which the Militia
 69 could by the Constitution of the United States, be
 70 called into actual service, he shall have power to order
 71 such other and further training and disciplining the Mi-
 72 litia, or any part thereof, as he may deem necessary.

SECT. 22. *Be it further enacted,* That every Command-
 2 ing officer, when on duty, is hereby authorized to as-
 3 certain, and fix necessary limits and bounds to his

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

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

SECT. 24. *Be it further enacted,* That when any non-
 2 commissioned officer or private in any company, shall
 3 receive orders from the commanding officer of such
 4 company to notify and warn such company, or any
 5 part thereof, to meet for the purpose of choosing any

6 officer or officers, it shall be the duty of such non-com-
 7 missioned officer or private to give every person he is
 8 so ordered to warn, verbal notice, or to leave him a
 9 written or printed notification at his usual place of
 10 abode, specifying the time, place and purpose of said
 11 meeting ; and no election of a company officer shall be
 12 valid in future, unless a majority of the voters of the
 13 company are present at the election.

SECT. 25. *Be it further enacted,* That each and every
 2 commanding officer of any company is hereby empower-
 3 ed to enlist, as musicians for his company, and within
 4 the bounds of the same, not exceeding two drummers
 5 and two fifers, or one fifer and one bugler, for and du-
 6 ring the term of seven years, unless sooner discharged
 7 by removal to such distance from the said company, as
 8 to render it inconvenient for said musician to perform the
 9 duties required of him, or by reason of some other good
 10 and legal excuse. And any such musician, so enlisted,
 11 who after having been duly notified and warned shall re-
 12 fuse to perform his duty as musician at all legal meetings
 13 of said company, shall forfeit and pay for every such
 14 offence the same sum, as would be forfeited by any non-
 15 commissioned officer or private for non appearance at
 16 any of said meetings ; and in case of removal or dis-
 17 charge of any such musician, the said captain or com-
 18 manding officer may from time to time enlist other mu-
 19 sicians to fill such vacancy or vacancies.

SECT. 26. *Be it further enacted,* That whenever the
2 Governor on account of any public exigency shall issue
3 his proclamation to that effect ; every town and plant-
4 ation within this State shall provide and deposit, and
5 constantly keep provided and deposited in some situa-
6 ble and convenient place within said town or plantation,
7 one hundred pounds of musket balls, each of the eigh-
8 teenth part of a pound ; one hundred twenty-eight
9 flints, suitable for muskets ; three copper, iron, or tin
10 camp kettles, for every sixty-four soldiers enrolled with-
11 in said town or plantation, except artillerists; and also
12 with powder, at the rate of thirty-two pounds for every
13 sixty-four soldiers enrolled within said town or planta-
14 tion, and the same proportion of the aforesaid articles
15 for a greater or a less number of soldiers enrolled as
16 aforesaid. And every town or plantation, which shall
17 neglect to keep constantly provided with the articles
18 aforesaid, and in the proportions aforesaid, shall forfeit
19 and pay to the use of the State, a sum not exceeding
20 five hundred dollars, not less than twenty dollars, ac-
21 cording to the nature and degree of the neglect, to be
22 recovered by indictment or information in any court of
23 competent jurisdiction. And it shall be the duty of
24 each quarter master of Regiments of Infantry to cause
25 every town or plantation within the bounds of his
26 Regiment, to be prosecuted or presented, which town
27 or plantation he shall find upon his inspection to be de-

28 ficient, either in the quality or quantity of military stores,
29 required to be provided as aforesaid, or which he shall
30 find to have neglected to make the provisions, or any
31 part thereof, required as aforesaid. And it shall be the
32 duty of each Town Treasurer, when such town by vir-
33 tue of this section shall make any expenditure, to make
34 out an account of such expenditures, verified by his
35 oath, and the same to present to the Legislature of this
36 State, who shall examine and allow such sum as shall ap-
37 pear to be properly vouched and expended.

SECT. 27. *Be it further enacted,* That the captain or
2 commanding officer of each company, shall cause the
3 clerk of his company to make a return of the state of
4 his company on the day of the annual inspection, to
5 the commanding officer of his regiment or battalion, on
6 or before the first day of June annually: and the com-
7 manding officer of each regiment or battalion, shall cause
8 his Adjutant to record an abstract of the returns made
9 to him, in a book to be kept for that purpose, and to
10 transmit a copy thereof to the commanding officer of
11 the brigade, on or before the first day of August annual-
12 ly; and the commanding officer of each brigade shall
13 cause his Brigade Inspector to transmit the brigade re-
14 turns to the office of the Adjutant General; also to
15 transmit abstracts thereof to the Major General and to
16 the Division Inspector of his division, in the month of
17 October annually; and the Major General shall cause

18 the Division Inspector to transmit an aggregate ab-
 19 stract of such brigade returns to the office of the Ad-
 20 jutant General, in the month of November annually.
 21 And it shall be the duty of the Adjutant General to
 22 form, sign and transmit one correct return of all such
 23 division returns to the Commander in Chief, and one
 24 to the President of the United States on or before the
 25 first day of January annually. And it shall be the duty
 26 of the several commanding officers of Regiments, brig-
 27 ades and divisions, to cause such abstracts and returns
 28 to be made and transmitted within the several times
 29 aforesaid, in all cases of absence or inability of the sev-
 30 eral staff-officers aforesaid, or of vacancy in their offi-
 31 ces. And it shall be the duty of each such staff-officer
 32 to record the returns by him made, in a book, to be
 33 kept for that purpose, and which shall not be alienate
 34 from the corps, to which such officers respectively be-
 35 long. And it shall be the duty of the Adjutant General to
 36 furnish such officers with proper books, and from time
 37 to time, with blanks, containing proper forms of the
 38 abstracts and returns aforesaid.

SECT. 28. *Be it further enacted,* That upon the requi-
 2 sition of any commanding officer of a company for that
 3 purpose, at five days notice, the Selectmen of towns,
 4 and the Assessors of plantations, shall pay at the place
 5 of inspection and review to each officer and member of
 6 such company, belonging to such town or plantation,

7 who shall then and there appear and perform military
8 duty, the sum of fifty cents in lieu of rations. And
9 every town or plantation, which shall fail to pay said
10 sums as aforesaid, shall forfeit to the use of said com-
11 pany, a sum equal to fifty cents, for every such per-
12 son, who shall do duty on such inspection and review,
13 to be sued for and recovered by the clerk of said com-
14 pany, before any court of competent jurisdiction. And
15 the Treasurer of each town and plantation in this State
16 shall annually present his bill for such sum of money
17 actually paid to the officers and soldiers aforesaid to the
18 Legislature for allowance. And the Treasurer of every
19 town or plantation shall supply at the expense of the
20 State, or cause the commanding officer of each company
21 of Infantry, Light Infantry, Cavalry and Riflemen, to be
22 supplied with a quarter of a pound of good gun powder
23 made into suitable blank cartridges, for each and every
24 non-commissioned officer and private borne on the
25 company roll of such commanding officer, exclusive of
26 conditional exempts, whenever such commanding offi-
27 cer's company is ordered to parade for review. And such
28 commanding officer shall make a written application
29 therefor four days previous to such review, and shall
30 return to, or account with said Treasurer, for all pow-
31 der he may receive over and above one quarter of a
32 pound for each man actually on parade at the muster
33 for which said powder was drawn ; and the Treasurer
34 aforesaid shall annually present his account for the ex-
35 pense of such powder to the Legislature for allowance.

36 *Provided*, That when the commanding officer of a com-
 37 pany raised at large, shall make requisitions to the
 38 selectmen of a town, or the assessors of a plantation,
 39 for rations and powder directed by law, they shall de-
 40 signate the number and names of the members of such
 41 company, belonging to such town or plantation, and
 42 certify their performance of militia duty.

SECT. 29. *Be it further enacted*, That whenever in
 2 case of threatened or actual invasion, insurrection, or
 3 other public danger or emergency, the militia shall be
 4 ordered out, or any part thereof shall be ordered to
 5 be detached or drafted by the Commander in Chief,
 6 any person who shall be ordered out, detached, or
 7 drafted in pursuance of, and obedience to such orders,
 8 and being notified thereof and ordered to march to the
 9 place of rendezvous, shall neglect or refuse to obey
 10 such orders, and shall not within twenty-four hours,
 11 after he shall have been notified as aforesaid, pay a fine
 12 of fifty dollars to the commanding officer of the com-
 13 pany to which he belongs, or procure an able bodied
 14 man in his stead, such person shall be considered as a
 15 soldier, belonging to the detachment, and be dealt with
 16 accordingly. And all fines paid as aforesaid, shall be
 17 appropriated to the hire of men to complete the detach-
 18 ment. And the officers of any detachment, ordered to
 19 be made as aforesaid, shall be regularly detailed from
 20 the rosters, and the non-commissioned officers and pri-
 21 vates by lot from the company rolls: And when any
 22 company shall not be organized, the officer command-

23 ing the brigade or regiment, shall either by himself or
24 some officer under him proceed to make and complete
25 the detachment, from such unorganized company. And
26 whenever the militia or any part thereof, after having
27 been ordered out or detached as aforesaid, shall be
28 ordered to march for the service of this State, each
29 non-commissioned officer and private, so ordered to
30 march, shall provide and take with him three days pro-
31 visions, unless otherwise ordered. And the Selectmen
32 of every town and the assessors of every plantation to
33 which the men detached as aforesaid, and ordered to
34 march for the service of this State, belong, shall pro-
35 vide and cause carriages to attend them with further
36 supplies and provisions, and also the necessary camp
37 equipage and camp utensils, until notice shall be given
38 them by the commanding officer of the detachment to
39 desist, and the Selectmen and Assessors shall present
40 their accounts for supplies to the Legislature for allow-
41 ance. And whenever the Selectmen of any town or
42 Assessors of any plantation, from which a detachment
43 or part thereof as aforesaid shall march, being noti-
44 fied by the commanding officer of such detachment or
45 part thereof belonging to such town or plantation,
46 shall neglect or refuse to furnish the necessary supplies,
47 camp equipage and camp utensils, the town or planta-
48 tion to which the Selectmen or Assessors, neglecting or
49 refusing as aforesaid, belong, shall forfeit not less than
50 two hundred dollars, nor more than five hundred dol-
51 lars, to be sued for and recovered by any person who

52 may prosecute for the same, in any action on the case,
53 in any court of competent jurisdiction, one moiety to
54 the prosecutor, and the other to the use of the State.
55 And the officer to whom or by whose order any camp
56 equipage, or camp utensils, shall be delivered, shall be
57 accountable for the same, unless injured or lost by some
58 accident not in his power to prevent.

SECT. 30. *Be it further enacted,* That the annual re-
2 view of the troops of each division, in brigades, regi-
3 ments, or battalions of regiments, provided for in the
4 twenty-first section of this act, shall be at such times in
5 the month of September, as the commanding officer of
6 the divisions may order. And when a brigade review
7 or inspection is ordered, the commanding officer of the
8 brigade shall appoint the place, and give notice thereof
9 to the commanding officer of the division; when a re-
10 gimental review or inspection is ordered, the com-
11 manding officer of the regiment shall appoint the place
12 and give notice thereof to the commanding officer of
13 the brigade; and when a review or inspection of a regi-
14 mental battalion or part of battalion is ordered, the
15 commanding officer of the regiment shall appoint the
16 place and give notice thereof to the commanding offi-
17 cer of the brigade. And the places to be appointed for
18 reviews or inspections as aforesaid, shall always be as
19 central as, in the judgment of the officer pointing out
20 the place, convenience will admit. And the artillery,
21 cavalry, and other troops raised at large, and not an-
22 nexed to any particular regiment, shall be reviewed

23 and inspected once in each year, either by themselves,
 24 or with the brigades, regiments, or battalions of regi-
 25 ments, as the Commanding officer of the respective di-
 26 visions may order and direct : *Provided*, That no offi-
 27 cer, non-commissioned officer or private, shall be
 28 obliged to travel more than fifteen miles to any brigade
 29 review.

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

SECT. 32 *Be it further enacted*, That each regiment of
 2 infantry and each battalion of cavalry or artillery shall
 3 be furnished with the State colors ; and each company
 4 of infantry, artillery, light infantry, grenadiers and rifle-
 5 men, shall be furnished with a drum and fife, or bugle

6 horn, and each company of cavalry with a trumpet ;
 7 and each brigadier general after the first day of August
 8 next ensuing, is hereby authorized to draw orders upon
 9 the quarter master general, in favor of the commanding
 10 officers of regiments, battalions and companies for the
 11 above purposes, that the several regiments, battalions
 12 and companies may be supplied as aforesaid. And the
 13 commanding officers of regiments and battalions shall
 14 be responsible for the safe keeping of their colors ; and
 15 the commanding officers of companies shall be respon-
 16 sible for the safe keeping of the drums, fifes, bugle horns
 17 and trumpets, delivered to them for the use of their
 18 companies ; and it shall be the duty of the quarter mas-
 19 ter general to furnish such colors and musical instru-
 20 ments, and to present his accounts therefor to the Le-
 21 gislature for allowance. And the Adjutant General shall
 22 furnish blank orders for the commanding officers of
 23 companies to order their non-commissioned officers and
 24 privates to notify their men to attend all the inspections,
 25 trainings and reviews, and meetings for the choice of
 26 officers, which shall be ordered ; also blank notifications
 27 or orders, to be left with the men by the non-commis-
 28 sioned officers or privates, ordered to notify as afore-
 29 said ; and Clerk's complaints to Justices of the Peace ;
 30 and it shall not be necessary that seals be affixed to any
 31 orders whatever.

SECT. 33. *Be it further enacted,* That all parents, mas-
 2 ters or guardians, shall furnish all minors enrolled in
 3 the militia, who shall be under their care respectively,

4 with the arms and equipments, required by this act ;
5 and if any parent, master or guardian, having any minor
6 under his care, enrolled as aforesaid, shall neglect to
7 provide such minor with the arms and equipments, re-
8 quired by this act ; or if said minor shall absent himself
9 from any meeting of the company, to which he belongs,
10 required by law, without sufficient excuse, the said pa-
11 rent, master or guardian is hereby subjected and made
12 liable to the same forfeitures as such minor would be
13 liable to, for a like deficiency, neglect or non-appear-
14 ance, if such minor were of age ; and all persons liable
15 by this act to do military duty, shall be allowed six
16 months, immediately from and after their arrival at the
17 age of eighteen years, and not afterwards, within which
18 to furnish themselves with the arms and equipments re-
19 quired by law : *Provided however,* That such parents,
20 masters or guardians as shall produce, on or before the
21 first Tuesday of May annually, certificates from the
22 overseers of the poor of the town or district in which
23 they reside, of their inability to provide arms and equip-
24 ments as aforesaid, to the commanding officer of the
25 company in which the minor under their care is en-
26 rolled, shall be exempted from the forfeitures aforesaid.

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

7 ment, if not, from some respectable physician, living
8 within the bounds of the same, a certificate that he is
9 unable to perform military duty on account of bodily
10 infirmity, the nature of which infirmity is to be de-
11 scribed in said certificate, and the commanding officer
12 of the company may, on the back of such certificate,
13 discharge the non-commissioned officer or private,
14 named therein, from performing military duty, for such
15 a term of time, as he shall judge reasonable, not ex-
16 ceeding one year, which certificate, if approved and
17 countersigned by the commanding officer of the regi-
18 ment or battalion, to which the disabled non-commis-
19 sioned officer or private belongs, shall entitle him to
20 exemption from military duty for the time specified.
21 And any non-commissioned officer or private, having
22 obtained a certificate as aforesaid, and who may be re-
23 fused a discharge, may apply to the commanding officer
24 of the regiment for further examination of his case,
25 and if on such examination, the commanding officer of
26 the regiment shall be well satisfied that the bodily infir-
27 mity of such non-commissioned officer or private is
28 such that he ought to be discharged, he is hereby au-
29 thorized to discharge him from military duty for such
30 time as he shall judge reasonable, not exceeding one
31 year, which being certified by the commanding officer
32 of the regiment on the back of the certificate, shall dis-
33 charge the non-commissioned officer, or private from
34 military duty, for the time specified by the command-
35 ing officer of the regiment.

SECT. 35. *Be it further enacted,* That if any non-com-
 2 missioned officer or private shall be killed, or die of
 3 wounds received when on any military duty required
 4 by this act, his widow, child or children, shall receive
 5 from the Legislature such relief as shall be just and rea-
 6 sonable. And if any officer, non-commissioned officer,
 7 or private, shall be wounded, or otherwise disabled
 8 when on such duty, he shall receive from the State
 9 just and reasonable relief.

COURTS MARTIAL.

SECT. 36. *Be it further enacted,* That all Courts mar-
 2 tial shall consist of three members, to be detailed by
 3 the Commander in Chief from the Division to which
 4 the officer to be tried belongs. The senior of said offi-
 5 cers to be the President. To every such court there
 6 shall be a marshal and orderly officer, appointed by the
 7 President. One of the members of each Court shall be
 8 designated in the order under which they shall act, as the
 9 President thereof; and in case of his absence at the
 10 trial of any cause within their jurisdiction, the senior
 11 officer of such Court who shall be present, shall offici-
 12 ate as President *pro tempore*. And any two members of
 13 said Court shall constitute a quorum for the trial of all
 14 causes coming before them in the manner hereinafter
 15 provided. And any one member of said Court may
 16 and it shall be his duty to adjourn the proceedings
 17 thereof from time to time, as to him may appear just,
 18 in the absence of the other members.

SECT. 37. *Be it further enacted,* That there shall be
2 appointed and commissioned by the Governor, a Divi-
3 sion Advocate for the Militia, of suitable learning in the
4 law, for each Division, with the rank of Major, to con-
5 tinue in office for the term of five years, whose duty it
6 shall be to reduce to proper form the charges and spe-
7 cifications of charges contained in every written com-
8 plaint which may be lodged with him against any mili-
9 tary officer within his Division upon any alleged offence
10 by such officer committed, and cognizable by the
11 Court Martial within his Division; and to transmit the
12 same, when so reduced to form, to the Adjutant Gene-
13 ral's office, within fifteen days next after the receipt of
14 such complaint, for the consideration of the Command-
15 er in Chief. And whenever a Court Martial is ordered
16 by the Commander in Chief, for the trial of any officer
17 on charges and specifications preferred against him, the
18 Division Advocate for such Division shall prosecute
19 the same; and in all such cases the Division Advocate
20 shall be furnished by the Adjutant General, forty days
21 at least before the time of trial, with a copy of the
22 General Order convening the Court, and of the char-
23 ges and specifications preferred, and cause the respond-
24 ent to be served with a copy of each twenty days at
25 least before the day of trial. And it shall further be
26 the duty of the Division Advocate to collect all fines
27 for military offences which shall be adjudged by the
28 Court within his Division, as hereinafter is provided.

SECT. 38. *Be it further enacted,* That the Courts
2 Martial hereby authorized shall be convened from
3 time to time within their respective Divisions, ac-
4 cording to the appointment and order of the Command-
5 er in Chief, for the trial of such officers as are by the
6 provisions of this act made amenable to the jurisdiction
7 of said Courts respectively. And all persons sum-
8 moned to testify, in any cause ordered for trial or pend-
9 ing before either of said Courts, by virtue of a subpœ-
10 na issued by the Division Advocate, if for the State, or
11 by any Justice of the Peace, if for the respondent, shall
12 be held to obey such subpœna, under the same penal-
13 ties and liabilities for neglect as are provided in other
14 public prosecutions: And all oaths required of per-
15 sons testifying in said Courts, may be administered by
16 either member thereof. And depositions may be taken
17 and used in like manner as in cases pending in Courts
18 of Common Law, by consent of the Division Advocate
19 and respondent. And if the respondent shall be found
20 guilty by said Court either upon admission, trial or de-
21 fault, of any charge preferred against him, involving an
22 offence against military law, or the principles of duty
23 and usage attached to his office, the court shall sen-
24 tence him to be reprimanded in orders, and to pay a
25 fine of not less than ten dollars nor exceeding fifty dol-
26 lars together with part or all the costs of Court, or to
27 either, according to the nature of the offence; or to
28 be removed from office, with or without the payment
29 of such fine and costs, at the discretion of the court,

30 and in addition thereto, if the court think proper, to be
 31 disqualified for and incapable of holding any military
 32 office under this State for life or for a term of years.
 33 And the judgment or sentence of the court, shall, as
 34 soon as may be, be certified by the President under the
 35 seal of the court to the Commander in Chief, to be
 36 promulgated and carried into effect.

SECT. 39. *Be it further enacted,* That in the Order
 2 of the Commander in Chief, promulgating the sentence
 3 of any Court Martial as provided in the thirty-eighth
 4 section of this act, if such sentence shall include the
 5 payment by any officer of any fine and costs, or either,
 6 the Division Advocate of such Division shall be direct-
 7 ed to enforce the payment of such fine and costs by an
 8 action of debt to be commenced in his own name within
 9 thirty days next succeeding such order, unless the same
 10 shall be sooner paid to him by such officer. And the
 11 court, before whom such action shall be commenced,
 12 shall render judgment therein, and issue execution ac-
 13 cordingly against the property and body of the defend-
 14 ant, for the amount of such fine and costs, including
 15 the costs of such action, upon proof that the same has
 16 been awarded by the sentence of a Court Martial in the
 17 manner provided by this act. And the fine and costs
 18 which shall be included in such sentence, shall be paid
 19 over by the Division Advocate, when collected, to the
 20 Treasurer of the State, for the use of the State.

SECT. 40. *Be it further enacted,* That at any session
 2 of said Court, the President thereof shall appoint a

3 Marshal, whose duty it shall be to preserve order there-
4 in; and the President thereof, by advice of either of
5 the associate members, may also appoint a warrant offi-
6 cer to attend upon the same.—And a summary record
7 of the proceedings of each court shall be kept from
8 day to day by the Division Advocate in attendance,
9 under the direction of the Court, for which additional
10 service he shall receive such compensation in each
11 case, as the court shall adjudge reasonable, to be made
12 up in the pay roll of the court.

SECT. 41. *Be it further enacted,* That each member
2 of said courts, and each Division Advocate, shall re-
3 ceive three dollars for each day spent in going to or
4 returning from and in holding a session of said court,
5 by order of the Commander in Chief, and ten cents a
6 mile for travel; each Division Advocate shall also be
7 allowed such fees for reducing such charges and speci-
8 fications of charges into form, and filing the same in the
9 Adjutant General's office, and for preparing each case
10 for trial, as the respective courts shall deem reasonable,
11 to be made up in the pay-roll of the court. And all
12 witnesses duly summoned and attending any court as
13 aforesaid, shall be allowed one dollar and fifty cents a
14 day, for attendance, and eight cents a mile for travel to
15 and from the court; but no witness shall be taxed
16 against the State, until he has certified his travel and at-
17 tendance, and unless summoned by direction of the Di-
18 vision Advocate. And a pay-roll shall be made up in-

19 cluding all of said fees and reasonable expenses, at the
 20 close of each session of said courts, by them respect-
 21 ively, and certified by the President and Division Ad-
 22 vocate, and filed in the office of the Adjutant General,
 23 and the same shall be paid out of the Treasury of the
 24 State.

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

SECT. 43. *Bo it further enacted,* That the Command-
 2 er in Chief shall have power to appoint any officer to
 3 make a summary inquiry into the truth and circum-
 4 stances of any matter contained in any complaint or
 5 allegation against the conduct of any officer or corps
 6 of the militia, whose duty it shall be to report the re-
 7 sult of such inquiry and investigation to the Command-

8 er in Chief, as soon as may be after he shall have com-
9 pleted such investigation, and file his account for such
10 service in the Adjutant General's office, to be pre-
11 sented 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 following
2 shall be the Rules and Articles, by which the Militia of
3 this State shall be governed when not in actual service.

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

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

Article 3. Every officer to be tried by a court mar-
2 tial, shall be put in arrest, so as to be suspended from
3 the exercise of his office, and shall have a copy of the
4 charges exhibited against him, and notice of the time
5 and place appointed for his trial ; which copy and no-
6 tice shall be given twenty days at least before his trial
7 is commenced.

Article 4. In case any officer, for the trial of whom a
2 court martial is appointed, shall neglect to appear and
3 make defence, or, if appearing, shall afterwards with-
4 draw in contempt of the court, or being arraigned be-
5 fore a court martial, shall, from obstinacy or delibe-
6 rate design, stand mute, or answer foreign to the
7 purpose, the court may proceed to trial and judgment
8 as if he had regularly pleaded not guilty.

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

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

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

Article 8. No officer shall be permitted to resign
 2 while under arrest : And no resignation of any officer
 3 shall be approved, if such resignation be offered be-
 4 tween the first day of May and the first day of Novem-
 5 ber, unless the reasons offered by the officer wishing
 6 to resign within those days be very urgent. And no
 7 arrest for offences committed on parade shall be legal un-
 8 less made by order of the commanding officer present
 9 in writing ; and unless such commanding officer shall
 10 within fifteen days exhibit to the competent authority
 11 his complaint in writing, setting forth the cause of such
 12 arrest.

Article 9. No officer shall be discharged, except by the
 2 Commander in Chief, on request of such officer, in writ-
 3 ting, or by actual removal of residence, out of the
 4 bounds of his command, and to such distance that his
 5 Major-General shall think it inconvenient for him to
 6 discharge the duties of his office, or by twelve months'
 7 absence, without leave of the commanding officer of his
 8 division, or by the corps to which he belongs being
 9 disbanded by law. And whenever any division, bri-
 10 gade, regiment or battalion shall be divided, and the
 11 residence of any staff officer attached thereto, shall be
 12 without the bounds of the corps in which he was com-
 13 missioned, such staff officer shall be entitled to an hon-
 14 orable discharge, and shall cease to do duty after such
 15 division is made, and the commanding officer of such

16 corps may proceed to fill the vacancy occasioned
17 thereby.

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

Article 11. No general or field officer shall approve
2 a resignation, until the orderly and other books and
3 property of the State, in the possession of the resign-
4 ing officer, are taken care of, for the use of the corps
5 to which such officer belongs, in order that such books
6 and property may be delivered to his successor.

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

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

Article 14. Each brigadier General or commanding
2 officer of brigade, within his own brigade, upon appli-

3 cation of the commanding officer of any company of
 4 artillery, cavalry, light infantry, grenadiers, or rifle-
 5 men, may discharge any non-commissioned officer or
 6 private from any of the aforesaid companies ; and such
 7 non-commissioned officer or private shall forthwith be
 8 enrolled in the standing company, within the bounds of
 9 which he resides ; and every non-commissioned officer
 10 so discharged shall be considered as reduced to the
 11 ranks.

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

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

Article 17. It shall be the duty of each commanding
 2 officer of a company drawing cartridges in pursuance
 3 of the twenty-ninth section of this act, to cause them to
 4 be distributed equally among his men on the parade,
 5 and to be used in teaching his men precision in their
 6 firings. And if any non-commissioned officer or private
 7 shall come on to any parade with his musket, rifle, or
 8 pistol, loaded with ball, slugs, or shot, he shall for such

9 offence forfeit not less than *five* nor more than *twenty*
10 dollars.

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

Article 19. At all regimental and battalion parades,
2 the several companies shall form in regiment or battal-
3 ion, according to the rank of the officers present, actu-
4 ally commanding them ; and the same rule shall apply
5 in all cases, excepting those in which artillery, cavalry,
6 light infantry, grenadiers, and riflemen, may by usage
7 and necessity, be detached from the regiments and bat-
8 talions.

Article 20. Any non-commissioned officer or private,
2 who shall, while under arms, or when on duty, behave
3 himself with contempt to an officer, or shall conduct in
4 a disorderly manner, or excite or join in any tumult or
6 riot, or be guilty of any other unmilitary conduct, may
7 be put under guard, and so kept for a longer or shorter
8 time at the discretion of the commanding officer of the

9 company ; not exceeding however, the time when the
 10 company to which he belongs is dismissed ; and shall
 11 moreover forfeit a sum not less than *five*, nor more than
 12 *twenty dollars* for each offence, according to the degree
 13 and aggravation of the same.

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

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

Article 23. Any non-commissioned officer or private,
 2 who shall refuse or neglect to give any notice or warn-
 3 ing, when ordered thereto by the commanding officer
 4 of the company to which he belongs, shall for such of-
 5 fence forfeit not less than *one* nor more than *four dol-*
 6 *lars*, for each non-commissioned officer or private, whom
 7 he shall neglect or refuse to warn or notify, to be re-
 8 covered on indictment in the Circuit Court of Common
 9 Pleas, or on complaint before some Justice of the
 10 Peace, one half thereof to the complainant, and the
 11 other half thereof to the State.

Article 24. If any non-commissioned officer or pri-
 2 vate, shall, in due course of law, be convicted of any

3 infamous crime, he shall be forthwith disenrolled from
4 the militia.

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

Article 26. Every non-commissioned officer or pri-
2 vate, (excepting those, who by the third section of this
3 act are permitted to send their arms and equipments
4 on that day for inspection,) who being duly ordered to
5 appear at the company inspection and view of arms on
6 the first Tuesday of May, and shall unnecessarily ne-
7 glect to appear at the time and place appointed, shall
8 forfeit *four dollars*.

Article 27. Every non-commissioned officer or pri-
2 vate, who being duly ordered, shall unnecessarily
3 neglect to appear at any company training, at the time
4 and place appointed, shall forfeit *three dollars*.

Article 28. Every non-commissioned officer or pri-
2 vate, who being duly ordered, shall unnecessarily ne-
3 glect to appear for any battalion, regimental or brigade
4 inspection or review, at the time and place appointed,
5 shall forfeit *three dollars*. And in no case in time of
6 peace shall any substitute be received.

Article 29. Every non-commissioned officer or pri-
2 vate, who shall appear at the company inspection, on

3 the first Tuesday of May, or at any company training,
 4 or for any battalion, regimental or brigade inspection
 5 or review, and shall not be armed and equipped as the
 6 law directs, shall for each article in which he is defi-
 7 cient, or which shall be of bad quality, or in bad con-
 8 dition, forfeit as follows : If deficient of a good mus-
 9 ket, bright and in good order, of a bore sufficient for
 10 balls of the eighteenth part of a pound, a sufficient bay-
 11 onet and belt, and an iron or steel ramrod ; all of which
 12 articles are to be considered as one, and a deficiency
 13 in either shall be considered a deficiency of the whole,
 14 he shall forfeit *two dollars* ; if deficient of a cartridge
 15 box, capable of containing twenty-four cartridges suited
 16 to the bore of his musket, or if deficient of a serviceable
 17 knapsack, he shall forfeit *sixty cents*; if deficient of two
 18 spare flints and priming wire and brush, or either of
 19 them, he shall forfeit *forty cents*: *Provided nevertheless,*
 20 that none of the above forfeitures shall be incurred by
 21 any private, in case he appears with a good rifle, knap-
 22 sack, shot pouch, powder horn, a quarter of a pound
 23 of powder, and twenty balls suited to the bore of his
 24 rifle.

Article 30. If any non-commissioned officer or private
 2 of any company of artillery, cavalry, light infantry,
 3 grenadiers, or riflemen, shall appear on any of the
 4 occasions mentioned in the preceding article, without
 5 the uniform of the company to which he belongs, he
 6 shall forfeit *three dollars*.

Article 31. All excuses for non-appearance of non-

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

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

Article 33. All surgeons and surgeons' mates are pro-
 2 hibited from taking any fee or gratuity whatever, un-
 3 der any pretence whatsoever, from any man to whom
 4 they may give a certificate of inability to perform mili-
 5 tary duty on account of bodily infirmity. And it
 6 shall be their duty critically to examine the case of any
 7 applicant for such certificate, and not to grant a cer-
 8 tificate unless the infirmity or disability be such, be-
 9 yond all doubt, as to render him unable to perform mil-
 10 itary duty. And if any surgeon or surgeon's mate,
 11 shall in violation of this article, take any fee or gratui-
 12 ty, or if any surgeon or physician not commissioned as
 13 surgeon or surgeon's mate, shall without good and suf-
 14 ficient cause, grant such certificate in violation of this
 15 article, he shall for every such offence, forfeit and pay
 16 not less than twenty, nor more than one hundred dol-
 17 lars, to be recovered by indictment in the Circuit
 18 Court of Common Pleas; one half thereof to the com-
 19 plainant and the other half to the State.

Article 34. The aid-de-camp to each Major General,
 2 by him appointed orderly officer; the aid-de-camp of
 3 each brigade, and the adjutant of each regiment, bat-
 4 talion, or corps, shall constantly keep a correct roster

5 of the division, brigade, regiment, battalion, or corps,
 6 to which they respectively belong ; and an orderly
 7 book, and record therein all orders and other official
 8 communications, received or issued by their respective
 9 commanding officers, and copy, distribute, and trans-
 10 mit, all such orders and other papers, as they may be
 11 directed by said officers, and attend them while on the
 12 performance of military duty.

Article 35. Every sergeant-major, quarter-master ser-
 2 geant, drum major, or file major, who shall be guilty of
 3 neglect or disobedience of the orders of the commanding
 4 officers of their respective regiments or battalions, shall,
 5 for each offence, forfeit not less than five dollars, nor
 6 more than twenty dollars, to be recovered by the ad-
 7 jutants of their respective regiments or battalions, on
 8 complaint, in the same manner, that fines are recovered
 9 by clerks of companies ; one half thereof to said ad-
 10 jutant, for his own use, and the other half to be ex-
 11 pended by him, under the direction of the field-officers,
 12 in the repair of the regimental and battalion colors, and
 13 of the musical instruments furnished by the State for
 14 the use of the companies of his said regiment or battal-
 15 ion, and the purchase of camp colors. And every such
 16 non-commissioned officer, who shall be guilty of any
 17 disobedience of orders, neglect of duty, or other un-
 18 military conduct, may be reduced to the ranks by their
 19 Brigadier General, by and with the advice of the com-
 20 manding officer of the regiment or battalion to which
 21 such non-commissioned officer may belong

Article 36. These rules and articles shall be read at
 2 the head of each company on the first Tuesday of May
 3 annually.

SECT. 45. *Be it further enacted,* That all fines and
 2 forfeitures incurred by non-commissioned officers and
 3 privates, under the provisions of this act, the recovery
 4 of which, and the mode of the recovery of which, are
 5 not in and by this act otherwise provided for, shall be
 6 prosecuted for and recovered by the respective clerks
 7 of the companies to which such non-commissioned offi-
 8 cer or officers, private or privates, incurring any fine
 9 or forfeiture as aforesaid, belong, in an action of debt,
 10 before any court proper to try the same. And such
 11 action shall not be commenced till after twenty days,
 12 and shall be commenced within forty days, after the
 13 day of any parade of the company to which such clerk
 14 belongs. And in every case in which it is made the
 15 duty of any clerk to prosecute for any fines incurred
 16 by virtue of this act, if said clerk shall unreasonably re-
 17 fuse to prosecute for the same, he shall pay a fine of
 18 five dollars for each and every such neglect, to be re-
 19 covered by complaint before any Justice of the Peace
 20 for the county in which said clerk resides, for the use
 21 of the company. And if there be no clerk to prose-
 22 cute, as aforesaid, the captain or commanding officer of
 23 the company shall prosecute for said fines, for the use
 24 of the company, and upon neglect so to do, shall be
 25 subjected to trial by a court martial; and if found
 26 guilty, shall be removed from office. And it shall be

27 lawful for any clerk or commanding officer in any ac-
 28 tion or complaint by him commenced or prosecuted for
 29 any fine or fines, penalty or penalties by this act pro-
 30 vided, to amend his writ or complaint in any stage of the
 31 process before the rendition of final judgment therein,
 32 without paying costs. And no clerk shall be liable to
 33 pay any defendant costs, in any case in which the com-
 34 manding officer of the company has endorsed his ap-
 35 proval on the writ of such clerk. And no appeal shall
 36 be allowed from any judgment of a Justice of the Peace,
 37 when the forfeiture by him adjudged does not exceed
 38 ten dollars, exclusive of costs. *Provided however, That*
 39 all suits or complaints for any fine or fines, penalty or
 40 penalties by virtue of this act, (not otherwise provided
 41 for,) arising within the city of Portland or any other
 42 city hereafter created, shall be had or made before the
 43 Municipal court of such city; and in no case when the
 44 commanding officer is by virtue of this act required to
 45 prosecute for any fine or penalty, shall he be liable to
 46 pay any cost to the defendant, provided he should not
 47 recover in any such action or suit by him commenced.

SECT. 46. *Be it further enacted* That the clerk of
 2 each company shall retain to his own use, one fourth
 3 part of all fines and forfeitures collected or recovered
 4 by him, and the residue he shall faithfully pay over
 5 to the commanding officer of the company, on demand;
 6 and the commanding officer of the company shall give
 7 his receipt to the clerk for all money paid over to him
 8 as aforesaid. And it shall be the duty of every com-

9 manding officer of a company to expend such part of
 10 the money paid him by the clerk as may be necessary
 11 for defraying such company expenses, as a majority of
 12 the commissioned officers of the company shall judge
 13 to be necessary.

SECT. 47. *Be it further enacted,* That the adjutant
 2 general and the quarter master general, shall receive
 3 compensation for their services, to be allowed by the
 4 Legislature.

SECT. 48. *Be it further enacted,* That the following
 2 shall be the annual allowance to the officers hereinafter
 3 named, as a full compensation for all the services they
 4 may render in the official discharge of their duties re-
 5 spectively :

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

SECT. 49. *Be it further enacted,* That it shall be in-
 2 cumbent on all officers and non-commissioned officers,
 4 whose duties are not herein fully defined, to do and
 5 perform all such duties as by law and military principles
 6 and usage are attached to their offices, respectively :

7 *Provided*, such duties shall be required of them by their
8 senior and proper commanding officer.

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

SECT. 51. *Be it further enacted*, That the Commander
2 in Chief is hereby authorized to cause all necessary re-
3 pairs to be made in all the carriages and apparatus of
4 the artillery, and in all the gun-houses belonging to the
5 State ; and also to cause gun-houses to be erected for
6 the safe keeping of the public property as aforesaid,
7 where such have not been erected, good and sufficient
8 deeds of land therefor being first given free of expense
9 to the State. And whenever any or either of the gun-
10 houses, used for the protection and preservation of
11 guns, gun carriages, tumbrils, munitions of war, or any
12 other apparatus provided for the use of the artillery of
13 this State, shall be so far injured or decayed, as that in
14 the opinion of the commanding officer of any division
15 of the Militia, in which said gun-houses are situated, it
16 is inexpedient to repair the same, such commanding of-
17 ficer may authorize the captain of the artillery compa-
18 ny having the immediate superintendence of the gun-
19 house, thus injured or decayed, to dispose of the same,
20 either at public or private sale, as he may judge most
21 advantageous, and deposit the proceeds thereof in the
22 Treasury of the State for the use thereof.

SECT. 52. *Be it further enacted,* That every new division 2 shall be designated by the number, next higher than 3 that of the division established next before it, and the 4 divisions shall take rank according to the numbers by 5 which they are severally designated, the first being 6 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 following
 2 rules and articles, be, and they hereby are, established,
 3 and declared to be in force, for governing all troops
 4 stationed in forts and garrisons within this State ; and
 5 also the militia, or any part thereof, when called into
 6 actual service, viz :

ARTICLE 1. All officers and soldiers shall diligently
 2 attend divine service : All officers and soldiers who
 3 shall unnecessarily absent themselves from, or behave
 4 indecently or irreverently at any place of divine wor-
 5 ship, shall, if commissioned officers, be brought before
 6 a general Court Martial, there to be publicly and se-
 7 verely reprimanded by the President ; if non-commis-
 8 sioned officers or soldiers, every person so offending,
 9 shall, for the first offence, forfeit twenty cents, to be
 10 deducted out of his next pay ; for the second offence,
 11 he shall not only forfeit a like sum, but be confined
 12 twenty-four hours ; and for every like offence, shall
 13 suffer and pay in like manner : which money, so for-
 14 feited, shall be applied to the use of the sick soldiers of
 15 the troop or company to which the offender belongs.

ART. 2. Whatsoever non-commissioned officer or sol-
 2 dier shall use any profane oath or execration, shall incur
 3 the penalties expressed in the foregoing article ; and if

4 a commissioned officer be thus guilty of profane cursing
5 or swearing, he shall forfeit and pay, for each and every
6 such offence, sixty-seven cents.

ART. 3. Whatsoever officer or soldier shall presume
2 to use traitorous or disrespectful words, against the
3 authority of the United States, in Congress assembled,
4 or the Legislature of this State ; if a commissioned offi-
5 cer, he shall be cashiered ; if a non-commissioned offi-
6 cer or soldier, he shall suffer such punishment as shall
7 be inflicted upon him by the sentence of a Court Mar-
8 tial.

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

ART. 5. Any officer or soldier who shall begin, ex-
2 cite, cause, or join in any mutiny or sedition, in the
3 troop, company or regiment to which he belongs, or in
4 any other troop or company in the service of the State,
5 or in any party, post, detachment or guard, on any
6 pretence whatsoever, shall suffer such punishment as
7 by a Court Martial shall be inflicted.

ART. 6. Any officer, non-commissioned officer or
2 soldier, who, being present at any mutiny or sedition,
3 doth not use his utmost endeavors to suppress the same ;

4 or coming to the knowledge of any intended mutiny,
5 doth not without delay give information thereof to his
6 commanding officer, shall be punished by sentence of a
7 Court Martial, according to the nature of his offence.

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

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

ART. 9. Whatever officer or soldier shall be con-
2 victed of having advised or persuaded any other officer
3 or soldier to desert, shall suffer such punishment as shall
4 be inflicted by the sentence of a Court Martial.

ART. 10. No officer or soldier shall use any reproach-
2 ful or provoking speeches or gestures to another; nor
3 shall any officer or soldier presume to send a challenge
4 to any person to fight a duel, upon pain, if a commis-
5 sioned officer, of being cashiered; if a non-commis-

6 sioned officer or soldier, of suffering corporal punish-
7 ment, at the discretion of a Court Martial.

ART. 11. If any commissioned, or non-commissioned
2 officer commanding a guard, shall knowingly and will-
3 ingly suffer any person whatsoever to go forth to fight
4 a duel, he shall be punished as a challenger ; and like-
5 wise all seconds, promoters and carriers of challenges,
6 in order to duels, shall be deemed as principals, and be
7 punished accordingly.

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

ART. 13. Whatsoever officer or soldier shall upbraid
2 another for refusing a challenge, shall be considered as
3 a challenger, and punished accordingly.

ART. 14. Every officer commanding in quarters, gar-
2 risons, or on a march, shall keep good order, and to the
3 utmost of his power redress all such abuses of disorders
4 as may be committed by any officer or soldier under
5 his command ; and if, upon complaint made to him of
6 officers or soldiers beating or otherwise ill treating any
7 person, or of committing any kind of riots to the dis-

8 quieting the good citizens of this or either of the United
9 States, he shall refuse or omit to see justice done on
10 the offender or offenders, and reparation made to the
11 party or parties injured, so far as the offenders' pay
12 shall enable him or them, he shall, upon proof, thereof,
13 be punished by a general Court Martial, as if he him-
14 self had committed the crimes or disorders complained
15 of.

ART. 15. If any officer shall think himself to be
2 wronged by his Colonel or the commanding officer of
3 his regiment, and shall, upon due application made to
4 him, be refused to be redressed, he may complain to
5 the General or Commander in Chief of the forces in
6 service, in order to obtain justice, who shall examine
7 into the complaint and see that justice be done.

ART. 16. If any inferior officer or soldier shall think
2 himself wronged by his captain, or other officer com-
3 manding the troop or company to which he belongs, he
4 may complain thereof to the commanding officer of the
5 regiment, who shall summon a regimental Court Mar-
6 tial, for the doing justice to the complainant; from
7 which regimental Court Martial either party, if he think
8 himself still aggrieved, may appeal to a general Court
9 Martial. But if, upon a second hearing, the appeal
10 shall appear to be vexatious and groundless, the person
11 so appealing shall be punished at the discretion of the
12 said general Court Martial.

ART. 17. Whatsoever non-commissioned officer or
2 soldier shall be convicted at a Court Martial of having

3 sold, or designedly, or through neglect, wasted the am-
4 munition delivered out to him to be employed in the
5 service of this State, shall, if a non-commissioned offi-
6 cer, be reduced to a private, and if a soldier, shall suffer
7 such punishment as shall be inflicted upon him by a
8 Court Martial.

ART. 18. All non-commissioned officers and soldiers
2 who shall be found one mile from the camp without
3 leave, in writing, from their commanding officer, shall
4 suffer such punishment as shall be inflicted on them by
5 the sentence of a Court Martial.

ART. 19. No officer or soldier shall be out of his quar-
2 ters or camp, without leave from his commanding offi-
3 cer, upon penalty of being punished according to the
4 nature of his offence, by the sentence of a Court Mar-
5 tial.

ART. 20. Every non-commissioned officer and soldier
2 shall retire to his quarters or tent, at the beating of the
3 tattoo, in default of which he shall be punished according
4 to the nature of his offence, by the sentence of a Court
5 Martial.

ART. 21. No officer, non-commissioned officer or
2 soldier shall fail to repair, at the time fixed, to the place
3 of parade or exercise, or other rendezvous, appointed
4 by his commanding officer, if not prevented by sickness
5 or some other evident necessity ; nor shall go from the
6 said place of rendezvous or from the guard, without
7 leave from his commanding officer, before he shall be
8 regularly dismissed or relieved, on the penalty of being

9 punished according to the nature of his offence, by the
10 sentence of a Court Martial.

ART. 22. Whatsoever commissioned officer shall be
2 found drunk on his guard, party or other duty, under
3 arms, shall be cashiered for it; and any non-commis-
4 sioned officer or soldier, so offending, shall suffer such
5 punishment as shall be inflicted by the sentence of a
6 Court Martial.

ART. 23. Whatsoever sentinel shall be found sleep-
2 ing upon his post, or shall leave it before he shall be
3 regularly relieved, shall suffer such punishment as shall
4 be inflicted by the sentence of a general Court Martial.

ART. 24. Any person belonging to the forces em-
2 ployed in the service of this State, who, by dis-
3 charging of fire-arms, drawing of swords, beating of
4 drums, or by any other means whatsoever, shall occa-
5 sion false alarms in camp, garrison or quarters, shall
6 suffer such punishment as shall be ordered by the sen-
7 tence of a general Court Martial.

ART. 25. Any officer or soldier, who shall, without
2 urgent necessity or without the leave of his superior
3 officer, quit his platoon or division, shall be punished
4 according to the nature of his offence, by the sentence
5 of a Court Martial.

ART. 26. No officer or soldier shall do violence or
2 offer any insult or abuse to any person who shall bring
3 provisions or other necessaries to the camp, garrison,

4 or quarters, of the forces of this State, on pain of suf-
5 fering such punishment as a Court Martial shall direct.

ART. 27. Whatsoever officer or soldier shall aban-
2 don any post committed to his charge, or shall speak
3 words inducing others to do the like, in time of an en-
4 gagement, shall suffer death, or such other punishment
5 as shall be inflicted by the sentence of a general Court
6 Martial.

ART. 28. Any person belonging to the forces of the
2 service of this State who shall make known the watch
3 word to any person not entitled to receive it according
4 to the rules and discipline of war, or shall presume to
5 give the parole or watch word different from what he
6 received, shall suffer death, or such other punishment
7 as shall be ordered by the sentence of a general Court
8 Martial.

ART. 29. Whosoever belonging to the forces in the
2 service of this State shall relieve the enemy with mo-
3 ney, victuals or ammunition; or shall knowingly harbor
4 and protect an enemy, shall suffer such punishment as
5 by the sentence of a Court Martial shall be inflicted.

ART. 30. Whosoever belonging to the main forces
2 shall be convicted of holding correspondence with, or
3 giving intelligence to the enemy, either directly or indi-
4 rectly, shall suffer such punishment as by the sentence
5 of a Court Martial shall be inflicted.

ART. 31. All public stores taken from the enemy by

2 the forces in the service of this State, shall be secured
3 for the use of the State.

ART. 32. If any officer or soldier shall leave his post
2 or colors to go in search of plunder, he shall, upon con-
3 viction thereof, before a general Court Martial, suffer
4 such punishment as by the sentence of the said Court
5 Martial shall be inflicted.

ART. 33. If any commander of any garrison, fortress,
2 or post shall be compelled, by the officers or soldiers
3 under his command, to give up to the enemy or to aban-
4 don it, the commissioned officers, non-commissioned
5 officers or soldiers, who shall be convicted of having so
6 offended, shall suffer death, or such other punishment
7 as shall be inflicted upon them by the sentence of a
8 Court Martial.

ART. 34. All sutlers and retailers to the camp, and
2 all persons serving with the troops of the State in the
3 field, shall be subject to orders according to the rules
4 and discipline of war.

ART. 35. If, upon marches, guards or in quarters,
2 different corps shall happen to join or do duty together,
3 the eldest officer by commission there on duty, or in
4 quarters, shall command the whole, and give out orders
5 for what is needful for the service, regard being always
6 had to the several ranks of those corps, and the posts
7 they usually occupy.

ART. 36. If any regiments, troops or detachments of
2 horse or foot shall happen to march with, or be encamp-
3 ed or quartered with, any bodies or detachments of

4 other troops, the eldest officer, without respect to corps,
5 shall take upon him the command of the whole, and
6 give the necessary orders to the service.

ART. 37. A general Court Martial shall not consist
2 of less than thirteen commissioned officers, and the
3 President of such Court Martial shall not be the Com-
4 mander in Chief, nor commanding officer of the troops
5 in service or garrison, where the offender shall be tried,
6 nor under the degree of a Field officer.

ART. 38. The members of Courts Martial, shall,
2 when belonging to different corps, take rank as is herein
3 before directed when on other duty.

ART. 39. Some person shall be appointed by the
2 commanding officer, who shall order the Court Martial
3 to prosecute in the name of the State of Maine ; and in
4 trials of offenders, such persons shall administer to each
5 member the following oath :

YOU swear, that you will well and truly try and de-
2 termine, according to your evidence, the matter now
3 before you, between the State of Maine and the prison-
4 er to be tried ; that you will duly administer justice
5 according to the rules and articles for governing the
6 troops of the said State, without partiality, favor or
7 affection ; and if any doubt shall arise which is not ex-
8 plained by the said articles, according to your con-
9 science, the best of your understanding, and the custom
10 of war in like cases ; that you will not divulge the sen-
11 tence of the Court until it shall be approved of by the
12 commanding officer ; and that you will not, upon any

13 account, at any time whatsoever, disclose or discover
 14 the vote or opinion of any particular member of the
 15 Court Martial, unless required to give evidence as a
 16 witness by a court of justice, in a due course of law.
 17 *So help you God.*

Which oath being administered to the members of the
 2 Court, the President shall administer the following
 3 oath to the person prosecuting as aforesaid.

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

ART. 40. All the members of a Court Martial are to
 2 behave with calmness and decency ; and in the giving
 3 their votes, are to begin with the youngest in commis-
 4 sion.

ART. 41. All persons who give evidence before a
 2 Court Martial, shall be examined upon oath, which
 3 oath shall be administered by the President of the
 4 Court Martial, in the form following :

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

ART. 42. No sentence of death shall be given against
 2 any offender by any general Court Martial, unless two
 3 thirds of the members shall concur therein.

ART. 43. All persons called to give evidence in any
2 cause before a Court Martial, who shall refuse to give
3 evidence, shall be punished for such refusal at the dis-
4 cretion of such Court Martial.

ART. 44. No field officer shall be tried by any per-
2 son under the degree of a captain ; nor shall any pro-
3 ceedings or trials be carried on excepting between the
4 hours of sunrise and sunset.

ART. 45. No sentence of a Court Martial shall be
2 put in execution, until after report shall be made to the
3 commanding officer where the Court Martial shall be
4 held, and his orders to be issued for carrying such
5 sentence into execution.

ART. 46. The commissioned officers in any regiment,
2 may, by the appointment of their colonel or command-
3 ing officer, hold regimental Courts Martial for the in-
4 quiring into such disputes or criminal matters as may
5 come before them, and for inflicting corporal punish-
6 ment for small offences, and shall give judgment by the
7 majority of voices ; but no sentence shall be executed
8 till the commanding officer (not being a member of the
9 Court Martial) shall have confirmed the same.

ART. 47. No regimental Court Martial shall consist
2 of less than five officers, excepting in cases where that
3 number cannot be conveniently assembled, when three
4 may be sufficient ; who shall likewise determine upon
5 the sentence by the majority of voices.

ART. 48 Any officer commanding in a fort, castle,
2 barrack or elsewhere, where the corps under his com-

3 mand consists of detachments from different regiments,
4 or of any independent company or companies, may as-
5 semble Courts Martial for the trial of offenders, in the
6 same manner as if they were regimental, whose sen-
7 tence shall not be executed until it shall be confirmed
8 by the said commanding officer.

ART. 49. No person whatsoever shall use menacing
2 words, signs or gestures in the presence of a Court
3 Martial then sitting, or shall cause any disorder or
4 riot so as to disturb their proceedings, on the penalty
5 of being punished at the discretion of the said Court
6 Martial.

ART. 50. To the end that offenders may be brought
2 to-justice, whenever any officer or soldier shall com-
3 mit a crime deserving punishment, he shall, by his com-
4 manding officer, if an officer, be put in arrest ; if a non-
5 commissioned officer or soldier, be imprisoned until he
6 shall be either tried by a Court Martial, or shall be
7 lawfully discharged by proper authority.

ART. 51. No officer or soldier who shall be put in
2 arrest or imprisonment, shall continue in his confine-
3 ment more than eight days, or until such time as a
4 Court Martial can be conveniently assembled.

ART. 52. No officer commanding a guard or provost-
2 martial shall refuse to receive or keep any prisoner
3 committed to his charge by any officer belonging to
4 the forces of this State ; which officer shall at the time
5 of commitment, deliver an account, in writing, signed

6 by himself, of the crime with which the prisoner is
7 charged.

ART. 53. No officer commanding a guard or provost-
2 martial, shall presume to release any prisoner commit-
3 ted to his charge without proper authority for so doing,
4 nor shall he suffer any prisoner to escape, on the pe-
5 ualty of being punished for it by the sentence of a
6 Court Martial.

ART. 54. Every officer or provost-martial to whose
2 charge prisoners shall be committed, is hereby required
3 within twenty-four hours after such commitment, or as
4 soon as he shall be released from his guard, to give in
5 writing to the colonel of the regiment to which the
6 prisoner belongs, (where the prisoner is confined upon
7 the guard belonging to the said regiment, and his offence
8 only relates to the neglect of duty in his own corps,)
9 or to the Commander in Chief, their names, their
10 crimes, and the names of the officers who committed
11 them, on the penalty of his being punished for disobe-
12 dience or neglect, at the discretion of a Court Martial.

ART. 55. If any officer under arrest, shall leave his
2 confinement before he shall be set at liberty by the
3 officer who confined him, or by a superior power, he
4 shall be cashiered for such his offence.

ART. 56. Whatsoever commissioned officer shall be
2 convicted before a general court martial of behaving
3 in a scandalous, infamous manner, such as is unbeco-
4 ming the character of an officer and gentleman, shall be
5 discharged from the service.

ART. 57. All officers, conductors, gunners, matros-
 2 ses, drivers, or any other person whatsoever, receiving
 3 pay or hire in the service of the State artillery, shall
 4 be governed by the aforesaid rules and articles; and
 5 shall be subject to be tried by courts martial in like
 6 manner with other officers and soldiers.

ART. 58. For differences arising amongst them-
 2 selves, or in matters relating to their own corps, the
 3 courts martial may be composed of their own officers;
 4 but where a sufficient number cannot be assembled, or
 5 in matters wherein their corps are interested, the offi-
 6 cers of artillery shall sit in courts martial with the offi-
 7 cers of other corps.

ART. 59. No person shall be sentenced to suffer
 2 death, except in the cases expressly mentioned in the
 3 foregoing articles.

ART. 60. The field officers of each and every regi-
 2 ment shall appoint some suitable person belonging to
 3 such regiment to receive such fines as may arise within
 4 the same for any breach of any of the foregoing arti-
 5 cles; and shall direct the same to be properly applied
 6 to the relief of such sick or necessitous soldiers as be-
 7 long to such regiment; and such persons shall account
 8 with such officer for all fines received and the applica-
 9 tion thereof.

ART. 61. All crimes not capital, and all disorders
 2 and neglects, which officers and soldiers may be guilty
 3 of, to the prejudice of good order and military disci-
 4 pline, though not mentioned in the foregoing articles,

5 are to be taken cognizance of by a general or regimen-
6 tal Court Martial, according to the nature and degree
6 of the offence, and be punished at their discretion.

ART. 62. Whenever any officer or soldier shall be
2 accused of a capital crime or having used violence, or
3 committed any offence against the person or property
4 of the good people of this or either of the United
5 States, such as is punishable by the known laws of the
6 land, the commanding officer or officers of every regi-
7 ment, troop or party, to which the person or persons
8 so accused shall belong, are hereby required, upon ap-
9 plication duly made by or in behalf of the party or par-
10 ties injured, to use his utmost endeavors to deliver over
11 such accused person or persons to the Civil Magistrate,
12 and likewise to be aiding and assisting the officers of
13 justice in apprehending and securing the person or per-
14 sons so accused, in order to bring them to trial. And
15 if any commanding officer or officers shall wilfully ne-
16 glect, or shall refuse, upon the application aforesaid,
17 to deliver over such accused person or persons to the
18 Civil Magistrate, or to be aiding and assisting the offi-
19 cers of justice in apprehending such person or persons,
20 such officer or officers, so offending, shall be cashiered.

SECT. 54. *Be it further enacted,* That no member of
2 any company of artillery, cavalry, light-infantry or
3 riflemen, shall be appointed an engine-man, during the
4 time for which he may have enlisted into such company,
5 and when by such appointments any such company
6 would be reduced below forty-eight effective privates.

SECT. 55. *Be it further enacted,* That an act entitled
2 “An Act to organize, govern and discipline the Militia
3 of this State,” passed the twenty-first day of March,
4 eighteen hundred and twenty-one, and all acts in addi-
5 tion thereto, and all acts inconsistent with the provis-
6 ions of this act, be, and hereby are repealed : *Provided*
7 *however,* That the present organization of the Militia
8 shall continue until conformed to the provisions of this
9 act, or the Governor by and with the advice of Coun-
10 cil, shall otherwise order. And nothing contained in
11 this act shall be construed to repeal or in any way af-
12 fect the twenty-sixth section of an act, entitled “An
13 Act providing for the government of the State prison,
14 and for the punishment of convicts,” passed the twenty-
15 fifth day of February, in the year of our Lord, one
15 thousand eight hundred and twenty-four.

STATE OF MAINE.

IN SENATE, January 20, 1834.

Ordered, that eight hundred copies of this Report and Bill be printed for the use of the Legislature.

(Extract from the Journal.)

Attest, WILLIAM TRAFTON, *Secretary.*

I. BERRY & CO., PRINTERS TO THE STATE.