MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSIONS

A. D. 1842.

AUGUSTA:

SMITH & Co., PRINTERS TO THE STATE.

1842.

REPORT

OF THE

ADJUTANT GENERAL

OF THE

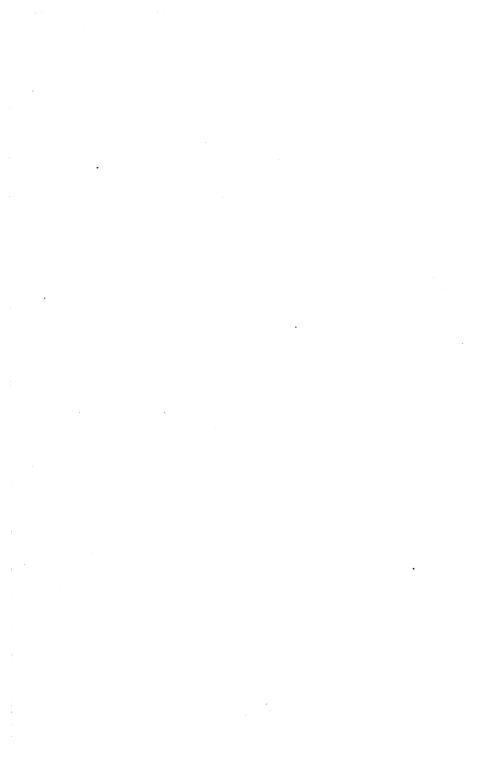
MILITIA OF MAINE.

DECEMBER 31, 1841.

Published agreeably to Resolve of March 22, 1836.

A U G U S T A : SEVERANCE & DORR,...PRINTERS TO THE STATE.

1841.



STATE OF MAINE.

Adjutant General's Office, Augusta, December 31, 1841.

To EDWARD KENT,

Governor and Commander-in-Chief:

SIR:—Conformably to the requirements of law I have the honor herewith to lay before you the General Inspection Return of the Militia of this State, for the year 1841, duplicates of which will be immediately forwarded to the War Department and to the President of the United States.

The whole number of the Militia, as appears by this return marked A. is forty-five thousand three hundred and fifty-five, and consists of

7 General Staff,

48 Division Staff,

61 Brigade Staff,

1,685 Cavalry,

2,217 Artillery,

34,322 Infantry,

4,841 Light Infantry,

2,174 Riflemen.

Aggregate, 45,355

The whole number of companies of the different corps is six hundred and ninety-nine, of which five hundred and thirty-three only, have been returned this year. The companies not returned are designated in the table marked C. hereunto annexed.

From the following Regiments and Battalions no returns have been received, viz.

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4th Regiment, 2d Brigade, 4th Division, 4th " 1st " 8th " 3 Regiments.

1st " 2d " " " 3

Battalion of Artillery, 2d Brig. 1st Division, " " Cavalry, 1st " 4th " 3 Battalions.

" " " 2d " 4th " 3
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The annual Brigade returns have been received from fifteen Brigades, an abstract of which is marked D. and hereto annexed; from three Brigades no returns have been received; viz. from the first and second Brigades in the seventh Division, and the second Brigade of the ninth Division.

An abstract of the ordnance in the possession of the troops and in the Arsenals, belonging to the State, is herewith annexed, marked B.

The 4th Section of the Militia Law of the United States, passed May 8, 1792, has restricted the number of the Cavalry and Artillery, so as not to exceed one eleventh part of the Infantry; and by the returns of the present year, the Cavalry and Artillery exceed this proportion by a mere fraction only, if we include the Light Infantry and Riflemen under the term "Infantry," which I have no doubt is the meaning intended to be given to the word "Infantry" as used in this particular.

Orders have issued for organizing twelve new companies from which no returns were received, viz.

Cavalry,						•	1
Infantry,							1
Light Infar	ntry,		•				8
Artillery,	•			•	•		1
Riflemen,	•	•		•			1
		To	tal.	_	_		12

Thirteen companies have been disbanded the present year, viz.

Cavalry,				•		1
Infantry,						2
Light Infar	itry,	•				9
Riflemen,	,				•	1
		To	tal,			13

Seven hundred and eighty-seven officers have been commissioned, and three hundred and eighty-five discharged during the year.

Two General and four Division Courts Martial have been held, from which returns have been received; nine Officers have been tried, eight of which have been found guilty, six removed from office, two reprimanded, and one found not guilty; \$213 fines and \$70 costs have been imposed, and the Division Advocates respectively, have been directed to enforce the collection of the same.

The pay rolls of these Courts will be submitted to the Legislature for allowance.

By an Act of the Legislature, approved February 20th, 1841, five thousand dollars were appropriated for expenditures in the Adjutant General Department; \$1,730 only of this amount has been drawn from the Treasury, \$1,251 75 of which has been expended and the remainder, being \$478 25 has been paid over to the Treasurer.

By a Resolve, approved April 16, 1841, the following specific appropriations were made, for the faithful expenditure of which the Acting Quarter Master General was made accountable, viz.

For	the alteration and repair of artillery,	\$300
"	transportation of laboratory stores,	200
"	purchase of musical instruments and colors,	200
"	erecting a gun-house in Gray,	200
"	completing the gun-house in Readfield,	25
"	in Monmouth,	100

For	comple	ting th	e gun-l	10use	e in Bangor,			160
					he public propert	v in	the	
		enals,	5	•- •	Pumie proport	,		200
"		•	h a a le	-c :		C		200
••	-		DOOKS	01 1	nstruction for the	Gene		
	Offic	ers, .						100
		${f T}$ o	tal,				\$1,	48 5
ī	Indon the	a fores	oing a	nnro	priations, the follo	awing	ovno	ndi-
		_	_		priations, the foli	Jwing	expe	iiui-
	s have b		,		C .*11		4440	
					of artillery,		\$118	50
"	the tra	nsporta	tion o	f or	dnance and labora	atory		
	store	s,					149	10
"	purchas	e and a	repair o	of m	usical instruments,		63	73
"					· painting gun-hous			
	Gray		15		I 9 9		149	00
66	•	•	e gun-h	กมรค	in Readfield,			54
"	66	S	. gan 1		in Monmouth,		91	
"	"	"	6	٤	in Bangor,		160	
"					0 ,	n tha	100	00
•••		_	care c	ווו וו	e public property is	пше	140	-00
	Arse	-	,				143	
"	purchas	e of b	ooks of	ins	truction,		100	00
		Tot	al.	•		,	<u>\$</u> 997	26
		200	u-,				ур. О.О.	20
\mathbf{T}	he follo	wing e	xpendit	tures	have been made,	not sp	ecific	ally
	ided for		_		•	-		•
_		-	the an	nual	supplies of powder	and		
	-				companies of artil		4222	13
"		•			Portland,	icry,	_φ 222	
"	tehaning	6 ine 8	411-110u 66		•			
	46	"	"		Waterville,			25
"					Clinton,			76
"	"	"	"	in	Wiscasset,		6	00
							KO51.	40

Amoun	t appropriated for military	y purpose:	s,	\$5,000 00
Amoun	t drawn from the Treasur	ry,	\$	<u>====</u>
"	actually expended,	\$1,251	7 5	
"	refunded to Treasury,	478	25	
	• *			1,730
Amoun	t of unexpended appropr	iation,		\$3, 7 48 25
"	of expenditures,			1,251 75
				\$5,000, 0 0

The accounts of all expenditures and disbursements, under the general and specific appropriations, which the Adjutant General and Acting Quarter Master General has made during the present year, and for which he was accountable, have been examined and settled by the Executive Council.

The money appropriated for the purchase of books of instruction for the General Officers, was expended in the purchase of 133 copies of Cooper's Tactics, one copy of which was furnished to each General Officer, and the remaining copies were distributed to other officers, principally to those of the Cavalry and Artillery, who had never been furnished with suitable books of discipline.

No money has been expended in the purchase of colors.	for
the same cause that has existed for several years past, viz.	that
silk of a suitable quality cannot be obtained for thisuse; nor	can
it be had until silk fit for this purpose shall have been impor	
The following appropriations are supposed to be neces	sary
for the year 1842:	
For purchasing harnesses for the companies of Artillery	
in Thomaston and Gray, and repairs of Artillery, \$\$	500
"the purchase of powder and laboratory stores for	
the companies of Artillery,	225
" the transportation of ordnance and ordnance stores,	150
" the purchase of colors and musical instruments,	400
" the repairing of the fence at Portland Arsenal,	30
" labor in the Arsenals at Portland and Bangor,	175
" erecting gun-house in Thomaston,	200
" purchasing books of tactics for the officers of the Militia 1,	500

Two second hand brass six pounders, mounted on field carriages of the modern construction, have been furnished to the B company of Artillery in the first Brigade of the fifth Division, in exchange for guns of smaller calibre, mounted on carriages of the ancient model, which have been returned to the Arsenal, wanting repairs.

The A company of Artillery in the second Brigade of the eighth Division was originally furnished with two brass three pounders, one of which has been deemed unfit for service for several years past; and the other burst while being used by citizens with permission of the officers. By your direction, the cause of this accident has been particularly investigated, by two gentlemen appointed for this purpose, by whose report it appears that the accident occurred in consequence of a defect in the ordnance, which rendered it wholly unfit for service, and not on account of any improper conduct of those using it; and that the other piece of ordnance in possession of the company is defective and unserviceable.

In conformity with your orders, these guns and their carriages have been sent to the Portland Arsenal, and two new brass six pounders, mounted on field carriages, complete, have been placed in possession of the company; and the harnesses which were adapted to carriages of ancient construction, have been so altered and improved, as to conform to those in modern use, with trifling expense to the State.

By an order of Council, approved March 17, 1841, and a General Order which issued thereon, a new company of Artillery has been formed and organized in the Second Brigade of the Fourth Division; and by your directions, it has been furnished with two new brass six pounders, mounted on field carriages, with a trumbril and every thing necessary to their use, except the horse harnesses.

I have examined the property of the State in the Arsenals at Bangor, Bath and Portland; it appears to be carefully preserved and in good condition. The officers in charge of the Arsenals at Bangor and Portland appear to have bestowed par-

ticular attention to the arrangement and classification of the articles, which seemed to be called for by the confused mixture in which some of them were found, probably on account of the hasty manner in which they were deposited.

Schedules of this property, as it existed on the first instant, are hereto subjoined.

The public property in thirteen of the State's gun houses, I have also examined the present year; in most of which, the ordnance, carriages, harnesses and laboratory stores are in good condition. But in some instances the harnesses were found piled in heaps on the floor of the house, uncleansed, and exposed to injury, and were actually injured by vermin.

By Resolves of 31st March, 1835, and 21st March, 1837, three hundred dollars was appropriated for building a gun house in Wilton. This sum was expended in building a gun house thirty feet long by twenty feet wide, on land to which the State has no title; and the owner of the land, (under whose agency I am told the house was built,) has partitioned off, and now has the exclusive occupancy, of thirteen feet by twenty of this building for a carriage house, and refuses to convey to the State the land covered by the building, without reserving to his own use, so much of the house as he now occupies.

In the other end of the house was found, the ordnance, gun carriages, tumbril, harnesses and other property of the State, in one confused mass, and the door of the house unlocked.

The reason why this house was built on land over which the State has no control, I am not able to state.

The expediency of extinguishing this joint tenancy, by a removal of the house, or otherwise, and securing to the State the use of it in severalty is respectfully suggested.

The necessary expense of the ordnance department of the State, has been very considerable, and has been incurred upon the presumption that it will be ready for service at any time, and on the shortest notice; and without such preparation and fitness for service, the whole object for which the expenditure has been made, may be defeated. Therefore, the officers to

whom is intrusted the care and control of the ordnance, or any part of it, should never lose sight of the great object for which it is obtained, nor permit it, for want of any care or attention of theirs, to be unfit for service.

It is provided by the 17th Section of the Militia law, approved March 8, 1834, "That the commanding officer of every company of Artillery shall lay before the committee on accounts, for allowance, his accounts of money actually expended in providing horses to draw the field pieces and tumbril of his company when ordered to appear at a Battalion, Regimental, Brigade or Division inspection or review;" repeated instances have occurred of officers who have procured horses with a strict regard to economy, and received from the State not exceeding fifty per cent. of the sum actually advanced and paid out by them six months previously, for the use of horses.

Some remedy for such manifest injustice seems to be called for, as well for the honor of the State, as for the indemnity of the individuals immediately interested.

It is deemed proper to advert in this communication to some few of the causes of the general depression of the militia.

In the army and navy it requires the greatest exertions of its officers to sustain the character, discipline and efficiency of the troops, through a long and uninterrupted term of national peace and domestic tranquility; and the community generally as well as soldiers, participate in the feelings of security and indifference which arise from such a cause. Hence it is, that the militia feel less engagedness in their duties as soldiers, than they would under the apprehension of immediate danger, or in time of actual invasion.

Another cause is, the opinion which is very generally entertained, that the militia law is partial and unequal in its requirements; and it is difficult to satisfy those upon whom it operates, that it is just for them to be compelled to arm and equip themselves, and render their personal services, for the safety and protection of the persons and property of the whole community, gratuitously.

Provision is made, by standing laws, for remunerating the army and navy, all executive, legislative, judicial and ministerial officers, from the President of the United States down to the lowest municipal officer; and every person, either citizen or alien, whose services are necessary to the public, in the civil departments of the Government, is paid an equivalent for his services; and the militia are required to contribute their proportion of the expense. If the burden of sustaining the militia were equalized upon those for whose benefit it is intended, and the distinction which exists between the militia and every other class of citizens that are called into the public service were abolished, and which to some appear odious and oppressive, it would do much to silence the objections of many, who believe the present establishment inconsistent with equal rights and the declared objects of a Republican Government.

But there are other causes for the general apathy which pervades the militia.

The facilities with which officers of the militia have too often obtained honorable discharges from office, after a total neglect of their duties, have induced many to accept commissions, with little or no intention of qualifying themselves for the discharge of their duties, and for the sole purpose of obtaining an early and cheap discharge from ordinary military duty.

These officers, in lieu of being cashiered, fined and sent back to the ranks, disgraced for their neglect of duty, have, in too many instances, been recommended to the Commander-in-Chief, by their immediate commanding officers, for honorable discharges.

So long as little or no distinction is made between officers who promptly and faithfully discharge their duties, and those who are negligent and inattentive to them, so long will the militia continue to suffer the unavoidable degradation arising from wilful neglect of duty.

The citizen is made liable to enrolment by the operation of

law, whether it is agreeable to his wishes or not. But no citizen is made an officer without the concurrence of his own will; his undertaking is entirely voluntary; and he should be held to a faithful discharge of his duties, conformably to the trust reposed in him, and his oath of office.

It is not uncommon for commanding officers of companies to call them together for military duty, and the officer himself be almost the last member of the company who arrives at the place of parade; and then he will often wait one or two hours after the time appointed for the meeting, before the roll is called.

Nor is this want of punctuality confined to company officers only; commanding officers of Regiments and Battalions will order their troops to parade, ready for review, at nine o'clock in the morning; preparatory to this, commanding officers of companies will assemble their respective companies at six or seven o'clock previously; these companies are frequently composed of members who will have travelled on the same morning ten or fifteen miles to the place of parade; and it often happens that they are kept under arms from six or seven until ten or eleven, and sometimes twelve o'clock, before the line of parade is formed.

Then follows the review, and the mere forms of an inspection, and the troops are kept under arms until four or five, and sometimes six o'clock, P. M. without performing so many useful evolutions as could have been executed by an active and intelligent officer within the time too often wasted in marching a company to the Colonel's quarters, and escorting to the parade the standard bearers and the standards, which should have been previously placed there for the troops to dress by, in forming the line of parade.

The word review, in military language, pre-supposes the presence of an officer of higher rank than the officer in the immediate command of the troops to be reviewed, whose duty it is to ascertain the condition, quality, capabilities and efficiency of the different corps, and report the same to the

Commander-in-Chief, when required to do it; to take the general supervision of the parade; to enforce subordination, a correct system of discipline, and obedience to the laws; to correct errors, and diffuse military principles and useful knowledge among the troops.

But these important duties have been often neglected by officers of elevated rank, whose examples have done much to depress the military ardor of the officers and soldiers under their command; and the Regiments composing entire Brigades, and sometimes a Division, have paraded for review and inspection without an officer to review them; and in some instances when reviewing officers have been present, the negligent manner in which they perform this duty, and their indifference to what has passed under their observation has been such, that their effigies brought to the parade would have been of equal benefit to the troops.

The neglect of private soldiers to enter the ranks and perform military duty under negligent officers, who have forfeited their confidence, is construed a misdemeanor, while the neglect of their officers to discharge duties which they are sworn to perform, is passed over in silence. Officers are the heads and fountains from which should emanate such precepts and examples as all may with propriety approve and practice after; and in this case, as in the philosophy of nature, the stream cannot be expected to rise higher than the fountain. When officers of the highest grade are guilty of wilful negligence in the discharge of their duties, the unavoidable consequences of their example are a corresponding disregard of duty in all the subordinate grades of officers, and last of all in the soldiers also.

Another cause of much embarrassment to the Militia arises from the neglect of officers in not passing promptly to this office returns of officers elected, resignations, and other military papers; and in neglecting to pass down seasonably to the several officers to whom they belong, military orders, commissions, discharges, military blanks and communications from this

office. In some cases, the returns of officers elected have not reached this office until more than twelve months after the day of their election; and it is known that in some instances officers have not received their commissions for the same length of time after they were forwarded to the respective Major Generals.

The manifest dereliction of duty in the officers of various grades, in repeated instances, has rendered the militia system so unpopular in some sections of the State, where the evil has been the greatest, that some whole companies have refused to do military duty; and it is no uncommon occurrence for those who are seeking popularity at the ballot boxes, to countenance and encourage resistance to the operation of the laws, as the most certain means of obtaining their object.

From some of these companies no returns have been made for ten or twelve years past, and by the inattention of the officers to this subject, the evil example has extended to other companies, until not less than two thousand troops have, for several years, been in a condition but little more respectable than combinations to resist the laws of the State; and it is believed that if these troops had always been commanded by officers worthy of their confidence, they would now vie, in their allegiance and discipline, with the best troops in the State. It affords me great pleasure to assure you that six of these companies, one of which numbered 217 men on the parade, have appeared under arms at the annual reviews in September last; and one of them, which was within my immediate observation during the day of review, would not suffer by a comparison with the best troops that ever composed an army or militia, with respect to their undivided attention to duty, and their gentlemanly and soldier-like deportment; and nothing seems to be wanting to secure the attendance of these troops upon the parade, except such officers as will deserve their confidence and esteem.

It is not my intention to apply the foregoing strictures and remarks to the officers of the militia generally. There are

many, very many, honorable exceptions, of officers who discharge their duties with promptness, intelligence and integrity; and I have no apprehension that such officers will deem the preceding comments on neglect of duties, either unjust or uncalled for.

During the short time that I have occupied my present position in the militia, and for a much longer time while otherwise connected with it, I have witnessed a commendable zeal on the part of a large proportion of its officers, to raise its character, and prepare it for any service which the honor and interest of the State may require, notwithstanding the sacrifices and discouragements to which they have been subjected; and it is to their exertions, and by the influence of their examples, the State is principally indebted for having sustained the organization of the militia, and some degree of discipline in the ranks generally, and a state of discipline highly respectable in particular corps.

The multiplication of small companies of Light Infantry and Riflemen have sometimes injured the local companies, without producing any beneficial results to the militia generally.

These companies have, in too many instances, originated in no higher or more honorable motives than a determination in the minority not to do duty under officers chosen by a majority of the voters in the local Infantry; and the interest of the militia, and the safety of our republican institutions, are equally endangered by encouraging and countenancing such a spirit of insubordination to the will of the majority. These companies have been confined more generally to our larger towns and villages, and, to a certain extent, have been the cause of creating and maintaining an invidious distinction in the ranks of the militia, destructive to its best interests. But in those towns where the population is less dense, where the avocations, pursuits and business associations of life are nearly the same, and in absence of those distinctions which are baneful to the happiness of society; the raising of Light Infantry and Rifle companies are more likely to injure than to benefit the militia.

necessity of relying chiefly upon the local Infantry, for defence and safety, must be apparent, when we reflect, that volunteer companies of Light Infantry and Riflemen, consist principally of the most active business men of the community, mechanics, merchants, lawyers and others, whose business would suffer in their absence, more than that of the average of the whole body of In case of a draft from the militia, for actual service, a large portion of these men could not leave their business without great sacrifices, must necessarily procure substitutes, or pay the fine imposed by law; and although these companies may be ready and useful in suppressing insurrection, or on any sudden emergency, and for a short time only, but little reliance can be placed on them with safety, for a lengthy The detachments from the militia for actual service, would consist most exclusively of the local Infantry, either as drafted men or substitutes. Therefore, any measures which may be taken to advance the discipline of a few select corps, to be relied on for the safety and protection of the State, to the exclusion of the local Infantry, is unsafe and impolitic.

It is the business of soldiers, as such, to obey and execute the laws rather than make them; but they may be permitted like other citizens to notice their practical operation. I shall therefore offer no apology for noticing the effect which some portions of the militia law contained in the Revised Statutes, will have upon the militia.

It has long been the policy of the United States to support schools for educating young men for the public service in the army and navy, and offer inducements for them to enter and remain in service.

By an inspection of the roster of lineal rank of the army, it will be perceived that many of its officers, from Brigadier General down to subalterns, have had no promotion in the line since before the close of the war in 1815, nor can they be promoted without an increase of the army, or the death or resignation of their seniors. If a law were passed to exclude from the army or navy every officer who has held his commis-

sion five or seven years, the consequence would be to drive out those who are best qualified to command, and leave their places to be filled with recruits and novitiates, who after the term of their short probation had closed, would be sent from the service also, to make room for more recruits. If such a law could operate injuriously upon the army and navy, whose officers devote their whole time to their official duties, its operation upon the militia, (none of whose officers below the rank of Brigadier General, are required to perform more than one day and two half days field duty in a year) would be almost infinitely more injurious.

By the sixty-seventh section of the militia law, above referred to, it is provided, that "all military officers who have been or may hereafter be commissioned, shall hold their respective offices for a term not longer than five years from the date of their commission, unless re-appointed or re-elected; and the Commander-in-Chief shall discharge all such officers accord-By the operation of this law, which takes effect to-morrow, about one hundred officers will be discharged from service, consisting of some of almost every grade of the line and staff, from Ensign to Brigadier General inclusive; and for no other cause or offence, than having served five years without compensation or reward. The rapidity with which officers of the militia are often promoted from the private soldier, through the intermediate grades to the most elevated stations, is unfavorable to the attainment of that practical knowledge in the several grades, which is an indispensable requisite to a good military officer; and the premature discharge of officers from service, often deprives the State of the services of those officers, whose experience and observations will enable them to discharge their duties with intelligence and ability.

There is so little inducement for citizens to accept commissions in the militia, and qualify themselves to discharge their duties, that very few will take them except those who are ambitious to distinguish themselves by the integrity and ability with which they perform their duties; and with the additional

hope of distinguishing themselves in actual service, if the safety and interest of the State should require it; and this portion of the officers are most likely to retain their offices for a considerable length of time; while those who have accepted offices with no intention of obtaining a knowledge of their duties, but merely to shorten their term of service, will embrace the earliest moment to resign, in which they can obtain a discharge.

To illustrate the effect of this law, suppose a young man enters the ranks at 18 years of age, and is made ensign, at 19 lieutenant, at 20 captain, at 21 Major, at 22 Lieutenant Colonel, at 23 Colonel, and holds his commission five years; he will then have served in six different grades, from Ensign to Colonel inclusive, is 28 years of age, and is discharged by limitation.—

The whole time which he would be required by law to perform military duty in the field, during ten years, under six different commissions, is seven days as a field officer, and three days and six half days as a platoon officer; amounting to thirteen days in all; a term hardly sufficient to learn a recruit the different movements and position of a private soldier without arms.

The theory of military operations is a science, which can be obtained only by intense application of the mind to this object; to reduce theory to practice requires time and opportunity. It would be as reasonable to expect perfection in the mechanic arts, without theory, or practice, or able and learned judges, lawyers, physicians or divines, without professional attainments, as to expect able, intelligent, and good military officers without their having time and opportunity of gaining a knowledge of their duties; nor is there any other officer who requires such perfect knowledge of duty and presence of mind as the officer commanding the military forces.

The President and Governors, their secretaries and ministers, legislators and councillors, judges and magistrates, lawyers and divines, can each deliberate, calculate and reflect, in public and in their retirement, and make their deductions from premises carefully examined. But he who commands an army may be required to decide instantly upon subjects of the deep-

est interest, under circumstances which will not admit of a moment for reflection; and an error in his decision may fix forever the fate of his country in degradation and slavery.

Any law, therefore, that abridges the attainment of the theory of warfare and military principles generally, either by diminishing the incitement or otherwise, tends to paralyze the physical energies of the State, and expose it to the rapacious attacks of an invader.

The 77th section of the law under consideration provides that "No officer, non-commissioned officer, or private, shall be obliged to travel more than fifteen miles to any review." The 9th section of the militia law of the United States, passed May 8, 1792, has made it 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, and introduce the system of military discipline" prescribed by Congress "throughout the Brigade, agreeably to law;" to make such 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," This law contemplates an annual review of the militia, by Battalions or Regiments, and requires duties of the Brigade Inspectors, in inspecting and instructing the troops, and making returns of his inspection at least once in every year. Any law of the State that dispenses with the review and inspection of the militia, or any portion of it, annually, by Regiments or Battalions, renders impracticable the discharge of the important duties required of Brigade Inspectors, and is in contravention of the law of the United States.

The reservation will not only exempt some whole companies, but in many cases parts of companies, from attending the review, while other parts of the same companies will be required to attend them. To exempt the officers and privates who may live more than fifteen miles from the place of review, when at the same time those members of the company who live within a less distance are liable to attend, and are without officers to command them, is an absurdity which must, I think, have escaped the attention of the Legislature, and in effect abrogates the law of the United States on this subject.

The law under examination gives no power to any officer to discharge any person from a volunteer company, however improperly he may have been enlisted, without the consent of parents, masters, guardians or otherwise. The power to discharge a person from such companies is made to depend upon the votes of a majority of the members of the company, certified to the Brigadier General by the commanding officer of such company. It can hardly be deemed necessary to point out the abuses which such a law would lead to, nor the propriety of vesting in some officer the power to correct them promptly and without delay.

All persons under twenty-one and over thirty years of age are exempted from parade duty, by the 4th and 6th sections of this law. This will so reduce the numbers as to have led my predecessor, in his report of December 31, 1840, to remark, very properly, that "the result must be a consolidation, by the Governor and Council, of companies, Regiments, Brigades, and Divisions." The effect will be to diminish the the number of companies, Regiments, Brigades and Divisions, by enlarging their territorial limits; increasing the duties of both officers and soldiers who will be required to do duty; discharging a large portion of the officers from service, and requiring soldiers to do duty under officers in whose election they had no opportunity of voting. Many towns in the State, of six miles square, have only one company of Infantry each. If two or more of these towns were to compose a single company, and the soldiers were required to travel twice as far to their company trainings as they are now required to travel, it would in effect be requiring double duty of a part, for the purpose of wholly exempting the other part, without diminishing the amount of travel performed under the law now in force. It would, in fact, be relieving a part of the militia at the expense of the other part.

The 41st section provides that each officer and member of a company shall be paid by the treasurer of his town, on the day of review and inspection, at which he shall appear armed and equipped, and perform military duty, fifty cents, with twenty-five cents additional for each of the previous company trainings, at which he may have attended duly armed and equipped, and have performed military duty. If, in addition to this provision, some measures were adopted to indemnify the members of the company for the interest of the money which their arms and equipments are actually worth, it is believed there would remain very little cause of dissatisfaction in the ranks for want of compensation. By introducing this system and a strict inspection of the troops, more soldiers would attend their parade duties; and carry with them arms and equipments of a superior quality.

There are very few subjects about which so much diversity of opinion exists as in the details of articles to compose an entire militia law; and it is not uncommon for citizens to urge upon the consideration of legislators, such alterations and modifications as will have a directly opposite tendency from what was intended and anticipated. It is not strange, therefore, that the Legislature with the best intentions, should sometimes enact laws which operate injuriously upon the militia. A perfect law in this behalf, with the conflicting opinions entertained and interest felt on this subject can hardly be expected; but frequent and unnecessary changes in the law should be studiously avoided.

The experiment has been tried in a sister State, of having a few select companies only to perform military duty, to the exclusion of the militia generally, the consequence is, that a militia which was once highly respectable and efficient, is now almost without organization or the shadow of discipline; and I cannot avoid the conclusion that the operation of the law which will be in force in this State to-morrow, if it should not be repealed, will soon reduce our militia to the same condition.

If instead of discouraging officers in the attainment of the knowledge and practice of their duties, by excluding them from service, a law was passed authorizing the Commander-in-Chief to issue brevet commissions, conferring additional rank on such officers as were distinguished for the promptness, intelligence and success with which they may have discharged their duties, having regard to the length of time which they may have served; it would stimulate and excite every officer worth retaining in the service, to merit from the Commander-in-Chief such an honorable and distinguishing mark of his attention; and through him a public commendation of their official conduct. As such a commission would confer no additional command, but honorable rank only, it is believed that there is no constitutional incompatibility in granting this power to the Commander-in-Chief; and the spirit of emulation among the officers, to excel in the knowledge and practice of their duties, which such a law would create, would be immediately seen and acknowledged in the improved condition of the militia.

The law now in force and the one which will go into operation to-morrow, both provides, "that for the trial of all officers of and under the rank of captain, the Major Generals ordering the Court, shall regularly detail the members thereof, from the Division roster according to rank, and all officers so detailed shall while in the same office, be ineligible to serve on such Court Martial a second time, until all other officers of the Division who are not legally disqualified shall have been detailed."

In one of the Divisions of the State, nearly every officer now in commission, above the rank of captain, has been detailed and served on Courts Martial; and the Major General must continue to detail descendingly until captains may be liable to be tried by a Court composed of three ensigns; who however intelligent they may be on every other subject, may be entirely ignorant of important military principles and usages, which are always, more or less, involved in the trial of issues before Courts Martial.

It is a principle in the army and navy, that no officer below the rank of the officer to be tried, can preside at his trial. The twenty-third article for governing the militia of this State when in actual service, secures to every sentinel who may be charged with sleeping upon his post, or leaving it before he shall be regularly relieved, a trial by General Court Martial; and the thirty-seventh article provides that a General Court Martial shall not consist of less than thirteen commissioned officers, the President of which shall not be under a degree of field officer.

By the first article of the law last mentioned, an ensign, or any other officer, who shall unnecessarily absent himself from the place of divine worship, shall be brought before a General Court Martial; and although a Court may consist of thirteen officers, the forty-fourth section provides that no field officer shall be tried by any person under the degree of captain.

It would be no greater violation of the spirit and principles of jurisprudence for the crier of the Court to impeach the Justices of the Supreme Judicial Court, and the County Commissioners to try the impeachment, than it would be a violation of all military usages, and the principles of subordination for a private soldier to complain of his captain, and an ensign preside at his trial. The power to appoint Courts Martial, is by law vested in the Commander-in Chief, and the Major Generals of the respective Divisions only; the former is chosen by the people in their primary meetings, the latter by their representatives in Legislature assembled; and until the contrary appear, they are presumed to be both capable and honest; both should be authorized to appoint for every Court Martial a President, and such members as have sufficient knowledge of military principles, usages and discipline, as will entitle their judgment to confidence and respect; and who knowing their duties, will perform them fearlessly, without regard to consequences. President of every Court Martial should be equal at least, and always, if convenient, superior in rank to the officer to be tried. And no officer should be permitted to act as a member of a Court Martial, who by the lineal rank of his corps, would be

entitled to promotion by the removal from office of the officer accused.

The law has made no provision for bringing to trial the members of the General Staff and Division Advocates. If the Commander-in-Chief were authorized to appoint a Judge Advocate General, with the rank of Lieutenant Colonel, to compose one member of the General Staff, whose duty it should be to receive and prosecute complaints against members of the General Staff and Division Advocates, and to conduct all prosecutions which Division Advocates may be disqualified by reason of interest or physical inability from managing; and should also provide that the Judge Advocate General may be brought to trial by the Advocate of the Division, within which he may reside, it would supply an obvious defect in the present and all preceding laws of the State.

Some officers who have been elected for the sole reason, and with a distinct understanding that they would not require their soldiers to do duty, have been convicted and cashiered without being sentenced to pay a fine or even the cost which the State had incurred on account of their inexcusable neglect of duty; such officers, devoid of every honorable feeling necessary to constitute a good officer, are invulnerable at every point except in their purses; and the law has wisely provided Courts Martial, with the power to touch the pecuniary sensibility of such offenders; and they should never fail to administer full and complete justice and indemnify the State for all expenses incurred on account of disobedient and negligent officers.

In order that judgments and sentences of Courts should be salutary, it is necessary they should be executed. But within a few years several officers have been convicted of the most unwarrantable and inexcusable neglect of duty, and after being cashiered and sentenced to pay fines and costs, they have approached the pardoning power of the State, and by misrepresentation, and an ex-parte hearing have so far imposed upon the merciful feelings of the Executive, that the fines and costs have been remitted. Such precedents operate as pecuniary indem-

nity against the consequences of disobedience of orders and neglect of duty.

In conclusion I have great pleasure in saying, that a large proportion of the officers of the militia appear to deserve great commendation for their promptness and fidelity. Time and opportunity only seem wanting to perfect them in the knowledge of their duties; and justice towards them, requires that a marked distinction should be made between merit and demerit. Indiscriminate praise would be as unjust and insulting to the good officers as indiscriminate censure would be undeserved.

I am not unaware of having travelled out of the ordinary course marked out for me by my predecessors, in making their annual reports. But I have deemed it important to make these suggestions; and however imperfectly they may have been expressed, if they are rendered intelligible, and they shall receive a careful comparison with cause and effect, in the militia of this State, with such consideration only as they are entitled to, my only object in this behalf will have been accomplished.

I have the honor to be,

Very respectfully,

Your obedient servant,

ISAAC HODSDON, Adjutant General.



SCHEDULE

OF PUBLIC PROPERTY IN THE ARSENAL AT PORTLAND.

1 iron 42 pound cannon.	276 6½ inch shells.
4 " 32 " " "	187 51 " "
22 " 24 " "	214 51 " "
5 " 18 " "	1800 hand grenades.
7 " 12 " "	32400 lead balls.
2 " 9 " "	3 boxes fixed hand gren-
10 " 6 " "	ades.
4 " 4 " "	9 cases 6 lb. fixed ammu-
2 " 3 " "	nition.
1 " 10 inch mortar.	53 cases musket do.
4 elevating screws.	3 kegs powder.
2 brass 12 pound cannon.	1 keg powder dust.
3 " 6 " "	11 ammunition boxes
4 " 3 " "	5 sponge buckets.
2 " 6 inch howitzers.	22 trail handspikes.
2 eprovettes.	8 prolongs.
13 ship gun carriages.	171 bricoles.
2 sea-coast gun carriages.	4 vent covers.
40 trucks for " " 4.18 nound " "	11 tompions.
4 10 pound	27 collars and straps.
9 0	11 drag ropes.
1 0	54 sponges and rammers
38 42 pound shot.	50 ladles and worms.
220 02	3 sea sponges.
1040 24	8 sponge covers. 30 implement straps.
000 10	5 tongs and ladles.
1034 12 " " " 819 9 " "	4 tarpaulins.
1031 6 " "	1 tumbril.
2123 4 " "	1 12 lb. caisson.
728 3 " "	5 powder monkeys.
1836 double-headed shot.	39 haversacks.
21 cases grape shot.	18 tube pouches.
1 case 32 lb. "	11 portfire cases.
1 "8 lb. howitzer shot.	21 priming horns.
708 13 inch shells.	25 portfire clippers.
341 9½ " "	11 thumbstalls.
134 8 " "	21 gunners' gimlets.
	0

47 priming wires. 30 lintstocks. 15 portfire stocks. 100 artillery swords. " 100 belts. 60 yds. match rope. 4 whiffletrees. 18 pairs trace chains. 9 sets lead bars. 1 swingletree. 21 trace spreads. 1 pair pole straps. 9 back saddles. 10 breechings. 15 horse collars. 50 pairs hames. 24 back and belly bands. 4 head stalls. 149 sabres. 59 sabre belts. 250 pistols. 21 lances. 1 box flints. 3 drums (with sticks.) 12 fifes. 6644 muskets. old. 402 leather bayonet belts. 300 bayonet scabbards. 500 knapsacks. 571 Hall's rifles. 571 bayonets. 571 screw drivers. 571 wipers. 571 spare flint caps. 57 bullet moulds. 57 spring vices. 571 buff pouch belts. 571 pouches. 571 bayonet scabbards. 571 buff bayonet belts.

waist

571 belt plates.

571 copper flasks. 50 extra springs. 100 brown short rifles. 100 screw drivers. 100 wipers. 10 screw vices. 10 ball screws. 10 bullet moulds. 240 bright barreled short rifles. 240 bullet moulds. 240 wipers. 24 screw drivers. 24 ball screws. 34 powder flasks. 40 pouches. 40 straps. 107 field tents. 1 marquee. lot of tent poles. " " pins. toggles. 373 mallets. 2 signal lanterns. 18 doz. iron spoons. 7 long handled fry pans. 14 fry pans and spiders. 3 tea kettles. 76 tin camp kettles. 12 sheet iron 52 coffee pots. 2 tea pots. 160 tin pans. 391 tin dippers. 5 skimmers. 6 tea basins. 24 tin tumblers. 3 toast pans. 103 tin plates. 166 flat square pans. 19 wheel-barrows. 39 hand-barrows. 2 crows and bars.

2 bakers.

1 pick-axe. 37 handspikes. 24 shovels. 6 spades. 1 travelling forge. 1 desk. 1 stove and funnel. 1 water-pot. I polishing lathe. 2 bench vices. 1 hand 2 iron bit-stocks. 1 grind-stone. 1 hand-saw. 2 small saws. 3 seives. 2 oil canisters. 2 tackle blocks. 1 tackle and fall. 2 slings. 1 plate for standard. 2 ensigns. 4 day flags. 1 State brand. sheet lead. 1 copper adze. 6 powder measures. 1 wooden bowl. 1 set brass weights and measures. 1 large bullet mould. 1 pair shoe pincers. 1 drawing knife. 2 hammers. 1 125 inch former. 4 formers. 1 portfire mould. 1 pair steel-yards. lot of bench tools. " chisels and gouges. 1 tool-chest.

76 bill-hooks.

4 hatchets.

1 large chain. 1 ladder. 1 box brimstone. 1 glue pot. 3 high steps. 1 pendant halyards. 1 iron ladle. 1 set of callopes. 1 augur and gimlet. 2 pairs old shears. 1 gin. 1 gun rimmer. 1 ring cart. 263 gun locks. 1 searcher. 2 boxes steel. 48 empty powder kegs. 7 old muskets. 22 cartridge boxes. lot of old powder bags. 334 cartridge-box woods. lot of old paint-pots. " " paint-brushes. " " bugles. " "" fifes. " " standards. " " match-rope. " pump gear. " cedar posts. " " gun screws. " iron wheel bands. " " drums. " drag-ropes. boxes and bbls. " tenter hooks. 4 old broken shovels. 1 " " spade. 133 " camp kettles. signal lantern. 600 unfinished powder horns. 1 pr. old smith tongs. 4 old tarpaulins.

lot of whitewash brushes.

SCHEDULE

OF PUBLIC PROPERTY IN THE ARSENAL AT BANGOR.

2 18 pound iron cannon.	340 rifle scabbards and belts.
2 12 " " " "	2861 musk't " " "
29 " " "	442 ball pouches.
2 4 " " "	353 rifle belts.
1 howitzer.	313 sword "
2 6 pound brass cannon.	193 sabre "
23 " " " "	1 box flints.
1 brass eprovette.	1754 priming wires & brush's.
1 baggage wagon.	415 powder flasks.
1 12 lb. caisson.	345 flint caps.
3 6 lb. caissons.	22 rifle bullet moulds.
6 tarpaulins.	36 spring vices.
6 portfire stocks.	824 wipers.
9 drag-ropes.	30 baİl screws.
71 rammers and sponges.	813 screw-drivers.
21 lintstocks.	100 bill-hooks.
63 bricoles.	40 boarding pikes.
8 haversacks.	62 tents.
6 ammunition bags.	336 canteens, (tin.)
7 powder horns and belts.	812 wooden canteens.
6 portfire stocks.	51 iron tent-pins.
6 copper powder measures.	1 box wooden tent-pins.
2 tube boxes.	1 set State brands.
267 tubes.	22 horse chains.
5 portfire clippers.	20 wheel-barrows.
9 priming wires.	20 hand-barrows.
4 gunner's gimlets.	79 carpenter's mallets.
400 swords.	112 12 lb. round shot.
86 cavalry pistols.	1985 6 " " "
299 sabres.	1517 4 " " "
3 drums.	570 3 " " "
2 fifes.	965 hand grenades.
3167 muskets.	78 24 lb. case shot.
3150 bayonets.	198-12 " " "
456 Hall's rifles, with ba'nets.	162 18 " " " "
180 Johnson's rifles.	144 9 " " "
1476 knapsacks.	336 6 " " "
2657 cartridge boxes and belts.	192 4 " " "

West March 1981	
135 3 lb. case shot.	1 tunnel.
140 12 " " " fixed.	1 tin quart.
288 6 " " " "	21 skimmers.
3 boxes strap shot.	186 tin pails.
21 grape shot.	3 old tin bakers.
1 keg powder.	35 tin tumblers.
part of keg do.	2 wash dishes.
2 tompions and straps.	1 tinder box.
2 lead aprons.	2 lamp fillers.
5½ yds. match-rope.	20 bake pans.
33 boxes cartridges.	50 coffee pots.
34200 lead balls.	633 mess pans.
1 box buckshot.	580 " plates.
1 box balls.	1 tea cannister.
1 keg ball cartridges.	3 lamps.
54 handspikes.	1 tin strainer.
5 augurs.	11 new knives and forks.
1 iron square.	147 knives (old.)
4 draw knives.	80 forks `"
1 grub-hoe.	2 carving knives and forks
1 stone hammer.	1 pair brass candle sticks
12 broad axes.	3 " tin " "
68 narrow "	142 table spoons.
50 pick "	9 tea - "
10 crowbars.	2 iron ladles.
40 spades.	3 meat forks.
104 sĥovels.	30 wooden pails.
2 cast steel drills.	2 buckets.
23 blankets.	1 stove and funnel.
89 tent poles.	1 forge and bellows
32 sheet iron camp kettles.	4 emery wheels.
32 tin " " "	1 man drill.
1 steam	1 screw plate wrench.
1 coffee mill.	6 taps.
27 frypans.	5 drills for lathe.
2 tin bread pans.	2 nail gimblets.
100 3 pint tin basins.	10 files.
446 tin dippers.	3 screw drivers.
17 ½ pint 166	1 bench hammer.
1 pepper box.	1 varnish brush.
1 shaving dish.	1 glue brush.
4 tin lanterns.	4 stone jugs.
3 long handled dippers.	2 iron rods.
J II	•

7 paint pots.

1 oil barrel. lot of paints.

35 belt buckles.

2 mason's hods.

1 small lot of zinc. part of box of glass.

31 empty boxes.

SCHEDULE

OF PUBLIC PROPERTY IN THE ARSENAL AT BATH.

1 9 pound iron cannon.

" 19 cannonade.

iron cannon.

1 tumbril and harness.

80 3 lb. round shot (less a few deliv'd to troops.)

20 9 lb. case shot.

33 6 "

48 3 " "

40 3 and 6 lb. cannister shot.

9840 musket ball cartridges. 23000 " balls.

> 12 sets harnesses for one horse.

2 pairs trace chains.

8 halters extra of harness sets.

4 ladles and worms.

5 rammers and sponges.

4 prolongs.

65 bricoles.

4 drag ropes.

9 haversacks.

8 lintstocks.

8 portfires.

3 priming horns and belts.

1 pair pincers.3 handsaws.

2 axes.

1 tube box and belt.

3 tompions on guns.

4 lead aprons.

4 swab buckets.

8 tin camp kettles.

1000 pistol flints.

Abstract of the INSPECTION RETURN of the Militia of the State of Maine, for the year 1841.

	Commander-in-Chief.	Adjutant General.	Hospital Surgeon.	Major Generals.	Brigadier Generals.	Division Inspectors.	Division Quarter Masters.	Aids-de-Camp.	Brigade Majors.	Brigade Quarter Masters.	Division Advocates.	Colonels.	Lieutenant Colonels.	Majors.	Adjutants.	Quarter Masters.	Pay Masters.	Chaplains.	Surgeons.	Surgeons' Mates.	Captains.	Lieutenants.	Ensigns.	Cornets.	Sergeant Majors.	Quarter Master Sergeants.	ns.	Buglers and Trumpeters.	Sergeants.	Corporals.	Privates.	Total Commissioned Officers.	Total Non-commissioned Officers, Musicians and Privates.	AGGREGATE.	Number of Divisions.	Number of Brigades.	Number of Regiments.	jo	Number of Companies.
General Staff,	1	1	1		-			4								`																7		7					
Division Staff,				9		9	8	13			9	-									And the second s											48		48					
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Adjutant General's Office, Dec. 31, 1841.

ISAAC HODSDON, Adjutant General.

[B.]

ARMS, ACCOUTREMENTS AND AMMUNITION.

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	12 Pounders.	6 Pounders.	4 Pounders.	3 Pounders.	6 Inch Howitzers.	Eprovettes.	42 Pounder.	32 Pounders.	24 Pounders.	18 Pounders.	12 Pounders.	9 Pounders.	6 Pounders.	4 Pounders.	3 Pounders.	10 Inch Mortar.	10 Inch Howitzer.	Sponges and Rammers.	Ladles and Worms.	Bricoles and Drag Ropes.	Trail Handspikes.	Lead Aprons.	Ammunition Boxes.	Tumbrils or Powder Carts.	Sets of Harness.	Rounds of Shot and Shells.	Muskets.	Bayonets,	Cartridge Boxes and Belts.	Bayonet Scabbards and Belts.	Brushes and Picks.	Spare Flints.	Ball Cartridges.	fles.	owder Horns and Fow Flasks.	Pouches.	Loose Balls.	Horseman's Pistols.	Swords and Sabres.	Sword Scabbards and Belts.	Knapsacks.	Haversacks.	Drums.	Fifes.	Bugles and Trumpets.
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Adjutant General's Office, thirty-first day of December, 1841.

ISAAC HODSDON, Adjutant General of the Militia of the State of Maine.

TABLE, showing the date of the last

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RECEIVED FROM COMPANIES.

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Adjutant General's Office, Augusta, Dec. 31, 1841.

ABSTRACT ANNUAL RETURN, 1841.

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Adjutant General. Hospital Surgeon. Aids to Commander-in-Chief. Number of Divisions.	columber of Brigades. Columber of Division Guarter Masters. Columber of Brigades.	다 Brigadier Generals. 다 Aids-de-Camp. 다 Brigade Majors. 다 Brigade Quarter Masters.	2 Colonels. S Lieutenant Colenels.	See Majors. See Adjutants. Adjutants. See Adjutants. Adjuta	21 Quarter masters. 99 Pay Masters. 75 Chaplains. 74 Surgeons.	24 Surgeons' Mates. 15 Surgeons' Mates. 15 Sergeant Majors. 16 Quarter Master Sergeants. 17 Drum and Fife Majors.	89 Number of Companies.	Captains.			21 Corporals.	-	Privates, exclusive of conditional exempts.	Conditional exempts.	-11	Addresses.	18881 Present.	Absent.	Muskets.	Bayonets.	Iron Ramrods.	Cartridge Boxes and Belts.	Bayonet Scabbards and Belts.	Spare Flints.		20	Knapsacks.	Riffes. 9 Powder Horns.	69 Pouches.			Books of Tactics. Reports of Decisions of Courts Martial M		Books of Enrolment. Orderly Books.
	Total Force.	1,338		. 28,617		31,717			·									•						2							, 1			
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	Number of Regiments.	4 10	59			89	A Regiments on Battalions.	© Colonels.	c Majors	cr Pay M	c Surgeo	S Sergea	8 Quarte	6 Captains. G Lieutenants. 6 Cornets.	Sergeants.	Corporals.		11	1338		Solution 127	Holsters.	. -	Swords.		Saddles.		Breast Mail F		_	08 Bugles.	Books Report	-	Books Orderl
	Number of Brigades.		18			18																												
	Number of Divisions.		6	:		6									VITTER TO SEE SEE SEE SEE SEE SEE SEE SEE SEE SE							Its.						stocks.					ts Martial.	
	CORPS.	Cavalry,	Infantry,	Light Infantry,	Riffemen,		A Regiments.	A Colonels.	01 Majors.	C Quarter Masters.	A Chaplains.	ω Sergeant Majors.	© Quarter Master Sergeants. Drum and Fife Majors. Winnher of Communication	s. s	Sergeants.	104 Corporals.			AGGREGATE.		- -		Knapsacks.	l — l — l –	S Caissons and Tumbrils.	2 Ladles and Worms.	S Tube Boxes.	2 Haversacks. 2 Lintstocks and Portfire st	E Lead Aprons.	833 Bricoles.	Sets of Horse Harness.	96 Trail Handspikes.	(2) Artillery Discipline.	S Militia Laws. S Books of Enrolment. No 1 Orderly Rooks

Adjutant General's Office, thirty-first day of December, 1841.

ISAAC HODSDON, Adjutant General of the Militia of the State of Maine.