

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1843.

AUGUSTA:

WM. R. SMITH & Co., PRINTERS TO THE STATE.



1843.

TWENTY-THIRD LEGISLATURE.

No. 26.]

[SENATE.

AN ACT

IN RELATION TO THE

MILITIA OF MAINE.

[WM. R. SMITH & Co.....Printers to the State.]

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND
FORTY-THREE.

AN ACT to amend the *Sixteenth* Chapter of the Revised
Statutes.

Be it enacted by the Senate and House of Represen-
2 *tatives in Legislature assembled*—as follows :

3 SECTION 1. The said chapter shall be amended
4 by striking out the fourth section thereof.

SEC. 2. The sixth section shall be amended as
2 follows: by striking out the word "*thirty*" in the
3 second line, and inserting instead thereof the words
4 "*thirty-five*". Also by striking out the word "*seven*"
5 in the fourth line, and inserting instead thereof the
6 word "*ten*," so that the section will read as follows :

7 *Sec. 6.* All persons liable by law to the perform-
8 ance of military duty, who are, or may be between
9 the ages of thirty-five and forty-five years of age, and
10 all persons who have done, or shall hereafter do duty
11 for the term of ten years in any company of Artillery,
12 Cavalry, Light Infantry, or Riflemen; shall be ex-
13 empted from all military duty, except that of being
14 detached or called forth to execute the laws of the

15 United States or of this State, to suppress insurrec-
16 tions, and repel invasions, and of keeping themselves
17 constantly furnished with the arms and equipments
18 required by the laws of the United States, and the
19 duty of carrying, or sending them on the first Tues-
20 day of May annually to the place of inspection or view
21 of arms of the company within the bounds of which
22 they may reside, and in which they may be enrolled,
23 and the duty of attending the election of company
24 officers.

SEC. 3. The fourteenth section shall be amended
2 as follows: by striking out in the eleventh line, all
3 between the words "*of*" and "*between*" and insert
4 after the word "*thirty*" the word "*five*", so that the
5 section will read as follows:

6 *Sec. 14.* No company of Cavalry, Artillery, Light
7 Infantry, or Riflemen shall be raised at large when
8 any of the standing companies shall thereby be re-
9 duced to a less number than forty effective privates,
10 exclusive of conditional exempts and two musicians,
11 and including corporals; and if any officer of Cav-
12 alry, Artillery, Light Infantry, or Riflemen shall en-
13 list any belonging to a standing company, or residing
14 within the bounds thereof, for the purpose of forming
15 or recruiting his company, when by means thereof
16 such standing company would be reduced to a less
17 number than forty effective privates borne on the roll,
18 exclusive of those between the ages of thirty-five and
19 forty-five years, such enlistment shall be void; and

20 whenever any person shall enlist into any such com-
21 pany raised at large, the commanding officer of the
22 company into which such person may enlist shall give
23 notice thereof in writing to the commanding officer
24 of the standing company in which such person is lia-
25 ble to do duty within five days from such enlistment,
26 and state in such notice the date of enlistment, other-
27 wise the same shall be void although the standing
28 company should not thereby be reduced to a less
29 number than forty effective privates. If any com-
30 pany raised at large shall be reduced to a less number
31 than thirty privates, and remain so for six months,
32 then such company shall be disbanded, and the men
33 which belonged to such delinquent company, shall be
34 enrolled in the standing company, within the bounds
35 of which they respectively reside. All companies
36 raised at large and not annexed to any particular
37 regiment, shall be subject to the orders of the com-
38 manding officer of the brigade in which they have
39 been raised, and shall make their elections of officers
40 in the same manner as other companies, but shall
41 make their returns of elections to the commanding
42 officer of the brigade. At all parades of regiments
43 the companies commanded by the two senior cap-
44 tains shall act as light infantry companies, except
45 where companies of light infantry or riflemen have
46 been, or may be hereafter, raised and annexed to the
47 regiment.

SEC. 4. The seventeenth section shall be amended

2 as follows—by striking out the word “*seven*” in the
3 sixth line and inserting instead thereof the word *ten*,
4 so that the section will read as follows :

5 *Sec. 17.* Any person who shall lawfully enlist in
6 any volunteer company, whether such person be ex-
7 empted by law, or not, shall be holden to do duty
8 therein for the term of seven years, unless such per-
9 son be sooner discharged by order of the command-
10 ing officer of the brigade. And whenever any person
11 who has performed duty in any volunteer company,
12 for the term of ten years shall present to the com-
13 manding officer of the regiment to which such com-
14 pany belongs, a certificate from the commanding
15 officer of such company stating that he is entitled to
16 a discharge as specified in the sixth section of this
17 act, it shall be the duty of such commanding officer
18 of such regiment, to forthwith give him a discharge
19 from such company.

SEC. 5. The forty first section shall be amended as
2 follows—by inserting after the word “*review*” in the
3 fourth line the following—“after all the duties of the
4 day have been performed”—also amend in the sixth
5 line by striking out all between the words “*equip-*
6 *ped*” and “*the*” and inserting instead thereof the
7 following—“and in the uniform of the company to
8 which they severally belong, and who has faithfully
9 performed military duty during the day,” so that the
10 section will read as follows :

11 *Sec. 41.* Upon the requisition of any command-

12' ing officer of a company, for that purpose at five
13 days notice, the treasurer of each city, town and
14 plantation, shall pay at the place of inspection and
15 review, after all the duties of the day have been per-
16 formed, to each officer and member of such company,
17 including musicians belonging to such city, town or
18 plantation who shall then and there appear duly
19 equipped, and in the uniform of the company to
20 which they severally belong ; and has faithfully per-
21 formed military duty during the day, the sum of one
22 dollar in lieu of rations ; *provided* such officer or
23 member shall have appeared duly armed and equip-
24 ped, and performed military duty at each of the train-
25 ings mentioned in the seventy fourth section ; but if
26 he shall have failed to appear at either of said train-
27 ings as aforesaid, the sum of twenty five cents shall
28 be deducted for each of said trainings at which he
29 shall have so failed to appear ; but nothing shall be
30 paid to any person who shall not appear, and per-
31 form duty at the review aforesaid. Every city, town
32 or plantation which shall fail to pay such sums as
33 aforesaid, shall forfeit to the use of the company a
34 sum equal to one dollar for every such person, who
35 shall do duty on such inspection, and review ; to be
36 sued for and recovered by the clerk of said company
37 before any court of competent jurisdiction. The
38 treasurer of said city, town and plantation shall annu-
39 ally present his bill for so much as he has actually

40 paid to the officers and soldiers aforesaid, to the leg-
41 islature for allowance.

SEC. 6. The sixty-seventh section, shall be amend-
2 ed as follows: by striking out the word "*five*" in the
3 third line and inserting the word "*seven*" instead
4 thereof—also by striking out the word "*said*" in the
5 ninth line, so that the section will read as follows:

6 *Sec. 67.* All military officers who have been or
7 may hereafter be commissioned, shall hold their re-
8 spective offices for a term not longer than seven years
9 from the date of their commissions, unless reappoint-
10 ed, or reelected; and the commander-in-chief shall
11 discharge all such officers accordingly; *provided* that
12 in case of vacancy of Major General in any Division
13 the commissions of the Brigadier Generals in such
14 Divisions, shall not terminate by the limitation afore-
15 said till the office of Major General shall be filled.

16 But no officer shall be discharged within the term
17 of five years otherwise than in pursuance of the sen-
18 tence of a Court Martial, except by the commander-
19 in-chief, on request of such officer in writing, or by
20 actual removal of residence out of the bounds of his
21 command; and to such distance that the Major Gen-
22 eral shall think it inconvenient for him to discharge
23 the duties of his office, or by twelve months absence
24 without leave of the commanding officer of his divis-
25 ion, or by the corps to which he belongs, being dis-
26 banded by law; and whenever any division, brigade,

27 regiment, or battalion, shall be divided, or the resi-
28 dence of any staff officer attached thereto shall be
29 without the bounds of the corps in which he was
30 commissioned, such staff officers shall be entitled to
31 an honorable discharge, and shall cease to do duty
32 in such office, after such division is made, and the
33 commanding officer may proceed to fill the vacancy
34 occasioned thereby.

STATE OF MAINE.

IN SENATE, February 11, 1843.

Laid on the table, and 300 copies ordered to be printed for the
use of the Legislature.

Attest :

JERE HASKELL, *Secretary.*