

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1844.

AUGUSTA:
WM. R. SMITH & Co., PRINTERS.

1844.

TWENTY-FOURTH LEGISLATURE.

No. 2.]

[HOUSE.

AN ADDITIONAL ACT

RELATING 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-FOUR.

AN ACT in addition to the Sixteenth Chapter of the
Revised Statutes.

*Be it enacted by the Senate and House of Representatives in Legislature assembled—*as follows :

SECTION 1. Every able-bodied white male citizen,
resident within this State, who is, or shall be of the
age of eighteen years, and under the age of forty-
five years, excepting persons enlisting into volunteer
companies, persons already exempt from the perform-
ance of military duty by the sixteenth Chapter of the
Revised Statutes, idiots, lunatics, common drunkards,
vagabonds, paupers, and persons convicted of any
infamous crime in this or any other State, shall be
enrolled in the militia.

SEC. 2. It shall be the duty of the assessors of the
cities, towns and plantations within this State, to pre-
pare a list annually of all persons liable to be en-
rolled, living within their respective limits, and said
assessors shall annually place a list of persons liable
to be enrolled in the hands of the clerk of every city,

7 town or plantation in this State, and it shall be the
8 duty of every such clerk to preserve such list of
9 names in his office, and make an annual return of the
10 militia thus enrolled to the office of the Adjutant
11 General in the month of May or June.

SEC. 3. The militia, thus enrolled, shall be subject
2 to no active duty whatever, except in case of insur-
3 rection, war, invasion, to prevent invasion, or other
4 public danger or emergency ; in such case the Gov-
5 ernor and Commander in Chief is hereby authorized
6 and required to order out from time to time, by draft
7 or otherwise, as many of the militia as the necessity of
8 the case may require. The militia whenever called
9 into actual service, shall be governed and trained ac-
10 cording to the laws of the United States and of this
11 State.

SEC. 4. Whenever the militia are thus ordered out
2 for actual service, they shall forthwith be organized
3 into companies, battalions, regiments, brigades and
4 divisions, and officered as now provided by law ; *pro-*
5 *vided however*, that if the exigency of the case should
6 require one or more Major Generals during the recess
7 of the Legislature, the Commander in Chief may ap-
3 point the same ; and the Major Generals so appoint-
9 ed shall be subject to the confirmation or rejection of
10 the next succeeding Legislature.

SEC. 5. Whenever the militia shall have volunteered
2 or been drafted and mustered for actual service as
3 specified in the third section of this act, the State

4 shall furnish arms and equipments for the use of each
5 non-commissioned officer and private, and pay them
6 until their time of service shall have expired.

SEC. 6. To carry into full effect the provisions of
2 the third, fourth and fifth sections of this act, the or-
3 der of the Commander in Chief may be made and
4 directed to the mayor and aldermen of any city, the
5 selectmen of any town or the assessors of any planta-
6 tion within this State. And whenever such order is
7 made and directed as aforesaid, it shall be the duty of
8 the mayor and aldermen, the selectmen or assessors
9 aforesaid, to appoint a time and place of parade for
10 the militia, in each city, town or plantation, and to
11 order them to appear at the time and place by leav-
12 ing a written notice at their place of abode, and then
13 and there proceed to draft as many thereof, or to ac-
14 cept as many volunteers as is required by the order
15 of the Commander in Chief; and the mayor and al-
16 dermen, selectmen and assessors shall notify the Com-
17 mander in Chief forthwith that they have performed
18 the aforesaid duty. And whenever any person thus
19 ordered out, detached or drafted, shall refuse to ap-
20 pear at the time and place designated by the mayor
21 and aldermen, selectmen or assessors as aforesaid,
22 and shall not, within twenty four hours after he shall
23 have been notified, pay to the mayor and aldermen,
24 selectmen or assessors, the sum of fifty dollars or pro-
25 cure an able-bodied man in his stead, such person on
26 being ordered to march to the place of rendezvous,

27 shall be considered as a soldier belonging to the de-
28 tachment, and shall be dealt with accordingly.

SEC. 7. All civil officers named in this act, who
2 shall neglect or refuse, at any time, to obey the pro-
3 visions thereof, shall forfeit and pay not more than
4 five hundred nor less than twenty dollars for each and
5 every offence, to be recovered in any court of com-
6 petent jurisdiction, for the use and benefit of the State.

VOLUNTEER MILITIA.

SEC. 8. The active militia of this State shall con-
2 sist and be composed of volunteers, or companies
3 raised at large ; and in all cases shall first be ordered
4 into service, to suppress riots, or to aid civil officers
5 in the execution of the laws of the State.

SEC. 9. The Commander in Chief may grant peti-
2 tions, or authorize the mayor and aldermen of any
3 city, or the selectmen of any town, or the assessors
4 of any plantation, to grant petitions for raising com-
5 panies at large, to the number of ten thousand men,
6 including the number already raised.

SEC. 10. The whole number of volunteers shall
2 not exceed ten thousand men, and shall be divided or
3 apportioned in each county, throughout the State, ac-
4 cording to population ; in such manner, however, as
5 to retain all the volunteer companies, with their offi-
6 cers, now raised and organized.

SEC. 11. From and after the passage of this act,
2 each and every officer, non-commissioned officer, and
3 soldier of the volunteer militia, shall be entitled to re-

4 ceive one dollar per annum ; and one dollar in addi-
5 tion when attending any battalion, regimental or brig-
6 ade review : provided he shall perform all the duties
7 required by this act, hereinafter provided. And the
8 sums to which each officer and soldier may be enti-
9 tled, shall be paid by the treasurers of the respective
10 cities, towns and plantations in which such officers
11 and soldiers may reside ; and the sums so paid by the
12 treasurers of the several cities and towns and planta-
13 tions, shall be paid out of the treasury of the State.

SEC. 12. It shall be the duty of the commanding
2 officers of all volunteer companies, on or before the
3 first day of November, in each year, to make out and
4 certify to the treasurer of each city, town or planta-
5 tion, within the limits of which any persons belonging
6 to their companies may reside, a list of all persons in
7 their respective companies, residing in such city, town
8 or plantation, who through the preceding year, have
9 performed all the duties required by this act ; and the
10 individuals whose names are so certified shall be en-
11 tled to receive the sums directed to be paid by the
12 preceding section.

SEC. 13. The several volunteer companies of cav-
2 alry, artillery, light infantry, riflemen and grenadiers,
3 in each county, shall be numbered, and a record made
4 of such numbers in the Adjutant General's office :
5 and when they exist in sufficient numbers, and are
6 conveniently located for the purpose, shall be organ-
7 ized by the Commander in Chief into regiments and

8 battalions. And whenever any company of cavalry,
9 artillery, light infantry, riflemen or grenadiers, shall
10 not be so located, such company shall remain in com-
11 mand of its captain or commanding officer, subject
12 to the orders of the Commander in Chief, through
13 the commanding officer of the nearest located regi-
14 ment; to which commanding officer such captain or
15 subaltern shall make his annual return.

SEC. 14. Every non-commissioned officer and sol-
2 dier of any company raised at large, shall be holden
3 to do duty therein for the term of five years from his
4 enlistment, unless disability after enlistment should
5 absolutely incapacitate him to perform such duty, or
6 he should be regularly discharged by the proper
7 officer.

SEC. 15. To each company of light infantry, gren-
2 adiers or riflemen, there shall be one captain, one
3 first, one second and one third lieutenant, five ser-
4 geants, four corporals, one or more fifers or buglers,
5 and one or more drummers. To each company of
6 artillery, there shall be one captain, one first and two
7 second lieutenants, five sergeants, four corporals, one
8 or more fifers, one or more drummers, and three dri-
9 vers. To each company of cavalry, there shall be
10 one captain, two lieutenants, one cornet, five ser-
11 geants, four corporals, one saddler, one farrier, and
12 one or more trumpeters. To every two or more
13 companies of cavalry, artillery, light infantry or rifle-
14 men, in a brigade, not attached to any regiment,
15 there shall be one surgeon.

SEC. 16. Whenever forty eight men shall have been
2 enlisted, according to the provisions of this act, an
3 election of officers may be ordered, upon notification
4 being given by one or more of the petitioners, attest-
5 ed by the mayor and aldermen of any city, or the se-
6 lectmen of any town, or the assessors of any planta-
7 tion in the State, to the Commander in Chief. And
8 if there is no officer of the volunteer corps conveni-
9 ently located to preside at such election, the Com-
10 mander in Chief may issue an order for that purpose,
11 to any one or more of the selectmen of the town
12 where a majority of said petitioners may reside. No
13 company hereafter to be raised at large shall consist
14 of more than one hundred members.

SEC. 17. Each company of light infantry, grena-
2 diers and riflemen, raised at large, shall be furnished
3 with muskets or rifles, and every company of cavalry
4 with sabres, belts and pistols, and every company of
5 artillery with swords and belts, on application to the
6 Adjutant General, and on delivering to him a suffi-
7 cient bond, signed by the mayor and aldermen in be-
8 half of any city, or by the selectmen in behalf of any
9 town or towns where the armory or armories of such
10 company is or are situated, for the safe keeping and
11 return of the same, when required by the Commander
12 in Chief, and producing to him satisfactory evidence
13 that a suitable armory or place of deposit for such
14 muskets or rifles, swords, sabres, pistols and belts,
15 has been provided by the town within which said

16 company is situated, or otherwise; which arms, so
17 furnished, shall be carefully kept for the use of the
18 company for military purposes only. The Comman-
19 der in Chief may from time to time require any officer
20 to examine any armory provided as aforesaid, and re-
21 port to him the condition thereof, and of the arms
22 therein deposited. And the several towns in the
23 State are hereby authorized to raise money to be ex-
24 pended in providing armories or places of deposit, as
25 above provided. And whenever any arms are furnish-
26 ed as aforesaid, to any company formed from different
27 towns, or from towns and plantations, the same shall
28 be deposited in the town within which the greatest
29 number of the members of said company may vote to
30 establish their armory.

SEC. 18. The systems of discipline and field exer-
2 cise which are ordered to be observed by the regular
3 army of the United States in the different corps of
4 cavalry, artillery, light infantry and riflemen, or such
5 other system as may at any time hereafter be directed
6 for the volunteers and militia, by the laws of the Uni-
7 ted States, shall be observed, by the companies raised
8 at large in this State, in the discipline and exercise of
9 said corps respectively.

SEC. 19. Every officer of the line and staff, and
2 every officer and soldier of any company raised at
3 large, shall provide himself with a uniform complete,
4 which shall be such as the Commander in Chief shall
5 prescribe, and subject to such restrictions, limitations
6 and alterations, as he may order.

SEC. 20. Every commanding officer of a company
2 raised at large, shall parade his company on the last
3 Wednesday in May, annually, at two o'clock in the
4 afternoon, for the purpose of inspecting, examining,
5 and taking an account of all the equipments of his
6 men, in order that a thorough inspection may be
7 made of all the volunteer companies in the State.
8 Every commanding officer of a company shall exer-
9 cise and discipline as well as inspect his company on
10 said day. Every commanding officer as aforesaid,
11 shall in addition thereto, parade his company for ex-
12 ercise and discipline on one other day, at the hour
13 aforesaid, by his own order.

SEC. 21. There shall also be an inspection and re-
2 view once in two years; and the commanding officer
3 of each division shall order the troops to parade for
4 that purpose, in such bodies and corps, and at such
5 times, after the second Monday in September, as he
6 shall deem expedient, regard being had to the scatter-
7 ed or compact situated [situation] of the troops: pro-
8 vided, that no regiment or battalion be divided. The
9 first inspection and review under this act shall be or-
10 dered in the year eighteen hundred and forty four. The
11 commanding officer of the brigade shall appoint the
12 place, and shall give notice thereof to the command-
13 ing officer of the division. But if all the troops to
14 be inspected and reviewed, belong to one regiment
15 or battalion, then the commanding officer of the reg-
16 iment or battalion shall appoint the place and give

17 notice to the Brigadier General; and the places ap-
18 pointed for inspection and review shall be as central
19 as, in the judgment of the officer appointing the
20 place, may be convenient: provided, that no officer,
21 non-commissioned officer or private, shall be obliged
22 to march more than twenty miles from his residence
23 to any review of a regiment or less body of men, and
24 that no larger body than a brigade be ordered to pa-
25 rade at the same time and place except by order of
26 the Commander in Chief. All orders for review and
27 inspection shall be issued ten days at least previous to
28 the second Monday in September; and all command-
29 ing officers of companies may, on parade, read brig-
30 ade or regimental orders, and notify the soldiers of
31 their several commands, to appear as specified in
32 said brigade or regimental order, for the purposes
33 therein contained, which notice shall be a sufficient
34 warning.

SEC. 22. Every non-commissioned officer, musi-
2 cian, or private, who shall unnecessarily neglect to
3 appear on the days, at the times and places appointed
4 for such duty, agreeably to the provisions of this act,
5 shall forfeit his annual pay, and shall also forfeit and
6 pay four dollars for each and every such neglect.
7 And the certificate of the commanding officer of any
8 company, duly signed by a majority of the officers of
9 said company, shall be received as competent evi-
10 dence of such neglect or refusal to do duty as above
11 provided, or any other duty required by this act.

SEC. 23. For unnecessarily neglecting to appear
2 when ordered, as provided in the following section,
3 or for disobeying orders or advising any person to do
4 the like, every such soldier shall forfeit and pay fifty
5 dollars.

SEC. 24. Whenever there shall be, in any county,
2 any tumult, riot, mob, or any body of men acting to-
3 gether by force, with intent to commit any felony, or
4 to offer violence to persons or property, or by force
5 and violence to break and resist the laws of this
6 State, or any such tumult, riot or mob shall be threat-
7 ened, and the fact be made to appear to the Com-
8 mander in Chief, or the mayor of any city, or to any
9 court of record sitting in said county, or if no such
10 court be sitting therein, then to any justice of any
11 such court, or if no such justice be within the county,
12 then to the sheriff thereof, the Commander in Chief
13 may issue his order, or such mayor, court, justice, or
14 sheriff may issue his precept directed to any com-
15 manding officer of any division, brigade, regiment,
16 battalion, or corps, to order his command, or any part
17 thereof, describing the kind and number of troops, to
18 appear at a time and place therein specified, to aid
19 the civil authority in suppressing such violence and
20 supporting the laws ; which precept, if issued by a
21 court, shall be in substance as follows :

5 appointed ; and if he shall refuse or neglect to obey
6 such order or precept, or if any officer shall neglect
7 or refuse to obey an order issued in pursuance thereof,
8 he shall be cashiered, and be further punished by fine
9 or imprisonment, not to exceed six months, as a court
10 martial may sentence. And any non-commissioned
11 officer or soldier, who shall neglect or refuse to
12 appear at the place of parade to obey any order in
13 such case, or any person who shall advise or endeavor
14 to persuade any officer or soldier to refuse or neglect
15 to appear at such place, or to obey such order, shall
16 suffer the penalty provided in such case in the twenty
17 third section of this act.

SEC. 26. Such troops shall appear at the time and
2 place appointed, armed and equipped, and with
3 ammunition, as for inspection of arms, and shall obey
4 and execute such orders as they may then and there
5 receive, according to law.

SEC. 27. If any county shall neglect or refuse to
2 raise at large their quota of volunteers according to
3 the provisions of the tenth section of this act, the
4 Commander in Chief may grant petitions to citizens
5 of any other county to raise at large the prescribed
6 number of volunteers, as provided in this act.

SEC. 28. So much of the sixteenth chapter of the
2 revised statutes as is inconsistent with the provisions
3 of this act, is hereby repealed.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
January 9, 1844. }

ORDERED: That 300 copies of the foregoing Bill be printed for
the use of the Legislature.

WM. T. JOHNSON, *Clerk.*