

# MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1845.

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*AUGUSTA:*

WM. T. JOHNSON, PRINTER TO THE STATE.

1845.

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# TWENTY-FIFTH LEGISLATURE.

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No. 15.]

[SENATE.

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## STATE OF MAINE.

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

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AN ACT in addition to the sixteenth chapter of the Re-  
vised Statutes.

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

3 SECTION 1. Every able bodied white male citizen,  
4 resident within this State, who is, or shall be of the  
5 age of eighteen years, and under the age of forty-  
6 five years, excepting persons enlisting into volunteer  
7 companies, persons already exempt from the perform-  
8 ance of military duty by the sixteenth chapter of the  
9 Revised Statutes, idiots, lunatics, common drunkards,  
10 vagabonds, paupers, and persons convicted of any in-  
11 famous crime in this or any other State, shall be en-  
12 rolled in the militia. .

SEC. 2. It shall be the duty of the assessors of cities,  
2 towns and plantations within this State, to prepare a  
3 list annually of all persons liable to be enrolled, living

4 within their respective limits, and said assessors shall  
5 annually place a list of such persons in the hands of  
6 the clerk of every city, town or plantation in this  
7 State, and it shall be the duty of every such clerk to  
8 preserve such list of names in his office, and make an  
9 annual return of the militia thus enrolled to the office  
10 of the Adjutant General in the month of May or  
11 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  
8 of 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. If necessary, the order of the commander-  
2 in-chief may be made and directed to the mayor and  
3 aldermen of any city, the selectmen of any town or  
4 the assessors of any plantation within this State. And  
5 whenever such order is made and directed as afore-  
6 said, it shall be the duty of the mayor and aldermen,  
7 the selectmen or assessors aforesaid, to appoint a time  
8 and place of parade for the militia, in each city, town  
9 or plantation, and to order them to appear at the time  
10 and place by leaving a written or printed notice at the

11 usual place of residence of each soldier within their  
12 respective limits, and then and there proceed to draft  
13 as many thereof, or to accept as many volunteers as  
14 is required by the order of the commander-in-chief;  
15 and the mayor and aldermen, selectmen or assessors  
16 shall notify the commander-in-chief forthwith that they  
17 have performed the aforesaid duty, by returning to  
18 the commander-in-chief an alphabetical list of those  
19 drafted or volunteered. And whenever any person  
20 thus ordered out, detached or drafted, shall neglect or  
21 refuse to appear at the time and place designated by  
22 the mayor and aldermen, selectmen or assessors as  
23 aforesaid, and shall not, within twenty-four hours after  
24 he shall have been notified, pay to the mayor and al-  
25 dermen, selectmen or assessors, the sum of fifty dol-  
26 lars or procure an able bodied man in his stead, such  
27 person on being ordered to march to the place of ren-  
28 dezvous, shall be considered a soldier belonging to  
29 the detachment, and shall be dealt with accordingly.

SEC. 5. All civil officers named in this act, who shall  
2 neglect or refuse, at any time, to obey the provisions  
3 thereof, shall forfeit and pay not less than twenty dol-  
4 lars, nor more than five hundred 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. 6. 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, invasions, or to aid  
5 civil officers in the execution of the laws of the State.

SEC. 7. The whole number of volunteers shall not  
2 exceed seven thousand men, and shall be divided or  
3 apportioned to each division of the militia throughout  
4 the State, according to the number enrolled, in such  
5 manner, however, as to retain all the volunteer com-  
6 panies, with their officers, now raised and organized.

SEC. 8. If any division shall neglect or refuse to  
2 raise at large their quota of volunteers according to  
3 the provisions of this act, the commander-in-chief may  
4 grant petitions to citizens to any other division to  
5 raise at large the prescribed number of volunteers as  
6 herein provided.

#### *Organization.*

SEC. 9. The commander-in-chief with advice of coun-  
2 cil, may grant petitions for raising companies at large  
3 not to exceed one hundred and twenty companies,  
4 including those already raised.

SEC. 10. Whenever forty-eight men shall have been  
2 enlisted and uniformed according to the provisions of  
3 this act, an election of officers may be ordered, upon  
4 notification being given by one or more of the peti-  
5 tioners, attested by the mayor and aldermen of any  
6 city, the selectmen of any town or the assessors of  
7 any plantation in the State, to the commander-in-  
8 chief.

SEC. 11. The several volunteer companies of cavalry, artillery, light infantry and riflemen in each division, shall be numbered and a record made of such numbers in the adjutant general's office: and when they exist in sufficient numbers in any one division, shall compose battalions, and regiments, and put under the command of such regimental, brigade and division officers as the commander-in-chief may designate; and when not attached to any battalion or regiment, to remain in command of its captain or commanding officer, subject to the orders of the brigadier general of the brigade to which the company is attached.

SEC. 12. Every non-commissioned officer and soldier of any company raised at large, shall be holden to do duty therein for the term of five years from his enlistment, unless disability after enlistment should absolutely incapacitate him to perform such duty, or he should be regularly discharged by the proper officer.

*How Officered.*

SEC. 13. To each company of light infantry or riflemen there shall be one captain, one first, one second, and one third lieutenant, five sergeants, four corporals, one or more fifers or buglers, and one or more drummers. To each company of artillery one captain, one first and two second lieutenants, five sergeants, four corporals, one or more fifers, one or more

8 drummers, and three drivers. To each company of  
9 cavalry one captain, two lieutenants, one cornet, five  
10 sergeants, four corporals, one saddler, one farrier, and  
11 one or more trumpeters.

*Articles furnished.*

SEC. 14. Each company of light infantry and rifle-  
2 men, raised at large, shall be furnished with muskets  
3 or rifles, and every company of cavalry with sabres,  
4 belts and pistols, and every company of artillery with  
5 swords and belts and muskeloons whenever the State  
6 may have them on hand, on application to the acting  
7 quartermaster general, and producing to him satisfac-  
8 tory evidence that a suitable armory or place of de-  
9 posit for such muskets or rifles, swords, sabres, pistols  
10 and belts, has been provided by the town within which  
11 said company is situated or otherwise; which arms so  
12 furnished, shall be carefully kept by said city or town  
13 in the armory so provided for the use of the company  
14 for military purposes only. The commander-in-chief  
15 may from time to time require any officer to examine  
16 any armory provided as aforesaid, and report to him  
17 the condition thereof, and of the arms therein depos-  
18 ited. And the several towns in the State are hereby  
19 required to raise money to be expended in providing  
20 armories or places of deposit, as above provided.  
21 And whenever any arms are furnished as aforesaid to  
22 any company formed from different towns and planta-  
23 tions, the same shall be deposited in the town within



24 which the greatest number of the members of said  
25 company may vote to establish their armory. And  
26 the cities and towns in which said arms are so depos-  
27 ited are hereby made responsible to the State for their  
28 safe keeping and return when required by the com-  
29 mander-in-chief, and are hereby authorized to exer-  
30 cise full control over said arms at all times except  
31 when required for the purposes aforesaid by the com-  
32 manding officer of the company for whose use they  
33 were assigned.

SEC. 15. Each company of artillery, light infantry  
2 and riflemen shall be furnished with a drum and fife  
3 or bugle horn, and each company of cavalry with a  
4 trumpet, and all of them with more, or other instru-  
5 ment, as the commander-in-chief shall order.

*Discipline, Inspection, Trainings, Reviews, and Compen-  
sation.*

SEC. 16. 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  
7 United States, shall be observed by the companies  
8 raised at large in this State, in the discipline and ex-  
9 ercise of said corps respectively.

SEC. 17. 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 made  
7 of all the volunteer companies in the State. Every  
8 commanding officer of a company shall exercise and  
9 discipline as well as inspect his company on said day.  
10 Every commanding officer as aforesaid, shall in addi-  
11 tion thereto, parade his company for exercise and disci-  
12 pline, on two other days, at the hour aforesaid, by his  
13 own order.

SEC. 18. There shall also be an inspection and  
2 review in each year; and the commanding officer of  
3 each division within which such volunteer corps may  
4 be located, shall order such troops to parade in the  
5 month of September, annually, at such time as he  
6 shall deem expedient, regard being had to the scat-  
7 tered or compact situation of the troops. The com-  
8 manding officer of the brigade shall appoint the place  
9 and give notice thereof to the commanding officer of  
10 the division. But if the troops to be inspected com-  
11 pose a regiment or battalion, the commanding officer  
12 thereof shall appoint the place and give notice to the  
13 commanding officer of the brigade; and the place  
14 appointed for inspection and review, shall be as cen-  
15 tral, as, in the judgment of the officer appointing the  
16 place, may be convenient; *provided*, that no officer,  
17 non-commissioned officer or private, shall be obliged  
18 to travel more than twenty miles from his residence

19 to any review of a regiment or less body of men, and  
20 that no larger body than a brigade be ordered to pa-  
21 rade at the same time and place except by order of  
22 the major general.

*Compensation.*

SEC. 19. Each and every officer, non-commissioned  
2 officer and soldier of the volunteer militia shall be en-  
3 titled to receive fifty cents for the inspection duty in  
4 May, fifty cents for each company training, and one  
5 dollar fifty cents for the inspection and review. And  
6 the sums to which such officers and soldiers may be  
7 entitled, shall be paid from the treasury of the respec-  
8 tive cities and towns in which the company armory or  
9 place of assembling the company is located, which  
10 sums shall be repaid to such cities and towns, out of  
11 the treasury of the State.

SEC. 20. 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, who may be required by this act to pay such  
6 volunteers, a list of all persons belonging to their re-  
7 spective companies, prescribing the duties performed  
8 by each individual officer and soldier, throughout the  
9 preceding year, and the individuals whose names are  
10 so certified, shall be entitled to receive the sums  
11 directed to be paid by this act.

SEC. 21. No officer, non-commissioned officer, mu-

2 sician or private, shall be entitled to the compensation  
3 mentioned in this act, unless he shall personally per-  
4 form the duty required by law.

*Fines and Penalties.*

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 two dollars for each and every such neglect.

SEC. 23. Whenever any volunteer company, which  
2 has received any arms or equipments from the acting  
3 quartermaster general, shall be disbanded, the acting  
4 quartermaster general is required to receive said arms  
5 or equipments, on presentation of the same by the  
6 officers of said company or their agents.

SEC. 24. An act to repeal the forty-second section  
2 of the sixteenth chapter of the Revised Statutes, ap-  
3 proved March 11, 1842, and an act to govern and  
4 discipline the militia, approved March 22, 1844, are  
5 hereby repealed, and so much of the sixteenth chapter  
6 of the Revised Statutes and the act to amend the  
7 sixteenth chapter of the Revised Statutes, approved  
8 March 24, 1843, as was repealed by said act, approv-  
9 ed March 22, 1844, and is not inconsistent with the  
10 provisions of the foregoing act, are hereby revived.



## STATE OF MAINE.

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IN SENATE, Feb. 14, 1845.

ORDERED, That 500 copies be printed for the use of the  
Legislature.

J. O. L. FOSTER, *Secretary.*