

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

DOCUMENTS

PRINTED BY ORDER OF

THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1846.



AUGUSTA:

WM. T. JOHNSON, PRINTER TO THE STATE.

1847.

TWENTY-SIXTH LEGISLATURE.

No. 5.

SENATE.

STATE OF MAINE.

IN SENATE, June 3, 1846.

THE Joint Standing Committee on the Militia to whom was referred the Report of the Adjutant General and also so much of the Governor's Message as relates to the Militia, have had the same under consideration and ask leave to report a Bill, which is herewith submitted.

JOHN J. PERRY, Chairman.

STATE OF MAINE.

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

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

*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 five
6 years, excepting persons enlisting into volunteer com-
7 panies, persons already exempt from the performance
8 of military duty by the sixteenth chapter of the Revis-
9 ed Statutes, idiots, lunatics, common drunkards, vag-
10 abonds, paupers, and persons convicted of any infa-
11 mous crime in this or any other State, shall be enroll-
12 ed 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 State,
7 and it shall be the duty of every such clerk to preserve
8 such list of names in his office, and make an annual
9 return of the militia thus enrolled to the office of the
10 Adjutant General in the month of May or June.

SEC. 3. The militia thus enrolled shall be subject to
2 no active duty whatever, except in case of insurrection,
3 war, invasion, to prevent invasion, or other public
4 danger or emergency; in such case the governor and
5 Commander-in-Chief is hereby authorised and required
6 to order out from time to time, by draft or otherwise,
7 as many of the militia as the necessity of the case may
8 require. The militia when called into actual service,
9 shall be governed and trained according to the laws
10 of the United States and this 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 aforesaid,
6 it shall be the duty of the mayor and aldermen, the
7 selectmen or assessors aforesaid, to appoint a time and
8 place of parade for the militia, in each city, town or
9 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
17 they have performed the aforesaid duty, by returning
18 to the Commander-in-Chief an alphabetical list of
19 those drafted or volunteered. And whenever any
20 person thus ordered out, detached or drafted, shall
21 neglect or refuse to appear at the time and place
22 designated by the mayor and aldermen, selectmen or
23 assessors as aforesaid, and shall not within twenty-four
24 hours after he shall have been notified, pay to the
25 mayor and aldermen, selectmen or assessors, the sum
26 of fifty dollars, or procure an able bodied man in his
27 stead, such person, on being ordered to march to the
28 place of rendezvous, shall be considered a soldier be-
29 longing to the detachment, and shall be dealt with
30 accordingly.

SEC. 5. 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 less than
4 twenty dollars, nor more than five hundred dollars for

5 each and ever offence, to be recovered in any court
6 of competent jurisdiction, for the use and benefit of
7 the State.

Volunteer Militia.

SEC. 6. The active militia of this State shall consist
2 and be composed of volunteers, or companies raised
3 at large without limitation or restriction as to the
4 numbers in the standing companies within whose
5 bounds they may be enlisted, and in all cases shall first
6 be ordered into service to suppress riots, invasions, or
7 to aid civil officers in the execution of the laws of the
8 State.

SEC. 7. The whole number of volunteers shall not
2 exceed five 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 for
2 the term of two years to raise at large their quota of
3 volunteers according to the provisions of this act, the
4 Commander-in-Chief may grant petitions to citizens
5 in any other division to raise at large the prescribed
6 number of volunteers as herein provided.

Organization.

SEC. 9. The Commander-in-Chief with advice of
2 Council, may grant petitions for raising companies at
3 large not to exceed one hundred and four companies,
4 including those already raised.

SEC. 10. 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, attested
5 by the mayor and aldermen of any city, the selectmen
6 of any town, or the assessors of any plantation in the
7 State, to the Commander-in-Chief.

SEC. 11. The several volunteer companies of cav-
2 alry, artillery, light infantry and riflemen in each divis-
3 ion, shall be numbered and a record made of such
4 numbers in the Adjutant Generals' office : and when
5 they exist in sufficient numbers in any one division,
6 shall compose battalions, and regiments, and be put
7 under the command of such regimental, brigade and
8 division officers as the Commander-in-Chief may desig-
9 nate ; and when not attached to any battalion or regi-
10 ment, to remain in command of its captain or com-
11 manding officer, subject to the orders of the brigadier
12 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 rifle-men there shall be one captain, one first and one second lieutenant, four sergeants; four corporals, one or more fifiers 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 fifiers, one or more drummers, and three drivers. To each company of cavalry, one captain two lieutenants, one cornet, five sergeants, four corporals, one saddler, one farrier, and one or more trumpeters.

Articles furnished.

SEC. 14. Each company of light infantry and rifle-men, raised at large, shall be furnished with muskets or rifles, and every company of cavalry with sabres, belts and pistols, and every company of artillery with swords and belts and musketoons, whenever the State may have them on hand, on application to the acting

7 quartermaster general and producing to him satis-
8 factory evidence that said company is organized and
9 uniformed agreeably to the provisions of this act and
10 that a suitable armory or place of deposit for such
11 muskets or rifles, swords, sabres, pistols and belts, has
12 been provided by the city or town within which said
13 company is situated or otherwise; which arms so
14 furnished, shall be carefully kept by said city or town
15 in the armory so provided for the use of the company
16 for military purposes only. The Commander-in-Chief
17 may from time to time require any officer to examine
18 any armory provided as aforesaid, and report to him
19 the condition thereof, and of the arms therein deposit-
20 ed. And the several cities and towns in the State are
21 hereby required to raise money to be expended in
22 providing armories, or places of deposit, as above
23 provided, or otherwise provide the same. And when-
24 ever any arms are furnished as aforesaid, to any com-
25 pany formed from different towns and plantations, the
26 same shall be deposited in the town within which the
27 greatest number of the members of said company may
28 vote to establish their armory. And any city, town or
29 plantation furnishing any such amory shall have the
30 right to recover of the severals towns and plantations
31 where the members of such company reside and have

32 their home, their proportion of the expenses of such
33 armory according to the number of members of such
34 company residing in such towns and plantations re-
35 spectively. And the cities and towns in which said
36 arms are so deposited are hereby made responsible to
37 the State for their safe keeping and return, when re-
38 quired by the Commander-in-Chief, and are hereby
39 authorized to exercise full control over said arms at
40 all times except when required for the purposes afore-
41 said by the commanding officer of the company for
42 whose use they were assigned. But such cities, towns
43 and plantations shall not be held responsible for any
44 damage or loss done or happening to such arms while
45 in the use of such companies.

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 ments, as the Commander-in-Chief shall order.

*Discipline, inspection, trainings, reviews, and com-
pensation.*

SEC. 16. The system of discipline and field exercise
2 which are ordered to be observed by the regular army
3 of the United States in the different corps of cavalry,
4 artillery, light infantry and riflemen, or such other

5 system as may at any time hereafter be directed for
6 the volunteers and militia, by the laws of the United
7 States, shall be observed by the companies raised at
8 large in this State, in the discipline and exercise of
9 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 one 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 dis-
12 cipline, on two other days, at the hour aforesaid, by
13 his own order.

SEC. 18. There shall also be an inspection and re-
2 view 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 shall
6 deem expedient, regard being had to the scattered or
7 compact situation of the troops. The commanding

8 officer of the brigade shall appoint the place and give
9 notice thereof to the commanding officer of the divis-
10 ion. But if the troops to be inspected compose a
11 regiment or battalion, the commanding officer thereof
12 shall appoint the place and give notice to the com-
13 manding officer of the brigade; and the place ap-
14 pointed for inspection and review shall be as central,
15 as in the judgment of the officer appointing the place,
16 may be convenient; *provided*, that no officer, non-
17 commissioned officer or private shall be obliged to
18 travel more than twenty miles from the armory of the
19 company to which he belongs to any review of a regi-
20 ment, or less body of men, and that no larger body
21 than a brigade be ordered to parade at the same time
22 and place except by order of the major general.

SEC. 19. Each and every company of the volunteer
2 militia—which for any year shall have performed all the
3 duties required by this act, shall have had, at all the
4 several trainings, reviews and inspections required by
5 this act, at least fifty officers, non-commissioned of-
6 ficers and privates present in uniform, duly equipped,
7 and doing duty—shall be entitled to receive from the
8 State the sum of one hundred dollars as a reward for
9 meritorious services, to the use of such company, and
10 by them to be disposed of in such manner as a major-

11 ity thereof may determine. And the Governor and
12 Council on receiving satisfactory evidence that the
13 services and conditions required by this section have
14 been performed and complied with by any such com-
15 pany, shall draw their warrant on the Treasurer of
16 State in favor of the treasurer of any such company
17 for the sum aforesaid. And any such company
18 at any meeting of the same by a majority of the votes
19 of the company may choose by ballot a treasurer who
20 shall give a bond to the members of said company
21 with sufficient surety or sureties for the faithful perform-
22 ance of his duties and shall hold his office during the
23 pleasure of the company and until another treasurer
24 is chosen, on whom shall devolve the care of the funds
25 of the company, and keeping all proper accounts re-
26 lating to the same. The commanding officer of the
27 company shall preside at the election of the treasurer
28 of his company, and shall give him a certificate of his
29 election.

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 annually to make out and certify
4 to the Adjutant General a list of all persons belonging
5 to their respective companies, describing the duties
6 performed by each individual in his company through-

7 out the year, and in all cases where the reward for
8 meritorious services is claimed under the provisions of
9 this act, there shall be a return made to the Adjutant
10 General as aforesaid setting forth the several days on
11 which said company were ordered on duty either for
12 inspection, ordinary trainings or review, with the
13 number of officers, non-commissioned officers and
14 privates present in uniform duly equipped and doing
15 duty on each of said days required by this act.

SEC. 21. Any commanding officer of a company
2 who shall make any false return in relation to such
3 service with the intent thereby to authorise the receiv-
4 ing from the State treasury the aforesaid reward, such
5 officer on conviction thereof by a court martial, shall
6 be deprived of his commission, and deemed disquali-
7 fied ever after from holding a commission under the
8 State, and shall also be liable in action of debt to an-
9 swer to the State for all money drawn from the treas-
10 ury thereof by reason of any such false return.

Fines and Penalties.

SEC. 22. Every non-commissioned officer, musician,
2 or private, who shall unnecessarily neglect to appear
3 on the days, at the times and places appointed for
4 such duty, agreeably to the provisions of this act,
5 shall 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
5 arms and equipments, on presentation of the same by
6 the officers of said company or their agents.

SEC. 24. No Adjutant shall be entitled to any pay for
2 services, excepting such Adjutants as are attached to
3 and do duty in such regiments and battalions as may be
4 formed out of the volunteer militia provided for by this
5 act.

SEC. 25. It shall be the duty of the Adjutant Gen-
2 eral to furnish the necessary blanks for all returns
3 required by this act.

SEC. 26. 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 six-
7 teenth chapter of the Revised Statutes, approved
8 March 24, 1843, as was repealed by said act approved
9 March 22, 1844, and is not inconsistent with the pro-
10 visions of this act, are hereby revived.

STATE OF MAINE.

IN SENATE, June 3, 1846.

Laid on the table, and 500 copies ordered to be printed for the use of the Legislature.

DANIEL T. PIKE, *Secretary.*