

# MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1848.

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Augusta:

WILLIAM T. JOHNSON, PRINTER TO THE STATE.

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1849.

ANNUAL REPORT

OF THE

ADJUTANT GENERAL

OF THE

MILITIA OF MAINE,

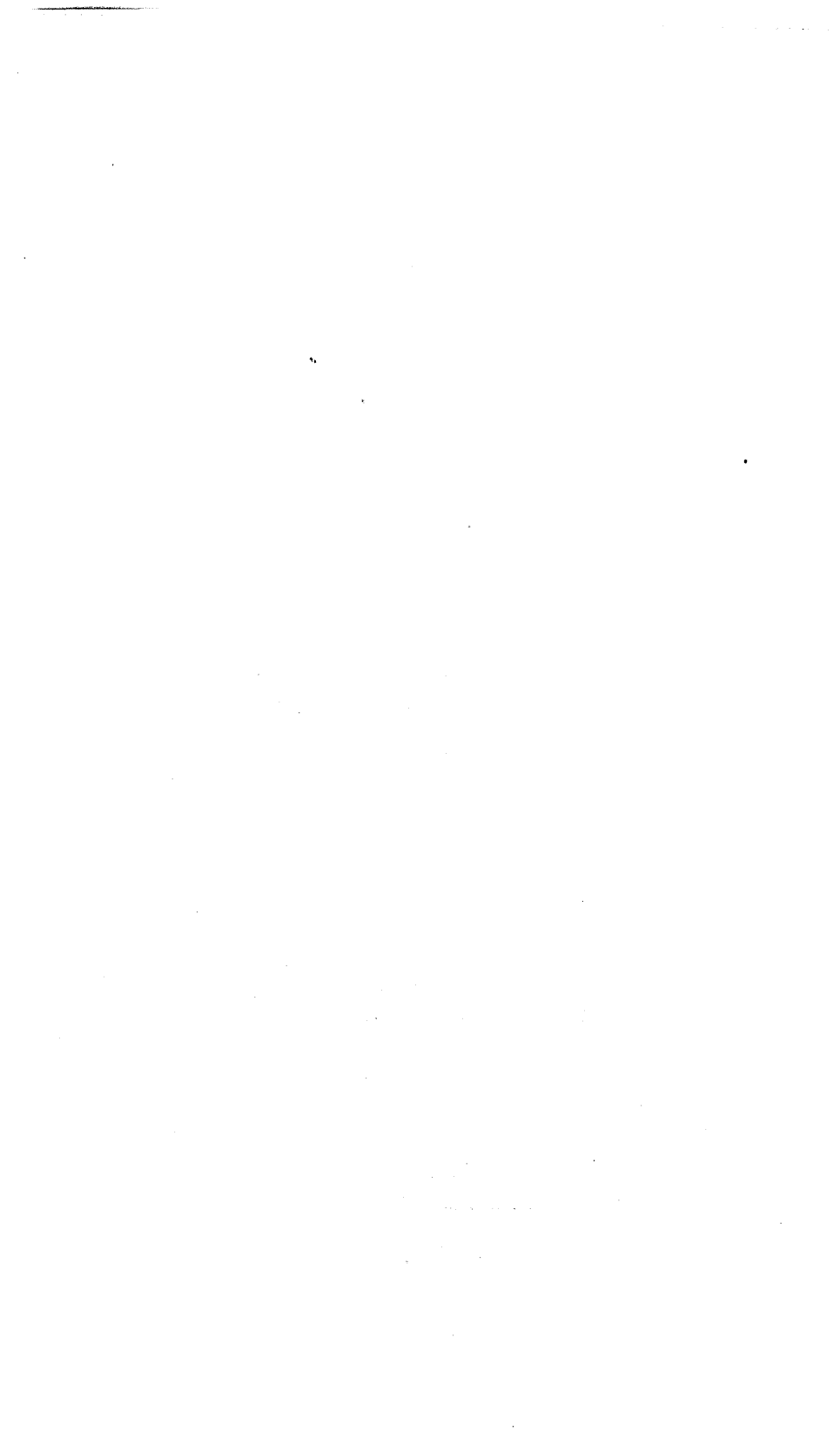
**MAY 9, 1848.**

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Published agreeably to Resolve of March 22, 1836.  
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*AUGUSTA:*

Wm. T. JOHNSON,.....PRINTER TO THE STATE.

1848.



# STATE OF MAINE.

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ADJUTANT GENERAL'S OFFICE, }  
Augusta, May 9, 1848. }

To his Excellency, JOHN W. DANA,  
Governor and Commander-in-Chief:

SIR:—In presenting my annual report, I am again compelled to state, that I am unable to comply with the requirements of the law of the United States and of this state which make it my duty, as adjutant general, to present to the executive of each government annual returns of the military force of the state. This inability arises from the virtual abolition of the militia system in Maine, effected by the act of the legislature of 1844.

In view of this condition of things, I feel justified in availing myself of the present opportunity to submit a few observations in respect to a subject which I cannot regard otherwise than as intimately connected with the highest welfare of the state and country.

A military organization of some description has uniformly been regarded as an indispensable element in the constitution of every government, be the form of it what it may; indispensable alike to its protection against external assault, internal violence and the enforcement of its ordinary municipal authority. Although the nature of such organization may differ in each, yet no government excepting that of our own state, has as yet ventured upon the doubtful expedient of dispensing with all military organization whatever.

In the monarchies of the old world, where the government and the people present two distinct and often antagonistical interests,

the military organization has assumed, chiefly or wholly, the form of a *standing army*—the only form, perhaps, adapted to the maintenance of monarchical rule. That system of organization, while it may subserve the essential purposes, of shielding the country against danger from without, and compelling obedience to the authority of the government within its limits, yet a large military establishment of this character, early encountered a just and very decided opposition from the people of this country, and especially from the founders of the American republic, not merely because of the extraordinary expense attendant upon the system, but as one wholly unsuited to the genius of our institutions, demoralizing in its tendencies, and dangerous to popular liberty. Immovable in their hostility to an *odious* military system, those wise and patriotic statesmen did not alternate to the other extreme, and eschew all military organization. On the contrary, they not only recognized to the fullest extent the necessity of an efficient military organization, but made ample provision to secure it, in a manner admirably suited to the character of the government which they had established, and entirely compatible with the liberties of the people. Indeed, the system by them devised and adopted, embraced the guaranty of an invaluable right of a free people, denied to the masses in monarchical countries, that of “owning and bearing arms.” The militia—the citizen soldiery, constitutes the military system of the constitution of our country, and the reliable standing army of the republic consists of every man capable of bearing arms. The language of the constitution, while it sketches the system, is expressive of its objects and necessity. “*To provide for calling forth the militia to execute the laws of the Union, suppress insurrection and repel invasion.*” Such is the phraseology employed in the grant of power to congress.

“*To execute the laws of the Union,*” is one of the objects for which an organized militia was considered necessary by the sages of the republic. Were they mistaken in the supposition that exigencies would occur demanding the aid of military force in the execution of the laws of the Union? In providing for such occurrences, has

experience attested to their folly or their wisdom? Is it to be believed that the mandates of civil power would long be heeded, unless backed up and sustained by the military? Will it be said that safeguards might have been necessary *then*, but man has become changed, and they are wholly unnecessary *now*? Rather is it not too true that human nature in all its passions and propensities is essentially the same to-day, that it was a half century ago?

“*To suppress insurrection*” is another object. Were the authors of the constitution mistaken also in supposing such an occurrence to be possible, and if possible, that military force would be required for its suppression? Does the past history of the country in this particular vindicate or impeach their sagacity? And will it be pretended that any change has occurred since that day to render the precaution unnecessary?

“*To repel invasion*” is a further object. With our armies now in the field, who will deny the necessity of military organization for this purpose? The occasion which called them thither, demonstrates it, as clearly as the prowess displayed by the citizen soldiery proves the utility and efficiency of that species of military organization.

If in the earlier days of the republic a well organized, armed and disciplined militia was deemed essential for the purposes I have enumerated, what is there in the signs of the times,—what, at the present juncture, when we are engaged in actual war with a neighboring power—when the nations of the old world are in the throes of revolution—when governments which have stood the shock of centuries are overthrown in a single day,—when European society is convulsed to its centre, and new social and political organizations are in the process of formation, the ultimate destiny of which, and their attitude to this country, no one at this moment can conjecture—what is there, it is repeated at this day, when our population is rapidly multiplying both by its own increase and accessions from abroad, to justify the abolition of military organization formerly held to be so essential an auxiliary of the government, in the execution of its laws, the suppression of insurrection, and the repulsion of invasion?

Does the necessity for the system still continue, and yet the people are tired of its burthens? If such is the cause of the lamentable decline of the martial spirit of our state, and the utter neglect of all military organization, should it not be regarded as indicative of a state of things fraught with serious alarm? While the people of other countries are contending for the right, to "keep and bear arms," are the people of this country anxious to divest themselves of this privilege?

So important was this feature of our government at one time considered, as to call for an amendment of the constitution of the country, to procure its incorporation into that instrument which is blazoned in these words,—"*A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.*"

Shall this language now be reversed, and shall it be declared that a well regulated militia is *unnecessary* to the security of a free state, and that the right of the people to possess and bear arms is *dangerous*, and ought to be *denied them*?

To whom can the state look for security, if not to the people, and how can they afford effective security in any public exigency, without organization, without discipline and without arms?

If it be true, that "a well organized militia is necessary to the security of a free state," upon whom does the duty of providing this "security" devolve; upon the national or state government? Although the general government possesses the undoubted power to establish a general militia system throughout the Union, and it may be, as to my mind it clearly is, her duty to exercise it in providing such a system, yet in the absence of the exercise of this power by congress, it is the admitted right and duty of the states to establish such a military organization (not inconsistent with the laws of the Union) as each may deem compatible with its own local condition, or essential to its security.

Thus far in the history of the country such has been the practice; and the general government instead of establishing a militia system of its own, has been content merely to give the outlines of a system,



and to avail itself of the military organization of the several states, made in conformity thereto, whenever the national exigencies have demanded the services of that species of military force.

With these general observations upon the necessity of some kind of military organization in this state, I will refer the whole subject to the consideration of those to whom it legitimately belongs, without seeking to urge upon their attention any definite plan or system. If, however, my views in connection with this subject should be regarded as of any consequence, they may be found embodied in several of my preceding annual reports, the specific recommendations and suggestions of which I have not deemed it either useful or decorous again to repeat.

I will add that the keepers of the Portland and Bangor Arsenals, report the public property contained in those arsenals in good condition. The appropriation made at the last session of the legislature for labor in the Portland arsenal has been judiciously expended. That for the Bangor arsenal is now being expended under the direction of its keeper.

The quota of arms to which Maine is annually entitled, and which is predicated upon the returns of the numerical strength of the militia of the state, has again been withheld by the general government.

Within the past year I have repaired several artillery gun houses, and put them in a condition to preserve the property of the state therein deposited. Other gun houses in the state need considerable repairs the coming year.

In the present aspect of our military affairs it is found exceedingly difficult to make these buildings safe depositories for the artillery property belonging to the state and entrusted to companies, many of whom have been disbanded and others are destitute of officers.

It was ascertained that the state had no valid title to the site upon which was located the gun house in the town of Topsham. Acting under an order of the council I have caused all the state's property that was contained in it, to be transported to the arsenal in Portland, and the building to be sold.

During the present year I have discharged nearly two hundred

officers, most of whom had held commissions during the term allowed by law. The provision of law limiting the period of holding a commission to seven years, makes it imperative upon the discharging officer to issue discharges at the expiration of that term, however detrimental it may sometimes be to the public interest.

Under the operation of this law, with only occasional elections to fill the vacancies that occur, but few officers below the grade of major general will be in commission at the end of three years, and a great majority of the officers now in commission will vacate their places by the law of limitation at a much earlier period.

I am, very respectfully,

Your obedient servant,

ALFRED REDINGTON,

*Adjutant General.*