

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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1849.

TWENTY-EIGHTH LEGISLATURE.

No. 4.

SENATE.

STATE OF MAINE.

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

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
2 resident within this state, who is, or shall be of the
3 age of eighteen years and under the age of forty-five
4 years, excepting persons already exempt from the
5 performance of military duty by the sixteenth chapter
6 of the revised statutes, idiots, lunatics, common drunk-
7 ards, vagabonds, paupers, and persons convicted of
8 infamous crime in this or any other state, shall be en-
9 rolled in the militia, officered, and returned to the

10 office of the adjutant general, agreeably to the pro-
11 visions of said sixteenth chapter of the revised
12 statutes.

SEC. 2. 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 gover-
5 nor and commander-in-chief is hereby authorized and
6 required to order out from time to time by draft or
7 otherwise as many of the militia, as the necessity of
8 the case may require. The militia when called into
9 actual service, shall be governed and trained accord-
10 ing to the laws of the United States, and this state.

SEC. 3. 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 the state. And
5 it shall be the duty of the mayor and aldermen, the
6 selectmen or assessors aforesaid, to appoint a time and
7 place of parade, for the militia in each city, town or
8 plantation, and to order them to appear at the time
9 and place, by leaving a written or printed notice at the
10 usual place of residence of each soldier within their

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

SEC. 4. All civil officers named in this act, who
2 shall neglect or refuse at any time to obey the provi-
3 sions thereof, shall forfeit and pay not less than twenty
4 dollars, nor more than five hundred dollars for each

5 and every offense, to be recovered in any court of
6 competent jurisdiction, for the use and benefit of the
7 state.

Volunteer Militia.

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

SEC. 6. The whole number of volunteers shall not
2 exceed four 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 as many as practicable
6 of the volunteer companies, with their officers, now
7 raised and organized.

SEC. 7. 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,
4 the commander-in-chief may grant petitions to citi-

5 zens in any other division, to raise at large the pre-
6 scribed number of volunteers herein provided.

Organization.

SEC. 8. The commander-in-chief, with advice of
2 council, may grant petitions for raising companies at
3 large, not exceeding eighty companies, including the
4 number selected from those already raised.

SEC. 9. 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. 10. The several volunteer companies of cav-
2 alry, artillery, light infantry, and riflemen in each
3 division, shall be numbered and a record made of such
4 numbers in the adjutant general's 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

10 regiment, to remain in command of its captain, or
11 commanding officer, subject to the orders of the bri-
12 gadier general of the brigade to which the company
13 is attached.

SEC. 11. 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.

How Officered.

SEC. 12. To each company of light infantry or
2 riflemen, there shall be one captain, one first and one
3 second lieutenant, four sergeants, four corporals, one
4 or more fifers or buglers, and one or more drummers.
5 To each company of artillery, one captain, one first
6 and two second lieutenants, five sergeants, four cor-
7 porals, one or more fifers, one or more drummers
8 and three drivers. To each company of cavalry, one
9 captain, two lieutenants, one cornet, five sergeants,
10 four corporals, one saddler, one farrier and one or
11 more trumpeters.

Articles Furnished.

SEC. 13. 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 musketoons, 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 said company is organized and
9 uniformed agreeably to the provisions of this act,
10 and that a suitable amory 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 amory so provided as aforesaid, for military
16 purposes only. The commander-in-chief may from
17 time to time require any officer to examine any armory
18 provided as aforesaid, and report to him the condition
19 thereof and of the arms therein deposited. And the
20 several cities and towns in this state are hereby re-
21 quired to raise money to be expended in providing
22 armories or places of deposit as above provided, or

23 otherwise provide the same. And whenever any
24 arms are furnished as aforesaid to any company formed
25 from different towns and plantations, the same shall
26 be deposited in the town within which the greatest
27 number of members of said company may vote to
28 establish their armory. And the several treasurers of
29 such cities and towns, as shall provide armories as
30 aforesaid, shall present their accounts to the next suc-
31 ceeding legislature with the proper and necessary
32 vouchers for their allowance, and such sums as shall
33 have been actually paid by such cities and towns for
34 the purposes aforesaid, shall be refunded to the same
35 from the treasury of the state. And the cities and
36 towns in which said arms are so deposited, are hereby
37 made responsible to the state for their safe keeping
38 and return, when required by the commander-in-
39 chief, and are hereby authorized to exercise full con-
40 trol over said arms at all times except when required
41 for the purposes aforesaid by the commanding officer
42 of the company for whose use they were assigned.
43 But such cities, towns and plantations shall not be
44 held responsible for damage or loss done or happen-
45 ing to such arms while in the use of such companies.

SEC. 14. 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. 15. The system 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. 16. 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 account of all the equipments of his men,
6 in order that a thorough inspection may be made of
7 all volunteer companies in the state. Every com-

8 manding 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
12 discipline on two other days, at the hour aforesaid, by
13 his own order.

SEC. 17. 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
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 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 travel

18 more than twenty miles from the armory of the com-
19 pany 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. 18. Each and every company of the volunteer
2 militia, which for any year shall have performed all
3 the duties required by this act, shall have had at all
4 the several trainings, reviews, and inspections required
5 by this act, at least fifty officers, non-commissioned
6 officers, musicians, and privates present in uniform,
7 duly equipped and doing duty, shall be entitled to
8 receive from the state the sum of one hundred dollars
9 as a reward for meritorious services to the use of such
10 company, and by them to be disposed of in such
11 manner as a majority thereof may determine. And
12 the governor and council, on receiving satisfactory
13 evidence that the services and conditions required in
14 this section have been performed and complied with
15 by any such company, shall draw their warrant on the
16 treasurer of state in favor of the treasurer of any
17 such company for the sum aforesaid. And any such
18 company, at any meeting of the same, by a majority

19 of the votes of the company may choose by ballot a
20 treasurer who shall give bond to the members of said
21 company with sufficient surety or sureties for the faith-
22 ful performance of his duties, and shall hold his office
23 during the pleasure of the company, and until another
24 treasurer is chosen, on whom shall devolve the care
25 of the funds of the company, and keeping all proper
26 accounts relating to the same. The commander of
27 the company shall preside at the election of the trea-
28 surer of his company, and shall give him a certificate
29 of his election.

SEC. 19. 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
4 certify to the adjutant general a list of all persons
5 belonging to their respective companies, describing
6 the duties performed by each individual in his com-
7 pany throughout the year, and in all cases where the
8 reward for meritorious services is claimed under the
9 provisions of this act, there shall be a return made to
10 the adjutant general as aforesaid, setting forth the
11 several days on which said company were ordered on
12 duty, either for inspection, ordinary trainings or re-

13 view, with the number of officers, non-commissioned
14 officers and privates present in uniform, duly equipped
15 and doing duty on each of said days, required by this
16 act.

SEC. 20. Any commanding officer of a company
2 who shall make any false return in relation to such
3 service with the intent thereby to authorize the re-
4 ceiving from the state treasury the aforesaid reward,
5 such officer on conviction thereof by a court martial,
6 shall be deprived of his commission, and deemed dis-
7 qualified ever after from holding a commission under
8 this state, and shall be liable in an action of debt to
9 answer to the state for all moneys drawn from the
10 treasury thereof by reason of any such false return.

Fines and Penalties.

SEC. 21. Every non-commissioned officer, musician
2 or private, who shall unnecessarily neglect to appear
3 on the days, and 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. 22. Whenever any volunteer company which
2 has received any arms and equipments from the acting
3 quartermaster general, shall be disbanded, the acting

4 quartermaster general is required to receive said arms
5 and equipments on presentation of the same by the
6 officers of said company or their agents.

SEC. 23. No adjutant shall be entitled to any pay
2 for services, excepting such adjutants as are attached
3 and do duty in such regiments and battalions as may
4 be formed out of the volunteer militia, provided for
5 by this act.

SEC. 24. It shall be the duty of the adjutant general
2 to furnish the necessary blanks for all returns required
3 by this act.

SEC. 25. 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 6, 1848.

ORDERED, That three hundred and fifty copies of the foregoing bill, (reported from the committee on the militia,) be printed for the use of the legislature.

DANIEL T. PIKE, *Secretary.*