

# 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.

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# TWENTY-EIGHTH LEGISLATURE.

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No. 10.

SENATE.

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## STATE OF MAINE.

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

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AN ACT in addition to the sixteenth chapter of the  
revised statutes.

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*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

9 enrolled in the militia. It shall be the duty of the  
10 assessors of cities, towns and plantations, within this  
11 state, to prepare a list annually, of all persons liable  
12 to be enrolled, living within their respective limits,  
13 and said assessors shall annually place a list of such  
14 persons in the hands of the clerk of every city, town  
15 or plantation in this state, and it shall be the duty of  
16 every such clerk to preserve such list of names in his  
17 office and make an annual return of the militia thus  
18 enrolled to the office of the adjutant general in the  
19 month of May or June.

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 provis-  
3 ions 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 ten 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 des-  
9 ignate ; 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 brig-  
12 adier 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.

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 Compensation.*

SEC. 15. The system of discipline and field exercise which are ordered to be observed by the regular army of the United States in the different corps of cavalry, artillery, light infantry and riflemen, or such other system as may at any time hereafter be directed for the volunteers and militia, by the laws of the United States, shall be observed by the companies raised at large in this state, in the discipline and exercise of said corps respectively.

SEC. 16. Every commanding officer of a company raised at large, shall parade his company on the last Wednesday in May, annually, at one o'clock in the afternoon, for the purpose of inspecting, examining and taking account of all the equipments of his men, in order that a thorough inspection may be made of all volunteer companies in the state. Every commanding officer of a company shall exercise and discipline as well as inspect his company on said day. Every commanding officer as aforesaid, shall in addition thereto, parade his company for exercise and discipline on two other days, at the hour aforesaid, by 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 expedient. *Provided*, that no officer, non-com-  
17 missioned 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. 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.

*Fines and Penalties.*

SEC. 19. 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, shall  
5 pay two dollars for each and every such neglect, to  
6 be collected in an action of debt, one half of which  
7 shall go to the prosecutor, and the other half to the  
8 clerk of the company, for the use of said company.

SEC. 20. 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. 21. 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. 22. It shall be the duty of the adjutant general  
2 to furnish the necessary blanks for all returns required  
3 by this act.

SEC. 23. 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, approved  
9 March 22, 1844, and is not inconsistent with the  
10 provisions of this act, are hereby revived.

SEC. 24. This act shall take effect from and after  
2 its approval by the governor.

# STATE OF MAINE.

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IN SENATE, June 24, 1848.

ORDERED, That three hundred and fifty copies of the foregoing Bill be printed for the use of the Legislature.

DANIEL T. PIKE, *Secretary.*