

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING THE

EXTRA SESSION OF 1853, AND SESSION OF 1854.



Augusta:

WILLIAM T. JOHNSON, PRINTER TO THE STATE.

1854.

THIRTY-THIRD LEGISLATURE.

SENATE.

NO. 14.

STATE OF MAINE.

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

AN ACT for arming and equipping companies of volunteer militia, and for other purposes.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :

SECT. 1. Each company of uniformed volunteer
2 militia, raised at large, shall, whenever the state may
3 have on hand the same for distribution, be furnished
4 with arms and equipments suitable to its corps of ser-
5 vice. Each company so raised, shall also be pro-
6 vided with the requisite books of tactics, and musical
7 instruments, and with such tents and other articles of
8 camp equipage as the commander-in-chief may
9 direct.

SECT. 2. The commissioned officers of every company receiving arms, equipments or other military property, in virtue of this act, shall, from the time of their qualification, be held jointly and severally responsible for the safe keeping and return thereof to the state.

SECT. 3. Suitable armories shall be provided in advance, by companies making requisition for arms and equipments, or by the city, town or plantation within the limits of which said companies shall have been chiefly raised, or shall have voted to establish said armories; and all arms, equipments and camp-equipage furnished to said companies, shall be regularly deposited in said armories, subject to withdrawal for the military uses and purposes only of said companies, in body, and under the proper officer or officers. The evidence that the armories named in this section have been duly provided for, shall be the certificate to the acting quartermaster-general, of the mayor, or two or more aldermen, selectmen or assessors (as the case may be) of the locality in which such armories shall have been established.

SECT. 4. Any person who shall willfully mar or injure any of the arms, equipments or other military

3 property issued to any company of volunteer militia,
4 or the armory, or any portion thereof, or of its fix-
5 tures, provided for the deposit of said arms, equip-
6 ments or other military property, shall be subject to
7 a fine of not less than one nor more than fifty dollars ;
8 said fine to be recovered in any court of competent
9 jurisdiction, in the name of the clerk or commanding
10 officer of the company legally in charge or possession,
11 and to be passed into the treasury of said company,
12 for appropriation to its military purposes, by a vote of
13 the commissioned officers.

SECT. 5. No resignation of any officer of a com-
2 pany of volunteers shall be accepted, nor shall such
3 officer be by any form of discharge, relieved from his
4 responsibility for arms, equipments or other articles
5 of military property, furnished to said company, until
6 it shall have been made to appear by certificate of the
7 officers thereof, not less than two, that the said arms,
8 equipments, and other articles of military property,
9 are, at the time of date of such certificate, undimin-
10 ished in quantity, and unimpaired in value, reasonable
11 use and wear, and losses by fire excepted.

SECT. 6. Encampments, or camps of instruction,
2 in bodies of not less than two companies, from within

3 the limits of any of the divisions, may be ordered by
4 the commander-in-chief, to take place between the
5 middle of July and the middle of October, and at
6 points convenient to the troops ordered to be en-
7 camped; and in all cases of the ordering of such
8 encampments, or camps of instruction, reasonable
9 transportation for arms and equipage may be allowed
10 and paid by the acting quartermaster general, out of
11 any fund for military purposes.

SECT. 7. The number of commissioned officers to
2 each company of light infantry or riflemen, raised
3 within the cities of Bath, Portland, Bangor and Cal-
4 ais, and within the towns of Newcastle, Damariscotta
5 and Saco, shall be as follows: one captain, one first
6 lieutenant, one second lieutenant, one third lieutenant,
7 and one fourth lieutenant.

SECT. 8. Section first of the act entitled "an act in
2 addition to the sixteenth chapter of the revised stat-
3 utes," approved August tenth, eighteen hundred and
4 forty-eight, providing for the enrollment and return
5 of militia by civil officers, and sections second, third,
6 fifth, sixth, eighth and ninth of said act, shall be so
7 altered and amended as to read as follows:

Un-uniformed Militia.

SECT. 1. All able-bodied, white male citizens resident within this state, between the ages of eighteen and forty-five years, excepting persons enlisted into companies of volunteers, persons already exempt from military duty by the sixteenth chapter of the revised statutes, idiots, lunatics, common drunkards, vagabonds, paupers, and persons convicted of infamous crime, shall constitute the un-uniformed militia.

SECT. 2. The un-uniformed militia thus constituted, shall be subject to no active duty whatever, except in case of insurrection, war, invasion, or to prevent invasion; in such case the governor and commander-in-chief is hereby authorized and required to order out from time to time, by draft or otherwise, as many of the militia as the necessity of the case may demand. The militia, when called into active service, shall be governed and trained according to the laws of the United States and of this state.

SECT. 3. If necessary, the order of the commander-in-chief, calling out the un-uniformed militia, may be made and directed to the mayor and aldermen of any city, the selectmen of any town, or the assessors of any plantation within the state. And it

6 shall be the duty of the mayor and aldermen, the
7 selectmen or assessors aforesaid, to appoint a time
8 and place of parade for the un-uniformed militia in
9 each city, town, or plantation, and to order them to
10 appear at the time and place, either by leaving a
11 written notice, or orally, and then and there proceed
12 to draft as many thereof, or to accept as many volun-
13 teers, as may be required by the order of the com-
14 mander-in-chief and the mayor and aldermen, or select-
15 men, shall notify the commander-in-chief forthwith,
16 that they have performed the duty aforesaid, by return-
17 ing to the commander-in-chief an alphabetical list of
18 those drafted or volunteered; and whenever any person
19 thus ordered out, detached or drafted, or any volun-
20 teer, shall neglect or refuse to appear at the time and
21 place designated by the mayor and aldermen, select-
22 men or assessors aforesaid, and shall not within
23 twenty-four hours after he shall have been notified,
24 pay to the mayor and aldermen, selectmen or assess-
25 ors the sum of fifty dollars, or procure an able-bodied,
26 white male person in his stead, such person, on being
27 ordered to march to the place of rendezvous, shall
28 be considered a soldier belonging to the detachment,
29 and shall be dealt with accordingly.

Volunteer Militia.

SECT. 5. The uniformed or active militia of this
2 state shall consist and be composed of volunteers, or
3 companies raised at large ; and shall, in all cases, be
4 first ordered into service, to suppress riots, to repel
5 invasions, or to aid civil officers in the execution of
6 the laws of the state.

SECT. 6. The whole number of volunteers shall
2 not exceed ten thousand men, and shall be appor-
3 tioned to the several divisions of the militia through-
4 out the state as follows : to the first division, twenty-
5 six companies ; to the second division, twenty-two
6 companies ; to the third division, fifteen companies ;
7 to the fourth division, twenty-four companies ; to the
8 fifth division, twenty-six companies ; to the sixth divis-
9 ion, twenty-two companies ; to the seventh division,
10 eighteen companies ; to the eighth division, twenty-
11 one companies ; and to the ninth division, twenty-six
12 companies.

Organization.

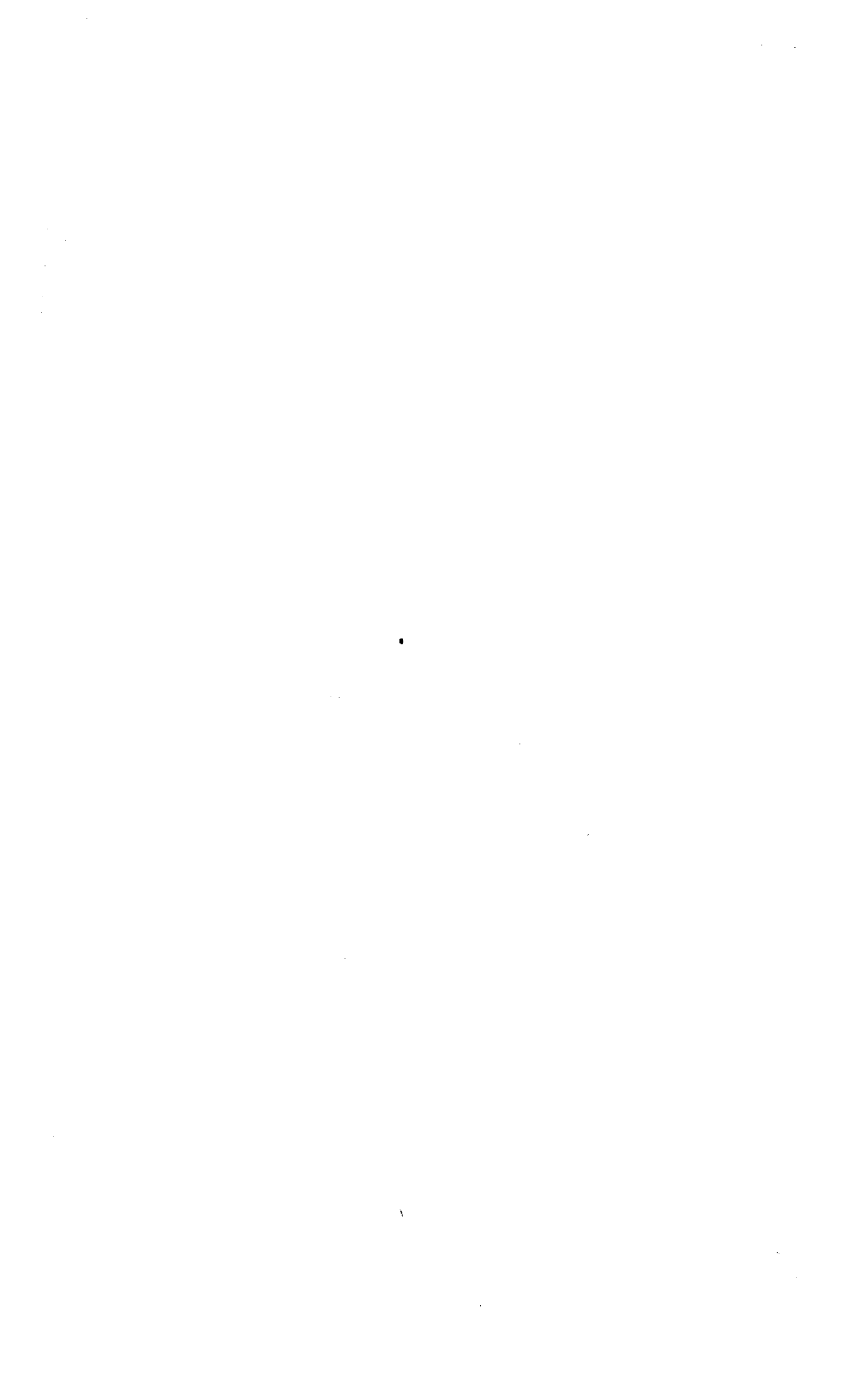
SECT. 8. The commander-in-chief, with the advice
2 of the council, may grant petitions for raising com-
3 panies at large, not to exceed the total number stated

4 in the sixth section of this act for all the divisions,
5 inclusive of companies now raised and organized.

SECT. 9. Whenever forty-eight men shall have
2 been enlisted according to the provisions of this act,
3 an election of officers may be ordered upon notifica-
4 tion being given by one or more of the petitioners, at-
5 tested by the mayor of any city, the selectmen of any
6 town, or the assessors of any plantation within the
7 state, to the commander-in-chief; and in case there
8 be no officer of the volunteer corps conveniently
9 located to preside at such election, the major general,
10 or other officer whose duty it shall be to cause an
11 election to take place, may authorize the members
12 enlisted as above to choose some suitable person to
13 preside at said election, and to make return thereof
14 to the major general, or other officer commanding
15 the division.

SECT. 9. For his services in issuing arms, equip-
2 ments, and other military property, under the pro-
3 visions of this act, the acting quarter master general
4 shall be annually allowed and paid, in quarterly pay-
5 ments, the sum of one hundred dollars.

SECT. 10. This act shall take effect from and after
2 its approval by the governor ; and all acts or parts
3 of acts inconsistent with the provisions of this act
4 are hereby repealed.



STATE OF MAINE.

IN SENATE, March 31, 1854.

This bill (reported by Mr. Berry, from the Committee on the Militia) was read once, and Ordered, That 350 copies of the same be printed for the use of the Legislature.

WILLIAM TRAFTON, *Secretary.*