

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1858.



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1858.

THIRTY-SEVENTH LEGISLATURE.

SENATE.]

[No. 29.

STATE OF MAINE.

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

AN ACT additional to chapter ten of the revised statutes,
relating to the militia.

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

SECTION 1. The whole number of volunteers shall
2 not exceed two thousand men, and shall be appor-
3 tioned throughout the state as the governor and
4 council may determine.

SECT. 2. Each officer, including and below the rank
2 of captain, and soldier of the volunteer militia of this
3 state, shall, upon the performance of his duty as is
4 hereinafter provided, receive therefor, the sum of fifty
5 cents for each of the three half days upon which he

6 is now required by law to do military duty, and shall
7 receive for each of the two days of encampment now
8 required by law, the sum of one dollar and fifty cents;
9 *provided*, that no officer or soldier shall receive pay
10 for any of the days or half days mentioned in this
11 section, who shall not have been present and per-
12 formed military duty in an orderly and soldierlike
13 manner, and shall have strictly conformed to the
14 requirements of the militia law of this state, and the
15 by-laws of the corps of which he is a member; *and*
16 *provided further*, that no officer or private shall receive
17 any pay during any year in which he shall not have
18 been present and performed military duty, upon, at
19 least, two of the different days referred to in this
20 section.

SECT. 3. The officer commanding any volunteer com-
2 pany upon either of the days referred to in section two
3 of this act, shall, previous to dismissing his company,
4 and after the conclusion of the military exercises of
5 the day, cause the roll of the company to be called,
6 by the clerk of such company, or in his absence, by
7 some non-commissioned officer of such company, and
8 an alphabetical list of those members of the company
9 present, who have performed military duty, to be
10 made, which said list shall be subscribed and sworn

11 to by the clerk or non-commissioned officer calling
12 the roll, and also by such commanding officer, before
13 some justice of the peace; said list, thus certified, shall
14 be transmitted to the adjutant general within ten days
15 thereafter.

SECT. 4. The adjutant general shall annually in the
2 month of October, after receiving the lists made at the
3 encampment, transmit to the mayor and aldermen of
4 any city, and the selectmen of any town, in which the
5 company, armory, or place of assembling the company,
6 is situated, a pay roll made out from all of said lists,
7 in which shall appear the names of those members of
8 the company who are entitled by law to receive pay,
9 and the amount which each is to receive placed op-
10 posite his name; and the mayor and aldermen, and
11 selectmen aforesaid, shall thereupon draw their war-
12 rants upon their respective treasurers, directing them
13 to pay the amount due to the persons named in said
14 roll; and shall, on or before the thirty-first day of
15 December annually, under a penalty of thirty dollars,
16 for neglect in so doing, remit said roll to the adjutant
17 general with a certificate endorsed thereon, setting
18 forth that a warrant has by them been drawn on their
19 respective treasurers in favor of the several persons
20 whose names are recorded in said roll.

SECT. 5. The adjutant general shall annually, on or
2 before the fifteenth day of January, ascertain from
3 the returns made to him, the amount of money which
4 will be necessary to reimburse the several towns and
5 cities, and submit the same to the governor of the
6 state, who is hereby authorized to draw his warrant
7 on the treasurer of the state, for repayment of the
8 sum advanced.

SECT. 6. No officer or private shall bring or cause
2 to be brought within the limits of any encampment
3 or parade ground, or have in his possession in any
4 tent, marquee, or other erection within said limits,
5 any spirituous or intoxicating liquors, on pain of for-
6 feiting his entire pay for the year in which such
7 offense is committed; and any officer who shall drink,
8 or knowingly permit others to drink any intoxicating
9 liquors within the limits of any encampment or parade
10 ground, except ordered by a physician for medicinal
11 purposes, or who shall be intoxicated while in the
12 discharge of his duty, shall upon conviction thereof
13 by court martial, forfeit his commission, and forever
14 after be incompetent to hold any office in the militia
15 of this state.

SECT. 7. Whenever there shall be in any county,
2 any tumult, riot, mob, or any body of men acting to-

3 gether by force, with intent to commit any felony, or
4 to offer any violence to persons or property, or by
5 force and violence to break and resist the laws of this
6 state, or any tumult, riot, or mob shall be threatened,
7 and the fact be made to appear to the commander-in-
8 chief, or to the mayor of any city, within which such
9 riot, tumult or mob is threatened, or any court of
10 record, sitting in said county, or if no such court be
11 sitting therein, then to any justice of such court, or
12 if no such justice be within the county, then to the
13 sheriff thereof, the commander-in-chief, if he can be
14 conveniently reached, may issue his order, or such
15 mayor, court, justice or sheriff may issue his precept
16 directed to any commanding officer of any division,
17 brigade, regiment, battalion or corps, to order his com-
18 mand, or any portion thereof, describing the kind and
19 number of troops, to appear at a time and place there-
20 in specified, to aid the civil authority in suppressing
21 such violence and supporting the laws. The troops
22 so called out shall be commanded according to the
23 provisions of sections ninety, ninety-one, ninety-two
24 and ninety-three of chapter ten of the revised statutes.

SECT. 8. All acts or parts of acts inconsistent with
2 the provisions of this act are hereby repealed.

SECT. 9. This act shall take effect on and after its
2 approval by the governor.



STATE OF MAINE.

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IN SENATE, March 4, 1858.

ORDERED, That 350 copies of the foregoing bill be printed for the use of the Legislature.

ATTEST:

JAMES M. LINCOLN, *Secretary pro tem.*