

# MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE.

1862.

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AUGUSTA:  
STEVENS & SAYWARD, PRINTERS TO THE STATE.  
1862.

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# FORTY-FIRST LEGISLATURE.

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HOUSE.

No. 7.

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## STATE OF MAINE.

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

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AN ACT to enroll and organize the militia of the State of  
Maine.

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

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### *Enrolment.*

SECTION 1. Every able-bodied white male citizen,  
2 resident within this state, of the age of eighteen years,  
3 and under the age of forty-five years, excepting per-  
4 sons hereinafter exempted, shall be enrolled in the  
5 militia ; and in cases of doubt respecting the age of  
6 any person enrolled, the burden of proof shall be upon  
7 such person.

SECT. 2. Aldermen of cities, selectmen of towns,  
2 and assessors of plantations, shall annually in April

3 make and deposit with the clerks of their respective  
4 places, a list of persons residing within their respect-  
5 ive limits, liable to enrolment ; which said list shall  
6 contain the name of each person aforesaid written in  
7 full, together with his age in years, the month and  
8 day of the month on which said person was born, and  
9 a designation by the civil officers aforesaid of the limits  
10 of the companies in their respective cities, towns and  
11 plantations. The clerks aforesaid shall endorse on said  
12 lists the time when the same were deposited, and file  
13 said lists and record the limits of said companies.

SECT. 3. Keepers of taverns or boarding-houses,  
2 and masters and mistresses of dwelling-houses shall,  
3 upon request of the persons herein authorized to make  
4 lists and enroll, give information of the names of per-  
5 sons residing in their houses liable to enrolment or to  
6 do military duty ; and every such person shall, upon  
7 like application, give his name and age ; and if such  
8 keeper, master, mistress or person refuses to give such  
9 information, or knowingly gives false information in  
10 the premises, such keeper, master or mistress shall  
11 forfeit and pay twenty dollars, and such person shall  
12 forfeit and pay ten dollars, to be recovered in any  
13 court of competent jurisdiction, on complaint of the  
14 person who rightfully made the application.

SECT. 4. Within ten days after said lists shall have  
2 been received by said clerks, they shall annually trans-  
3 mit certified copies of the same, one to the adjutant  
4 general, and one to the major general of the division.  
5 The first lists transmitted by each clerk by virtue of  
6 this section shall contain a copy at the several com-  
7 pany limits within their respective places. And if the  
8 clerks aforesaid fail to return the list as above provided  
9 annually on or before the first day of June, it shall be  
10 the duty of the adjutant general to appoint some per-  
11 son who shall perform all the duties prescribed in this  
12 section, and such person may recover of such city or  
13 town in an action of debt, the sum of ten cents for  
14 each person by him returned as aforesaid.

SECT. 5. On or before the first day of June next,  
2 the major generals shall designate and appoint some  
3 suitable person within the limits of the respective com-  
4 panies embraced within their respective divisions,  
5 orderly sergeants of the companies upon whose lists  
6 such persons' names are borne, who shall receive at  
7 the time of their said appointment, a warrant in due  
8 form signed by the major general making the appoint-  
9 ment. Said sergeants shall *ex-officio* be clerks of said  
10 companies, and shall proceed forthwith to enroll upon  
11 proper blanks, all persons whose names are borne upon

12 the lists of their companies, together with such others  
13 as are liable to enrolment within their limits. Said  
14 sergeants shall thenceforth be the acting commanding  
15 officers of their respective companies, and have and  
16 exercise all the powers incident thereto, until one or  
17 more commissioned officers shall have been duly com-  
18 missioned and qualified.

SECT. 6. On or before the tenth day of June, said  
2 sergeants shall transmit to the adjutant general a cer-  
3 tified copy of their respective rolls; and if properly  
4 made, the adjutant general shall acknowledge their  
5 receipt by transmitting to the respective sergeants a  
6 written or printed acknowledgment of the fact, which  
7 shall be a voucher to entitle them to the pay men-  
8 tioned in the succeeding section. If any of such rolls  
9 are not properly made, they shall be forthwith re-  
10 turned and corrected. And no sergeant shall be  
11 entitled to receive the pay mentioned unless they shall  
12 produce to the treasurers of their respective cities,  
13 towns and plantations, the voucher aforesaid.

SECT. 7. The treasurers of the several cities, towns  
2 and plantations shall, upon presentation of the voucher  
3 aforesaid, pay to the sergeants within their respective  
4 limits, five cents for each and every person's name  
5 contained on their respective rolls; and said sergeants

6 shall receipt for the money thus paid, upon the back of  
7 said vouchers, and deliver the same to said treasurers,  
8 which shall be conclusive evidence of such payment.

SECT. 8. The commanding officers of companies,  
2 assisted by the clerks thereof, shall enroll all persons  
3 liable to do any military duty, within the limits of their  
4 respective companies, so soon as their said liability shall  
5 come to the knowledge of such officers, and shall cause  
6 such persons to be notified of their enrollment. And  
7 the city, town and plantation clerks shall, upon request  
8 of any commanding officer of any company of militia  
9 within their respective places, furnish said commanding  
10 officer with a certified copy of the record of the limits  
11 of his company, without expense to such commanding  
12 officer.

SECT. 9. Whenever it shall appear to the command-  
2 ing officer of a regiment that any company within his  
3 command is without a commissioned officer, he shall  
4 order the clerk of such company to enroll all persons  
5 liable to do military duty therein, and to return a cer-  
6 tified copy of the roll thereof to him forthwith. If  
7 there be no clerk, such commanding officer shall require,  
8 in writing, the aldermen of cities, selectmen of towns,  
9 and the assessors of plantations in which said company  
10 is situated, to return to him within ten days the list

11 required in section two ; and thereupon he shall appoint  
12 a sergeant in such company who shall enroll said com-  
13 pany and make the same returns as are mentioned in  
14 section six. If such clerk, aldermen or assessors fail  
15 to comply with any of the provisions of this or the pre-  
16 ceeding sections, they shall forfeit and pay not less  
17 than twenty nor more than one hundred dollars, to be  
18 recovered in an action of debt, by any person what-  
19 ever, one half to the use of the state, and the remainder  
20 to the use of the prosecutor.

*Exemptions.*

SECT. 10. In addition to the following persons, ab-  
2 solutely exempted from enrolment in the militia by the  
3 laws of the United States, viz :

4 The vice president of the United States ;

5 The officers, judicial and executive, of the United  
6 States ;

7 The members of both houses of congress and their  
8 respective officers ; custom house officers and their  
9 clerks ; inspectors of exports ; pilots, and mariners  
10 employed in the sea service of a certain or merchant  
11 within the United States ;

12 Postmasters, assistant postmasters, and their clerks,  
13 post officers, post riders, and stage drivers, in the care

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14 and conveyance of the mail of the United States ;  
15 ferrymen employed at any ferry on the post road ; ar-  
16 tificers and workmen in United States arsenals ;

17 The persons hereinafter mentioned shall be absolutely  
18 exempted from military duty, viz :

19 Persons of the denominations of Quakers and Shak-  
20 ers ; justices of the supreme judicial court ; ministers  
21 of the gospel regularly ordained according to the  
22 usages of their denominations, so long as such relation  
23 continues ; and officers of the militia who have been  
24 honorably discharged.

SECT. 11. The persons hereinafter mentioned shall  
2 be exempted from military duty, viz :

3 1. Judges of any court of record ; judges of pro-  
4 bate, municipal and police courts ; clerks of all courts  
5 of record, registers of deeds, and registers of probate ;

6 2. Superintendents and other officers and assistants  
7 employed in the insane hospital at Augusta, and at the  
8 state reform school at Cape Elizabeth ;

9 3. Officers and guards employed in the state prison  
10 at Thomaston ;

11 4. Keepers of light houses, and conductors and other  
12 employees on railroad trains ;

13 5. Members of engine companies not exceeding six-  
14 ty to each company having the use and care of one or

15 more fire engines, who shall annually deposit with the  
16 commanding officer of the militia company within  
17 whose limits they respectively reside, certificates of  
18 the fact of such membership, signed by the clerk of  
19 the engine company to which they belong ;

20 6. All persons liable to do military duty, residing  
21 in plantations and unorganized places, not contiguous  
22 to an incorporated town ;

23 7. All officers who have held military or naval com-  
24 missions in the army or navy of the United States, or  
25 in the militia of any of the United States ; and all of-  
26 ficers who have held or may hereafter hold commissions  
27 less than five years, and have been discharged other-  
28 wise than in pursuance of a court martial ; and all  
29 staff officers who shall have ceased to act as such, in  
30 consequence of the resignation, promotion or removal  
31 of the officers who appointed them ;

32 8. All persons liable to do military duty, when they  
33 shall be between the ages of thirty-five or forty-five  
34 years of age, or when they shall have performed mili-  
35 tary duty for the term or six years in any company of  
36 artillery, cavalry, light infantry, or riflemen ;

37 9. All minors, of eighteen years of age and up-  
38 wards ;

39 10. And all other persons liable to do military duty ;

40 *provided*, that all persons so exempted shall pay to the  
41 treasurer of their cities, towns or plantations, the re-  
42 spective sums hereinafter mentioned, annually in the  
43 month of April, and deposit their receipts therefor  
44 with the commanding officer of the companies within  
45 the bounds of which they respectively reside, viz :

46 All persons mentioned in the first clause of this sec-  
47 tion, \$5 ; those mentioned in the second clause, \$4 ;  
48 those mentioned in third clause, \$3 ; those mentioned  
49 in the fourth clause, \$1 ; those mentioned in the fifth  
50 clause, \$0.25 ; those mentioned in the sixth clause,  
51 \$0.25 ; those mentioned in the seventh clause, \$1 ;  
52 those mentioned in the eighth clause, \$1 ; those men-  
53 tioned in the ninth clause, \$3 ; and those mentioned  
54 in the tenth clause, \$15 ; and *provided also*, that  
55 nothing contained in this section shall be construed to  
56 prevent the conditional exempts therein named, from  
57 being called forth to execute the laws of the United  
58 States or of this state, to suppress insurrection and  
59 repel invasion.

SECT. 12. Said treasurers shall severally keep a de-  
2 tailed account of all moneys by them received by vir-  
3 tue of this act, and shall annually in December, trans-  
4 mit to the state treasurer a certified copy of the same

5 together with the amount of all moneys thus received ;  
6 and the same shall constitute a fund to be appropriated  
7 as the legislature shall direct to the sole purpose of  
8 aiding the militia.

SECT. 13. Clerks of engine companies shall annually  
2 in April, return to the commanding officers of military  
3 companies within the limits of which said engine com-  
4 panies exist, a list of all the members of said engine  
5 companies. And the treasurers of the several cities,  
6 towns and plantations, are hereby required to return  
7 annually in April, to the commanding officers of mili-  
8 tary companies within the limits of their respective  
9 places, a list of all persons who have paid money to  
10 them by virtue of section eleven, mentioning the amount  
11 so paid by each person, and the time when. Either  
12 of the above named civil officers neglecting any part  
13 of the duty imposed by this section shall forfeit and  
14 pay to any person suing therefor in an action of debt  
15 in any court of competent jurisdiction, not less than  
16 ten nor more than thirty dollars. Said lists so returned  
17 shall avail parties interested in the same manner as if  
18 they had personally deposited the certificates and re-  
19 ceipts mentioned in section eleven.

SECT. 14. Every non-commissioned officer or private  
2 having bodily infirmity may be exempted from military

3 duty, if after critical examination he obtains from the  
4 surgeon or surgeon's mate of the regiment, battalion  
5 or detached company to which he belongs, (or if there  
6 are no such officers commissioned in such regiment,  
7 battalion or company, then from some respectable sur-  
8 geon and physician residing within the bounds of the  
9 same,) a certificate of disability, the nature and result  
10 of which shall be specifically described therein; and  
11 the commanding officer of his company may sign, on  
12 the back of such certificate, a written or printed dis-  
13 charge of the person named therein, for a reasonable  
14 time, to be specified in said discharge from military  
15 duty, not exceeding one year; which discharge, when  
16 countersigned by the commanding officer of said regi-  
17 ment, battalion or company, shall exempt him, for the  
18 time specified, from all military duty except in the  
19 election of officers. If such non-commissioned officer  
20 or private, having obtained such certificate, is refused  
21 a discharge, he may apply in writing to the command-  
22 ing officer of the brigade, who may discharge him from  
23 military duty for such time, not exceeding one year,  
24 as he judges reasonable, by indorsing the same on said  
25 certificate. The discharge obtained by virtue of this  
26 section shall be forthwith recorded in the orderly book  
27 of the company within the bounds of which the person  
28 discharged resided.

SECT. 15. All surgeons and surgeons' mates, and in  
2 case such commissioned officers do not exist within the  
3 limits of any regiment, battalion or company, then all  
4 other surgeons and physicians residing within the limits  
5 of the same, are hereby required to examine all appli-  
6 cants for certificates of disability whenever reasonably  
7 requested, and grant the proper certificates when they  
8 deem the facts will warrant, without any fee or reward  
9 whatever. Said surgeons may revoke any certificate  
10 by them given, and such revocation shall vacate any  
11 discharge founded thereon. Said surgeons and sur-  
12 geons' mates shall transmit to the adjutant of their reg-  
13 iments, as soon as practicable, all the original applica-  
14 tions for such certificates, with the facts whether a  
15 certificate was granted or not, and if granted, for what  
16 period, minuted thereon.

*Organization.*

SECT. 16. The commander-in-chief may organize and  
2 arrange the militia into brigades, battalions, and com-  
3 panies, conformably to the laws of the United States,  
4 and change the same when deemed necessary. Each  
5 division, brigade, and regiment, shall be numbered at  
6 the formation thereof, and a record thereof made in the  
7 adjutant general's office. Every new division, brigade,

8 and regiment, shall be designated by the number next  
9 higher than that of the division established next be-  
10 fore it; and the divisions, brigades, and regiments,  
11 shall take rank according to their numbers, the first  
12 being highest. The limits of the three existing divis-  
13 ions shall continue the same until changed by legisla-  
14 tive act, and nothing herein contained shall be con-  
15 strued to vacate the existing offices of major generals.

SECT. 17. Nothing in this act shall be construed so as  
2 to affect the organizations of such volunteer companies as  
3 existed in April, 1861, which made their return to the  
4 adjutant general's office during the year 1860, accord-  
5 ing to law, or which either in part or in the whole as  
6 a company enlisted into the service of the United  
7 States in accordance with the proclamation of the pres-  
8 ident of the United States or laws thereof. And all  
9 the members of said companies, as they existed in  
10 April aforesaid, shall be exempted from serving in the  
11 enrolled militia, so long as said companies shall be  
12 kept in effective condition, and the members thereof  
13 perform the same amount of military duty in their re-  
14 spective companies as is required of the militia by this  
15 act.

SECT. 18. The organization of the militia under this  
2 act shall be completed on or before July, 1863, unless

3 sooner ordered by the commander-in-chief in pursuance  
4 with an order in council.

SECT. 19. All applications or petitions for raising  
2 companies at large, and for alterations in the arrange-  
3 ments of the militia, shall be made to the commander-  
4 in-chief, who may grant such petitions or applications  
5 whenever he may deem it for the interests of the  
6 militia.

*Officers.—Election, appointment and qualification of.*

SECT. 20. The officers and non-commissioned officers  
2 of the militia shall be as follows :

3 A commander-in-chief.

4 An adjutant-general, who shall be the inspector-  
5 general of the militia, and a quarter-master-general,  
6 each with the rank of brigadier-general.

7 Aids to the commander-in-chief with the rank of  
8 lieutenant-colonel, not exceeding four in number.

9 To each division, there shall be one major-general ;  
10 one division-inspector with the rank of lieutenant-col-  
11 onel ; two aids-de-camp, one division-quarter-master,  
12 one division-engineer, and one judge advocate, each  
13 with the rank of major.

14 To each brigade, there shall be one brigadier-gen-  
15 eral ; one brigade-inspector, with the rank of major,  
16 to serve as brigade-major ; one brigade-quarter-mas-



17 ter ; one brigade-engineer, and one aid-de-camp, each  
18 with the rank of captain.

19 To each regiment, there shall be one colonel ; one  
20 lieutenant-colonel, and one major ; one adjutant ; one  
21 quarter-master, and one paymaster, each with the  
22 rank of lieutenant ; one surgeon ; one surgeon's mate ;  
23 one chaplain ; one sergeant-major ; one sergeant-  
24 quarter-master, and one drum-major.

25 To each separate battalion, there shall be one major ;  
26 one adjutant, and one quarter-master, each with the  
27 rank of lieutenant ; one surgeon ; one sergeant-major,  
28 and one quarter-master-sergeant.

29 To each company of infantry and riflemen, there  
30 shall be one captain ; one first and one second lieuten-  
31 ant ; four sergeants ; four corporals and two musicians.

32 To each company of foot artillery attached to a brig-  
33 ade, there shall be one captain, three lieutenants, six  
34 chiefs of pieces, six gunners and two musicians.

35 To each company of cavalry, there shall be one cap-  
36 tain ; one first and one second lieutenant ; four ser-  
37 geants, four corporals ; one saddler ; one farrier, and  
38 two trumpeters.

39 To every company, there shall be one clerk, who  
40 shall be one of the sergeants.

SECT. 21. When the office of quarter-master-general

2 is vacant, the duties thereof shall be performed by the  
3 adjutant-general; and when the office of major-general,  
4 brigadier-general, colonel, major or captain, is vacant,  
5 or such officer is sick or absent, the officer next in rank  
6 shall command the division, brigade, regiment, battal-  
7 ion, or company, until the vacancy is supplied.

SECT. 22. The officers of the militia shall be elected  
2 as follows, viz :

3 Major-generals, by the senate and house of represen-  
4 tatives, each having a negative upon the other. The  
5 person so elected shall forthwith be notified of such  
6 election by the secretary of state; and if such person  
7 shall not signify his acceptance within thirty days next  
8 after the receipt of such notice, he shall be considered  
9 as having declined.

10 The adjutant-general and quarter-master-general  
11 shall be chosen annually by joint ballot of the senators  
12 and representatives in convention, and shall keep their  
13 offices at the seat of government.

14 Brigadier-generals, by the written votes of the field  
15 officers of the respective brigades.

16 Field officers of regiments and battalions, by the  
17 written votes of the captains and subalterns of the com-  
18 panies of the respective regiments or battalions.

19 Captains and subalterns of companies, by the written

20 votes of the non-commissioned officers and privates of  
21 the respective companies

SECT. 23. The staff officers of the militia shall be  
2 appointed in manner following :

3 The aids to the commander-in-chief, by the com-  
4 mander-in-chief.

5 The division inspectors, division quarter-masters, the  
6 aids-de-camp of major-generals, division engineers, and  
7 judge advocates, by the respective major-generals.

8 The brigade-majors and inspectors, brigade quarter-  
9 masters, brigade-engineers, and aids-de-camp to brig-  
10 adier-generals, by the respective brigadier-generals.

11 Adjutants, paymasters, quarter-masters, chaplains,  
12 surgeons, and surgeons' mates, of regiments, by the  
13 respective colonels.

14 Adjutants, quarter-masters, and surgeons, of battal-  
15 ions, by the respective majors.

16 All the aforesaid officers shall be commissioned by  
17 the governor.

SECT. 24. The non-commissioned officers in the  
2 militia shall be appointed in manner following :

3 Sergeant-majors, quartermaster-sergeants and drum-  
4 majors, of regiments, by the respective colonels.

5 Sergeant-majors, and quartermaster-sergeants, of  
6 battalions, by the respective majors.

7 Non-commissioned officers of companies, by the re-  
8 spective captains.

9 Clerks, by the commanding officers of the respective  
10 companies.

11 The non-commissioned officers shall receive warrants  
12 from the officers appointing them, except the clerk,  
13 whose appointment shall be made in writing and  
14 signed by the officer making the appointment, upon the  
15 back of the warrant of the sergeant thus appointed.

SECT. 25. No idiot, lunatic, common drunkard,  
2 vagabond, pauper, nor person convicted of an infa-  
3 mous crime, nor any other than white, able-bodied,  
4 male citizens, shall be eligible to any office in the  
5 militia. When it appears to the commander-in-chief,  
6 that such ineligible person has received a majority of  
7 the votes cast at an election of officers, he shall not  
8 commission him, but shall declare such election null  
9 and void, and fill the vacancy by appointment,

SECT. 26. Major-generals shall, from time to time,  
2 give all such orders as may be necessary for filling by  
3 election any vacancy of brigadier-general, field officer,  
4 captain or subaltern, existing within their divisions.  
5 Except in the organization of companies called into  
6 the actual service of the state or United States, electors  
7 shall have at least ten days previous notice of such

8 election. No election of brigadier-general or field  
9 officer shall be valid, unless a majority of all the elect-  
10 ors, including all the existing vacancies in the offices  
11 of such electors, shall be present at such election.  
12 Every person so elected, shall, within one hour there-  
13 after, signify his acceptance to the presiding officer at  
14 such election, in person, in writing, or by telegram, or  
15 be considered as declining, whereupon a new election  
16 shall be had.

SECT. 27. Commissions shall designate the division,  
2 brigade, regiment or battalion, and the corps in which  
3 the person commissioned belongs, together with the  
4 day of election or appointment; and he shall take  
5 rank from that day. When an officer is transferred  
6 from one corps or station to another in the same grade,  
7 the date of his original election or appointment shall  
8 be expressed in his new commission, and be considered  
9 its date.

SECT. 28. When two or more officers of the same  
2 grade are on duty together, and their commissions bear  
3 the same date, and former commissions do not decide  
4 their rank, their relative rank shall be determined by  
5 lot drawn before the commanding officer present; and  
6 when on a court martial, before the president thereof.

SECT. 29. Every commissioned officer shall take and

2 subscribe the oaths required by the constitution before  
3 some justice of the peace, or before some superior field  
4 or general officer, or staff officer of the rank of field  
5 officer, who has previously taken and subscribed them  
6 himself; and a certificate of the oath, together with  
7 the date of its administration, shall be made and signed  
8 by the qualifying officer upon the back of the commis-  
9 sion of the officer so qualified.

SECT. 30. Clerks of companies shall be sworn to th  
2 faithful discharge of their duties, by taking the follow-  
3 ing oath before their commanding officers, viz: "I,  
4 A. B., do solemnly swear, that I will faithfully and  
5 impartially perform all the duties incumbent on me as  
6 clerk of the company to which I belong, according to  
7 the best of my abilities and understanding. So help me  
8 God." And commanding officers shall certify the fact  
9 of their clerks having taken the required oath, on the  
10 back of their warrants.

SECT. 31. When the office of clerk of a company is  
2 vacant; or in case of the absence, sickness, or inabil-  
3 ity of the clerk, if upon satisfactory evidence that no  
4 one in the company will accept the office, the com-  
5 manding officer of the company may issue his written  
6 order to any non-commissioned officer or private in the  
7 company, requiring him to perform all the duties of

8 clerk except keeping the records, for a term not ex-  
9 ceeding three months ; and any non-commissioned offi-  
10 cer or private refusing or neglecting to perform such  
11 duty when so ordered, shall forfeit and pay to the use  
12 of the company, not less than ten, nor more than twen-  
13 ty dollars, to be recovered on complaint of the com-  
14 manding officer of the company. In such cases, the  
15 records of the company shall be kept by the command-  
16 ing officer thereof, as long as such vacancy, sickness,  
17 or inability continues ; and records so kept shall be  
18 competent evidence of such orders, as well as of mat-  
19 ters of which they would be evidence if kept by the  
20 clerk.

SECT. 32. Officers ordering elections may preside, or  
2 detail some officer of suitable rank to preside.

3 A captain, or staff officer of the rank of captain, may  
4 preside at the election of an officer of equal or inferior  
5 grade within the limits of his regiment or battalion ; but  
6 no candidate for the vacancy shall preside at the elec-  
7 tion, except to adjourn the meeting when no proper  
8 officer appears to preside.

9 At all elections, such presiding officer shall keep a  
10 true record of the proceedings, and make return there-  
11 of to the commanding officer of the battalion, regiment,  
12 brigade or division, as may be proper.

13 Elections may be adjourned, not exceeding twice,  
14 and each adjournment for a period not exceeding two  
15 days. The original roster of the brigade, regiment, or  
16 battalion, or the roll of the company, as the case may  
17 be, shall be produced at such elections by the persons  
18 having the legal custody thereof.

SECT. 33. When an officer holding a military com-  
2 mission is elected or appointed to another commissioned  
3 office in the militia, and accepts the same, such ac-  
4 ceptance shall constitute a part of the return of the  
5 presiding officer, and shall vacate the office previously  
6 held.

SECT. 34. Commissions shall be transmitted to the  
2 commanding officers of divisions, and by them, through  
3 the proper officers, to the officers elect.

SECT. 35. When a person elected or appointed to an  
2 office refuses to accept his commission or qualify at  
3 the time of acceptance, the major-general shall certify  
4 the fact on the back thereof, and return it to the adju-  
5 tant-general; and if the office is elective, a new elec-  
6 tion shall be ordered.

SECT. 36. The elections of commissioned officers for  
2 the first organization of the militia under and by virtue  
3 of this act, shall take place when ordered by the com-  
4 mander-in-chief.



*Officers—how discharged.*

SECT. 37. When an officer requests in writing, his  
2 discharge from office, with the written approval of the  
3 commanders of the regiment or battalion, brigade and  
4 division to which he belongs, the commander-in-chief  
5 may discharge him.

SECT. 38. No commanding officer shall approve a  
2 resignation under the preceding section, if the same is  
3 offered between the first day of May and the first day  
4 of November, unless the reasons for such resignation  
5 are urgent and proved to his entire satisfaction ; and  
6 the rolls, orderly book, roster and documents in the  
7 custody of the officer resigning, shall before his dis-  
8 charge is delivered to him, be deposited with the officer  
9 having a right to the custody of the same.

SECT. 39. If an officer unreasonably refuses to ap-  
2 prove an application for discharge, and it is so made  
3 to appear to the commanders above him, they may  
4 approve the same, and the commander-in-chief may  
5 discharge the applicant.

SECT. 40. Military officers shall hold their respective  
2 offices not longer than seven years from the date of  
3 their commissions, unless reappointed or reelected, and  
4 the commander-in-chief shall discharge all such officers  
5 accordingly ; *provided*, that in case of vacancy of major-

6 general in any division, the commissions of brigadier-  
7 generals in such divisions shall not terminate by the  
8 limitation aforesaid, till the office of major-general shall  
9 be filled. No officer shall be discharged within the  
10 term of five years, otherwise than in pursuance of the  
11 sentence of a court-martial, except by the commander-  
12 in-chief in accordance with the three preceding sections;  
13 by actual removal of residence out of the bounds of his  
14 command; by twelve months absence without leave of  
15 the commanding officer of the division; or by the legal  
16 disbanding of the corps to which he belongs. When-  
17 ever any division, brigade, regiment or battalion, shall  
18 be divided, and the residence of any staff officer at-  
19 tached thereto shall be without the bounds of the corps  
20 in which he was commissioned, such staff officer shall  
21 be entitled to an honorable discharge, and shall cease  
22 to do duty in such office, after such division is made;  
23 and the vacancy shall forthwith be filled.

SECT. 41. No officer shall resign while under arrest,  
2 but while under arrest, he shall be considered as ex-  
3 empted from the duties of his station.

SECT. 42. If any officer shall in due course of law  
2 be convicted of any infamous crime, he shall be forth-  
3 with put in arrest, and so continue until he shall be

4 removed by the commander-in-chief with the advice of  
5 the council.

SECT. 43. The commissions of staff officers appointed  
2 by a commanding officer, shall expire as soon as the  
3 successor of such commanding officer is commissioned  
4 and qualified.

*Arms and equipments.*

SECT. 44. Officers, non-commissioned officers and  
2 privates, of infantry, cavalry, artillery and riflemen,  
3 shall, on and after July A. D. 1863, constantly keep  
4 themselves furnished with the arms and equipments  
5 required by the laws of the United States, except such  
6 privates as shall not be able so to provide themselves.

SECT. 45. No private shall be considered as unable  
2 to provide himself as aforesaid, unless he shall annually  
3 in April deposit with his commanding officer a certifi-  
4 cate of such inability, from the overseers of the poor of  
5 the city, town or plantation in which he resides. Such  
6 commanding officer shall forthwith deliver such certifi-  
7 cate to the aldermen of the city, selectmen of the town,  
8 or assessors of the plantation where such private resides.  
9 And said aldermen, selectmen, or assessors, shall forth-  
10 with, at the expense of their respective places, provide  
11 for every such private residing within their respective

12 places, the arms and equipments required as aforesaid;  
13 and they shall deposit the same in some safe and con-  
14 venient place, and the commanding officer of the com-  
15 pany to which such private belongs, shall deliver such  
16 arms and equipments to such private, whenever his  
17 company shall be ordered out for any military duty.  
18 Any city, town or plantation neglecting or refusing to  
19 furnish arms and equipments as aforesaid, shall forfeit  
20 and pay not less than twenty nor more than one hun-  
21 dred dollars for each offence, to be recovered by indict-  
22 ment to the use of the state. No person thus furnished  
23 shall therefor be considered a pauper.

SECT. 46. All parents, masters or guardians shall  
2 furnish all minors enrolled in the militia, who shall be  
3 under their care, respectively, with the arms and equip-  
4 ments required by law; and if any such person neglects  
5 to provide such minor in manner aforesaid; or, if said  
6 minor shall absent himself from any legally warned  
7 meeting of his company, without sufficient excuse, said  
8 parent, master or guardian is hereby subjected to the  
9 same forfeitures, as such minor would be liable to for  
10 a like deficiency, neglect or non-appearance, if such  
11 minor were of age; *provided*, however, that such parent,  
12 master, or guardian, as shall produce annually, on or  
13 before the first Tuesday of May, the certificate men-

tioned in the preceding section, shall be exempted from  
said forfeitures.

SECT. 47. The arms, ammunition, accoutrements  
and uniform of every officer, non-commissioned officer  
and privates, and the uniform and musical instruments  
of musicians belonging to the militia, are exempted  
from attachment, execution and distress.

SECT. 48. Every officer and soldier shall be exempt-  
ed from arrest on any civil process, while going to,  
performing, or returning from any military duty, re-  
quired by this act.

*Articles furnished.*

SECT. 49. Each regiment of infantry, and each bat-  
talion of cavalry and artillery, shall be furnished with  
the state colors ; each company of infantry, artillery  
and riflemen, shall be furnished with two small drums ;  
and each company of cavalry with a trumpet ; and  
each brigadier-general is hereby authorized to draw  
orders for the same in favor of the commanding officers  
of regiments, battalions and companies. The com-  
manding officers of regiments and battalions shall be  
responsible for the safe keeping of their colors ; and  
the commanding officers of companies, for the safe  
keeping of their drums and bugles. And the quarter-

13 master-general shall furnish such colors and musical  
14 instruments, and present his accounts therefor to the  
15 legislature for allowance.

SECT. 50. Each company of artillery shall be pro-  
2 vided by the quarter-master-general with two suitable  
3 field pieces, of such calibre as the commander-in-chief  
4 may direct, with complete equipments for the field.  
5 And the quarter-master-general shall issue to each  
6 company of artillery, annually, fifty pounds of good  
7 powder; to each company of infantry, riflemen and  
8 cavalry, one-half pound of good powder, to each mem-  
9 ber of said companies.

SECT. 51. Whenever the commander-in-chief, on  
2 account of any public emergency, shall issue his proc-  
3 lamation to that effect, every city, town and plantation  
4 shall provide and deposit, and constantly keep provided  
5 and deposited, in some suitable and convenient place  
6 within their limits, one hundred pounds of leaden mus-  
7 ket balls, suitable for their company muskets; two  
8 thousand suitable percussion caps; three iron camp  
9 kettles; and powder at the rate of fifty pounds for  
10 every one hundred soldiers enrolled within their limits,  
11 and the same proportion of the above articles for a  
12 greater or less number of soldiers enrolled as aforesaid.  
13 Every city, town or plantation neglecting to comply

14 with any such proclamation, shall forfeit and pay to the  
15 use of the state, a sum not exceeding one thousand dol-  
16 lars, to be recovered by indictment in any court of  
17 competent jurisdiction.

SECT. 52. The commander-in-chief may cause suffi-  
2 cient gun houses to be erected for the safe keeping of  
3 field pieces, carriages and other artillery equipage, and  
4 to repair the same. But no such gun house shall be  
5 erected until good and sufficient deeds of proper sites  
6 shall be given the state free of expense to the same.

*Inspection, discipline, trainings and review.*

SECT. 53. Commanding officers of companies shall  
2 parade their companies, on the first Tuesday of May,  
3 annually, at one of the clock in the afternoon, for the  
4 purpose of inspecting the arms and equipments of his  
5 men ; noting all delinquencies of appearance, and de-  
6 ficiencies of equipment ; and for correcting his com-  
7 pany roll. And he shall parade his company, by his  
8 own order, on one other afternoon, for company disci-  
9 pline, between said day of inspection and the review  
10 provided for in the following section.

SECT. 54. The troops of each division shall be pa-  
2 raded for review, in division, brigades, regiments or  
3 battalions, at such times, between the fifteenth of Au-

4 gust and first of October, annually, days of state elec-  
5 tions excepted, as the commanding officers of divisions  
6 may order. Orders for review by brigade shall be pro-  
7 mulgated in the brigades thirty days before the time  
8 appointed ; orders for regimental review shall be pro-  
9 mulgated in the regiments twenty days before such  
10 time. The place, and if no time is designated by the  
11 commander of the division, the time of parade shall be  
12 designated by the commander of the troops to be as-  
13 sembled, regard always being had to the convenience,  
14 proximity, and accommodation of the troops to be as-  
15 sembled. No ground shall be occupied for a parade  
16 in time of peace without the consent of the municipal  
17 officers of the place where the parade is to be made.

SECT. 55. Each division, brigade, regiment, and  
2 battalion, shall, in the field, rank according to its  
3 number ; the lowest number having the highest rank.  
4 Companies in a regiment or battalion shall form accord-  
5 ing to the rank of the officers present commanding them.  
6 When distinct corps parade, join, or duty, together,  
7 the senior officer present shall command.

SECT. 56. When a company destitute of commis-  
2 sioned officers parades with other troops, the officer in  
3 command shall detail one or more commissioned officers  
4 present to command it, while on parade.



SECT. 57. No commanding officer of any company, 2 battalion, regiment or brigade shall parade his com- 3 mand within fifty rods of any court house whilst any 4 judicial court shall be in session therein, under a pen- 5 alty of one hundred dollars, to be recovered by indict- 6 ment to the use of the state.

SECT. 58. Every commanding officer, when on duty, 2 may ascertain and fix necessary bounds and limits to 3 his parade (not including a road so as to prevent pass- 4 ing), within which no spectator shall enter without 5 leave from such commanding officer. Whoever in- 6 trudes within said limits, after being forbidden, may 7 be confined under guard during any portion of the 8 time of parade, at the discretion of the commanding 9 officer; and whoever resists a sentry posted on said 10 limits, may be arrested by order of the commanding 11 officer, and carried before a court or magistrate, to be 12 examined or tried upon complaint for such assault, or 13 disturbance or breach of the peace.

SECT. 59. No private shall be compelled to perform 2 any other military duty in one year than is herein pro- 3 vided, except in time of war or public danger, and for 4 choice of officers. But on the approach of any public 5 danger, when, in the opinion of the commander-in- 6 chief, any of the exigencies are likely to happen upon

7 which the militia could, by the constitution of the  
8 United States, be called into actual service, he may  
9 order such other and further training and disciplining  
10 of the militia, or any part thereof, as he may deem  
11 necessary.

SECT. 60. Every non-commissioned officer or private  
2 who appears at a parade required by law, deficient in  
3 any arm or equipment, required by this act, or with  
4 such arms unserviceable or in bad condition, shall for-  
5 feit one dollar, to be recovered on complaint of the  
6 clerk, one half to the use of said clerk, and one half to  
7 the use of the commanding officer.

SECT. 61. A soldier who unnecessarily, or without  
2 order from a superior officer, comes to any parade,  
3 with his musket, rifle or pistol, loaded with ball, slug  
4 or shot, or so loads the same while on parade, or un-  
5 necessarily, or without order from a superior officer,  
6 discharges the same when going to, returning from, or  
7 upon parade, shall forfeit not less than five, nor more  
8 than twenty dollars, to be recovered as provided in the  
9 preceding section.

SECT. 62. A soldier behaving with contempt towards  
2 an officer, or conducting in a disorderly manner, or  
3 exciting or joining in a tumult or riot, or being guilty  
4 of unmilitary conduct, disobedience of orders, or neg-

5 lect of duty when under arms or on duty, shall forfeit  
6 not less than five, nor more than twenty dollars, to be  
7 recovered as provided in section sixty.

SECT. 63. A soldier quitting his guard, section,  
2 platoon or company, shall forfeit not less than two, nor  
3 more than ten dollars, to be recovered, if the offence  
4 is committed at a regimental or battalion parade, on  
5 complaint by the commander of the regiment or bat-  
6 talion, or the company clerk ; if at any other parade  
7 by the clerk.

SECT. 64. For any offence mentioned in the preced-  
2 ing section, the delinquent may be put and kept under  
3 guard by the commander of the company, regiment or  
4 of the field, for a time not extending beyond the term  
5 of service for which he is then ordered. A non-com-  
6 missioned officer, for an offence mentioned in this act,  
7 or for disobedience of orders or unmilitary conduct at  
8 a regimental or battalion parade, besides incurring the  
9 fine prescribed, may be reduced to the ranks by the  
10 commander of his regiment or battalion ; and for such  
11 misconduct at any other parade, by such commander  
12 with the advice of his company commander.

SECT. 65. Every non-commissioned officer, musician  
2 or private, who being duly ordered to appear at any  
3 time and place appointed for military duty, according

4 to law, shall unnecessarily neglect to appear at such  
5 time and place, shall forfeit for every such neglect  
6 five dollars, to be recovered on complaint of the clerk  
7 of the company to which said delinquent belongs.

SECT. 66. Any non-commissioned officer and private  
2 who shall refuse or neglect to give any notice or warn-  
3 ing, when ordered thereto by the commanding officer  
4 of the company to which he belongs, shall forfeit not  
5 less than three, nor more than five dollars, for each  
6 member of the company, whom he shall neglect or re-  
7 fuse to notify or warn; to be recovered on complaint of  
8 the clerk of such company, one half to the use of said  
9 clerk, and one half to the use of the State.

SECT. 67. All excuses for non-appearance of non-  
2 commissioned officers and privates, must be made within  
3 twenty days after any training, view of arms, or other  
4 military duty, to the commanding officers of their re-  
5 spective companies; and on the delinquent's producing,  
6 or causing to be produced, satisfactory evidence of his  
7 inability to appear, his commanding officer may excuse  
8 him; but no such excuse shall be received after the  
9 expiration of said twenty days. Any such non-com-  
10 missioned officer or private who shall neglect the ren-  
11 dering of such excuse, unless prevented by severe sick-  
12 ness or inevitable accident, within said twenty days,

13 shall pay the penalty provided by law for such non-  
14 appearance.

SECT. 68. Nothing contained in this act shall be  
2 construed to impair the obligation arising under consti-  
3 tutional articles of agreement adopted by any company  
4 organization mentioned in section seventeen. All fines,  
5 penalties and assessments incurred by officers or soldiers  
6 of such company, under such constitutional articles of  
7 agreement signed by them, and approved by the com-  
8 mander-in-chief, may in addition to any other remedy  
9 thereon, be recovered on complaint of the clerk.

*Prosecutions for fines and penalties.*

SECT. 69. Municipal and police courts and trial jus-  
2 tices, within their respective local jurisdictions, shall  
3 have jurisdiction of all fines, forfeitures and penalties  
4 of twenty dollars and less, incurred under this act.

SECT. 70. The clerk of each company, after the ex-  
2 piration of twenty days, and within forty days after  
3 the day of parade or election of officers, shall in those  
4 cases where fines are to be collected upon his com-  
5 plaint, make and subscribe an information against of-  
6 fenders who have not been legally excused, or have  
7 not, within the twenty days aforesaid, paid the forfeit-  
8 ures they have incurred, as is provided in section

9 twenty-five of chapter sixty-four of the public laws of  
10 1861.

SECT. 71. A complaint by any other person herein  
2 authorized to make it, shall be prosecuted in the like  
3 manner, so far as the same is applicable thereto, the  
4 forms being varied accordingly.

*Notifications.*

SECT. 72. When the commanding officer of a compa-  
2 ny shall order out his company for inspection or train-  
3 ing, or for any battalion, regimental, brigade or divis-  
4 ion inspection or review, he shall issue orders to one or  
5 more of the non-commissioned officers or privates of  
6 his company, requiring him or them to notify the men  
7 belonging to his company, to appear at the time and  
8 place appointed ; and the persons so ordered as afore-  
9 said, shall give notice of the time and place appointed  
10 for the parade of said company, to each and every man  
11 he or they shall have been ordered to notify, either  
12 verbally, or by delivering to each man in person, or by  
13 leaving at his last and usual place of abode a written  
14 or printed order ; but no private shall be obliged thus  
15 to notify more than once in the same year.

SECT. 73. Notices for any company inspection or  
2 training, or for any battalion, regimental, brigade, or

3 division inspection or review, shall be given four days  
4 at least previous to the time appointed therefor; *pro-*  
5 *vided, always*, that in case of invasion, insurrection, or  
6 other public emergency, any notice however short, shall  
7 be legal and binding.

*Rosters, rolls and returns.*

SECT. 74. The aid-de-camp to each major-general,  
2 by him appointed to be orderly officer; the aid-de-camp  
3 of each brigade, and the adjutant of each regiment,  
4 battalion or corps, shall constantly keep a correct roster  
5 of the division, brigade, regiment, battalion or corps  
6 to which they respectively belong; and an orderly book,  
7 and record therein all orders and other official commu-  
8 nications received or issued by their respective com-  
9 manding officers; and copy, distribute and transmit all  
10 such orders and other papers as they may be directed  
11 by said officers, and attend them while on military duty.

SECT. 75. The commanding officer of each company  
2 shall make, or cause the clerk of his company to make,  
3 a return of the state of his company, on the day of the  
4 annual inspection, to the commanding officer of his  
5 regiment or battalion, on or before the first day of June  
6 annually; and the commanding officer of each regiment  
7 or battalion, shall cause his adjutant to record an ab-  
8 stract of the returns made to him, in a book to be kept

9 for that purpose, and to transmit a copy thereof to the  
10 office of the adjutant-general, on or before the first day  
11 of August, annually.

SECT. 76. Any commanding officer neglecting to  
2 make or cause to be made the returns specified in the  
3 preceding section and at the time therein specified,  
4 shall forfeit and pay twenty dollars, to be recovered  
5 on complaint of adjutant of the regiment, one half to  
6 the use of the state, and one half to the adjutant.

SECT. 77. The commanding officer of each company  
2 of artillery or cavalry, not attached to any regiment or  
3 battalion, shall cause the clerk of his company to  
4 make an abstract return of the state of his company on  
5 the day of the annual inspection, to the office of the  
6 adjutant-general, on or before the first day of July,  
7 annually.

SECT. 78. The commanding officer of every company  
2 raised at large, shall, annually in August, deliver to  
3 the commanding officer of the regiment within whose  
4 bounds such company exists, a list of the names of the  
5 men belonging to it.

SECT. 79. Clerks of companies shall keep fair and  
2 exact rolls of their companies, together with the state  
3 of the arms and equipments belonging to each man,  
4 which roll he shall annually revise on the day of the



5 annual inspection. They shall register all orders and  
6 proceedings of their companies in the orderly books ;  
7 keep exact details of all drafts and detachments ; dis-  
8 tribute all company orders and notifications which he  
9 may be required to do ; note all delinquencies ; sue  
10 for and recover all fines and forfeitures which he may  
11 be required to sue for ; and keep correct accounts in  
12 the orderly book of all fines and forfeitures, and all  
13 other moneys collected by him, with the persons'  
14 names of whom they were collected, of the times when  
15 and for what offence ; which book shall not be alien-  
16 ated from the company, and shall always be open to  
17 the inspection of any officer or private of the company.

*Adjutant-general.*

SECT. 80. The adjutant-general shall distribute all  
2 orders from the commander-in-chief ; shall obey all  
3 orders relative to executing and perfecting any system  
4 of military discipline established by law ; and shall be  
5 in attendance when the commander-in-chief reviews  
6 the militia.

SECT. 81. He shall furnish the proper officers with  
2 the blank books, rolls, and returns that may be re-  
3 quired, explaining the principles upon which they  
4 should be filled ; orders for the commanders of com-  
5 panies to order the non-commissioned officers and pri-

6 vates to notify their men to attend the inspections,  
7 trainings, reviews, and elections of officers, which may  
8 be ordered ; and notifications or orders, to be left with  
9 the men.

SECT. 82. He shall annually make a return, in du-  
2 plicate, of the militia of the state, with their arms, ac-  
3 coutrements, and ammunition, according to such direc-  
4 tions as he may receive from the secretary of war of  
6 the United States ; one copy of which he shall deliver  
7 to the commander-in-chief, and transmit the other to  
8 the president of the United States, on or before the  
9 first Monday in January.

*Invasion, insurrection, tumults, or riots.*

SECT. 83. When an invasion of, or insurrection in,  
2 the state is made or threatened, the commander-in-  
3 chief shall call upon the militia to repel or suppress  
4 the same ; and may order out divisions, brigades, regi-  
5 ments, battalions, or companies ; or may order to be  
6 detached parts or companies thereof, or any number  
7 of men to be drafted therefrom, and may cause officers  
8 to be detailed, to organize the forces.

SECT. 84. If necessary, the order of the commander-  
2 in-chief for calling out the militia may be directed to  
3 the municipal officers of any town within the state,

4 and may at his discretion be transmitted by telegram.  
5 And such officers shall appoint a time and place of  
6 parade for the militia in such city, town, or plantation,  
7 and shall order them to appear at such time and place,  
8 either orally or by leaving at their usual place of  
9 abode a written notice. At such time and place said  
10 officers shall proceed to draft so many thereof, or to  
11 accept so many volunteers, as may be required by the  
12 order of the commander-in-chief. Such municipal  
13 officers shall forthwith notify the commander-in-chief  
14 that they have performed the duty aforesaid, by re-  
15 turning to him an alphabetical list of the names of the  
16 persons so drafted or volunteered. Persons thus drafted  
17 may be thereupon formed into companies; and when  
18 thus formed, and no officer is conveniently located to  
19 preside at an election of officers for said company, the  
20 major-general within whose division such drafted per-  
21 sons or volunteers reside, may authorize such persons  
22 to choose some suitable person to preside at the elec-  
23 tion, and to make return thereof to the commanding  
24 officer of the division.

SECT. 85. Every soldier so called upon, ordered  
2 out, detached, volunteered, or drafted, who does not  
3 appear armed and equipped as the law directs, at the  
4 appointed time and place, or provide a substitute, or

5 within twenty-four hours pay to the commanding  
6 officer of the company fifty dollars, shall be taken to  
7 be a soldier absent without leave.

SECT. 86. When there is in any county a tumult,  
2 riot, mob, or any body of men acting together by force  
3 with intent to commit a felony, or to offer violence to  
4 persons or property, or by force and violence, to break  
5 and resist the laws of the state; or when such tumult,  
6 riot, or mob is threatened, and the fact is made to ap-  
7 pear to the commander-in-chief, or mayor of a city, or  
8 to a court of record sitting in said county; or if no such  
9 court is sitting therein, then to a justice of such court;  
10 or if no such justice is within the county, then to the  
11 sheriff thereof; the commander-in-chief may issue his  
12 order, or such mayor, court, justice or sheriff may issue  
13 a precept directed to any commander of a division,  
14 brigade, regiment, battalion or corps, directing him to  
15 order his command, or a part thereof, (describing the  
16 kind and number of troops,) to appear at a time and  
17 place therein specified to aid the civil authority in sup-  
18 pressing such violence and supporting the laws; which  
19 precept, if issued by a court, shall be in substance as  
20 follows:

21

## STATE OF MAINE.

22 L. S. To (insert the officer's title,) A. B., command-  
23 ing (insert his command):

24 Whereas, it has been made to appear to our justices  
25 of our — now holden at — within and for the  
26 county of —, that (here state one or more of the  
27 causes above mentioned,) in our county of —, and  
28 that military force is necessary to aid the civil author-  
29 ity in suppressing the same; now therefore, we com-  
30 mand you, that you cause (here state the number and  
31 kind of troops required,) armed and equipped, and  
32 with ammunition as the law directs, and with proper  
33 officers, either attached to the troops or detailed by you  
34 to parade at —, on —, then and there to obey  
35 such orders as may be given them, according to law.

36 Hereof fail not at your peril; and have you there  
37 this writ with your doings returned thereon.

38 Witness, A. B., Esq., at —, on the — day of  
39 —, in the year —.

40 C. — D. —. Clerk.

41 And if the same is issued by a mayor, justice, or sheriff,  
42 it shall be under his hand and seal, and otherwise varied  
43 to suit the circumstances of the case.

SECT. 87. The officer to whom the order of the com-  
2 mander-in-chief or such precept is directed, shall forth-  
3 with order the troops therein mentioned to parade at  
4 the time and place appointed. If he neglects or re-  
5 fuses to obey an order or precept thus issued, he shall

6 be cashiered, and punished by fine or imprisonment not  
7 exceeding six months, as a court martial shall adjudge.  
8 Any non-commissioned officer or soldier neglecting or  
9 refusing to appear at such place or to obey such order,  
10 or any person advising or endeavoring to persuade an  
11 officer or soldier to refuse or neglect to appear at such  
12 place, or to obey such order, shall forfeit and pay one  
13 hundred dollars, to be recovered by indictment, one  
14 half to the use of the state, and one half to the use of  
15 the prosecutor.

SECT. 88. Such troops shall appear at the time and  
2 place appointed, armed and equipped, and with ammu-  
3 nition, as for inspection of arms, and shall obey and  
4 execute such orders as they may then and there receive  
5 according to law.

SECT. 89. The city or town, in which such riot, tu-  
2 mult, or mob shall occur or be threatened, shall cause  
3 suitable provisions, quarters, and ammunition, to be  
4 furnished to such troops as are called out pursuant to  
5 the foregoing sections, and the expenditures thereof  
6 shall be reimbursed by the state.

SECT. 90. There shall be paid out of the moneys of  
2 the state, to each person, who shall perform the duties  
3 required of him by the eighty-ninth section, the fol-  
4 lowing sums respectively, to wit:—to each commis-

5 sioned officer, three dollars per day, and to each non-  
6 commissioned officer, musician and private, one dollar  
7 and fifty cents per day for each day's service so per-  
8 formed by him, from the time he may be ordered out,  
9 until he shall be legally discharged from duty.

SECT. 91. The first ninety-three sections of chapter  
2 ten of the revised statutes, and all of the sixty-fourth  
3 chapter of the public laws of eighteen hundred and  
4 sixty-one, excepting section twenty-five of the last  
5 mentioned chapter, and all acts and parts of acts in-  
6 consistent with this act are hereby repealed.





## STATE OF MAINE.

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HOUSE OF REPRESENTATIVES, }  
March 6, 1862. }

Reported by Mr. FRYE, from the Committee on Militia and Military Affairs, and on motion of Mr. HAYDEN of Bath, laid upon the table and 350 copies ordered to be printed for the use of the Legislature.

CHARLES A. MILLER, *Clerk.*