

MAINE STATE LEGISLATURE

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FIFTY-NINTH LEGISLATURE.

SENATE.

No. 58.

STATE OF MAINE.

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

AN ACT concerning the Militia.

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

SECTION 1. The names of all male citizens of this state between the ages of eighteen and forty-five, shall, biennially, in April, be enrolled alphabetically by the assessors of the several cities, towns and plantations in which they respectively reside. On such enrollments, and opposite the name of every person exempt from military duty, or a minor, or in the volunteer militia, the assessors shall write "exempt," and the reason of such exemption, or "minor," or "volunteer militia," as the case may be. Said lists shall contain the whole number enrolled in their respective cities, towns and plantations, and the number exempt on said rolls. They shall subscribe and make oath to said lists, that, in their opinion, and to the best of their knowledge and belief, they are true. They shall file said lists in the offices of the respective city, town or plantation clerks on or before the first day of May, biennially. The city, town or plantation clerks shall forward to the adjutant general, on or before the tenth day of May, biennially, a certified copy of said roll, and copy the same into an enrollment-book kept by them for that purpose.

SECT. 2. All able-bodied male citizens enrolled in this state, not exempt by law, and not belonging to the volunteer or reserve militia, shall be known as the enrolled militia of Maine.

SECT. 3. The following persons, being exempted from military duty by the laws of the United States, shall not be included in said enrollment: that is to say, the vice president of the United States, the officers, judicial and executive, of the government of the United States; members of the houses of congress and their officers; custom-house officers and their clerks; inspectors of exports; pilots and mariners employed in the sea service of a citizen or merchant within the United States; postmasters, assistant postmasters, and their clerks; post-officers, post-riders, and stage drivers in the care and conveyance of the mail of the United States; telegraph operators, and ferrymen, employed at any ferry on a post-road.

SECT. 4. The following persons are also exempted from military duty, and shall not be included in said enrollment: that is to say, the members of the executive council; judges and clerks of all courts of records; judges and registers of probate; registers of deeds; the attorney general, county attorneys, sheriffs; the secretary, deputy secretary, and treasurer of the state; the attendants upon the insane, employed in the asylum for the insane; keepers of light houses; conductors, enginemen, road-masters, and superintendents of railroads and railroad trains, necessarily employed in running the same; members and officers of the legislature while in session; persons who, having held commissions in the army or navy of the United States, or in the militia of any state for five years, have been discharged or superseded; persons employed as officers or keepers in the state prison; the officers and keepers of the asylum for the insane; the superintendent of the reform school and his assistants; officers and keepers of jails; common drunkards, idiots, vagabonds, and persons convicted of any infamous crime in this or any other state.

SECT. 5. Quakers, Shakers, and members of any society or meeting of the people called Friends, are also exempted and shall not be included in said enrollment, if, on or before the twentieth day of April, biennially, they produce to the assessors a certificate, signed by two or more of the elders, overseers, or principal persons, and clerk of the society or meeting with

7 which they unite for worship, that they usually and frequently
8 attend with such society or meeting for public worship, are
9 members thereof, in regular standing, and, in the belief of the
10 person signing the certificate, are conscientiously scrupulous
11 of bearing arms.

SECT. 6. The reserve and enrolled militia shall not be subject
2 to active duty, except in case of war, or for the purpose of
3 preventing, repelling, or suppressing invasion, insurrection,
4 or riot, or of aiding civil officers in the execution of the law,
5 and then only when the volunteer force shall be insufficient for
6 that purpose.

SECT. 7. When it is necessary for said purposes, the com-
2 mander-in-chief may order into actual service as many of the
3 reserve and enrolled militia as may be required, by draft or
4 otherwise, and if a draft is to be made, shall issue his orders
5 to the municipal officers to return from their towns or cities
6 the number required; and they shall notify the persons en-
7 rolled to appear at a time and place of parade appointed by
8 them, and then and there, by draft or voluntary enlistment,
9 procure the required number, and forthwith return their names
10 to the commander-in-chief.

SECT. 8. When a draft is made, each town shall be required
2 to furnish its quota in proportion to the number of its
3 able bodied militia; and members of the volunteer and reserve
4 militia called into active service, and volunteers enlisting from
5 any town, shall be accounted for upon its quota.

SECT. 9. Every person enrolled who is ordered out, or is
2 drafted or volunteers, and fails to appear at the time and place
3 designated by the selectmen for his reporting for duty, or has
4 not then and there an able-bodied substitute, shall be dealt with
5 as a soldier absent without leave.

SECT. 10. When in actual service the volunteer, reserve and
2 enrolled militia, shall be organized, by the commander-in-chief,
3 into companies, regiments, brigades, and divisions, and proper
4 officers appointed therefor; commissioned officers shall furnish
5 themselves with equipments, and non-commissioned officers
6 and privates shall be armed and equipped by the state.

SECT. 11. Officers and soldiers in actual service shall be gov-
2 erned and trained in accordance with the laws and regulations
3 of the United States for governing the militia when in actual

4 service, and shall receive the same pay as similar grades and
5 arms of the service in the army of the United States.

SECT. 12. Any person knowingly and wilfully refusing in-
2 formation or giving false information to assessors making such
3 enrollment, respecting the name, age, residence, occupation,
4 military service, or physical or mental disability of himself, or
5 of his son or ward, or person in his employ, or boarding with
6 him, shall be fined twenty dollars; and, if the person incurring
7 such forfeiture is a minor, his parent or guardian shall be liable
8 therefor. In case of doubt as to exemption from military duty,
9 the burden of proving such exemption shall be on the person
10 claiming it; and all enrolling officers may require the persons
11 examined by them to testify under oath, and may administer
12 such oath.

SECT. 13. Any assessor neglecting or refusing to faithfully
2 perform the duty of enrolling officer required by this chapter,
3 or making any false entry upon said roll, or committing any
4 other fraud in making said roll, shall be fined not exceeding
5 two hundred dollars, or imprisoned not exceeding one year.
6 When the adjutant general shall find, from the returns of the
7 assessors in any city, town or plantation, that they have not
8 made a true report of the number of persons liable to do mili-
9 tary duty under the provisions of this title, he shall notify them
10 by mail that they have failed to make such report; and if they
11 shall not make true report of the number of such persons, as
12 nearly as the same can be ascertained, within twenty days
13 after such notice, he shall notify the state's attorney in the
14 county in which said assessors reside, who shall proceed at
15 once to collect such fine or enforce such penalty.

SECT. 14. Any town clerk or other officer required to forward
2 a copy of the roll to the adjutant general shall forfeit twenty
3 dollars, and any selectman or other officer required to make
4 any draft or return the names of persons drafted or enlisted to
5 the commander-in-chief, who neglects to make such draft or
6 return, shall forfeit one hundred dollars for each neglect, to be
7 recovered by the adjutant general in a special action on the
8 case, and credited to the account of the volunteer militia.

SECT. 15. The commander-in-chief may make all further
2 rules and regulations necessary for the complete enrollment of
3 the militia, under the provisions of this act, and in accordance
4 with the laws of the United States.

SECT. 16. The active militia shall be known and designated
2 as the Maine volunteer militia; and on a peace footing, shall
3 consist of not more than three regiments of infantry, one bat-
4 tery of light artillery and one squadron of cavalry. All enlist-
5 ments therein shall be for five years, and made by signing such
6 enlistment books as may be prescribed by the adjutant general
7 and approved by the commander-in-chief. An attested copy
8 of such enlistment-book in the same form shall be made by the
9 clerk and forwarded forthwith to the adjutant general. Also,
10 when a new enlistment is made in any troop of cavalry,
11 platoon or battery of light artillery, or company of infantry,
12 the commanding officer thereof shall cause the clerk to forward
13 the name of such man or men so enlisted to the adjutant gene-
14 ral. The commanding officer of every troop of cavalry,
15 platoon or battery of light artillery, or company of infantry, or
16 any field or commissioned staff officer of the Maine volunteer
17 militia, may, and is hereby qualified to administer the oath
18 required upon enlistment. No enlistment shall be allowed in
19 the Maine volunteer militia of other than able bodied citizens
20 of this state, between the ages of eighteen and forty-five years,
21 residing in the town or city, or an adjoining town or city,
22 where the armory of the troop of cavalry, platoon or battery
23 of light artillery, or company of infantry is situated. In time
24 of peace, no minor shall be enlisted into the Maine volunteer
25 militia without the written consent of his parent or guardian.
26 The written consent of the parent or guardian shall be copied
27 into the orderly-book of the organization into which said minor
28 enlists, and the original kept on file. No uniform, allowance,
29 pay, or compensation shall be given by the state to any en-
30 listed man or officer not certified to by the surgeon or assistant
31 surgeon of the regiment, to be able bodied and capable of
32 doing military duty. The Maine volunteer militia, herein men-
33 tioned, shall be liable at all times to be ordered into active
34 service for the purpose of repelling, preventing, or sup-
35 pressing invasion, insurrection, or riot, or for aiding civil
36 officers in the execution of the law; and shall first be called
37 out by the commander-in-chief on all occasions for military
38 service. If such invasion, insurrection or riot, or imminent
39 danger thereof, in any part of the state be so sudden that the
40 commander-in-chief cannot be informed and his orders received

41 and executed in season to resist or suppress the same, any
42 commander of division in such part of the state may order out
43 his division, or any part thereof, as the commander-in-chief
44 might do.

SECT. 17. Troops of cavalry, platoons and batteries of light
2 artillery, and companies of infantry shall be raised on petition
3 to the commander-in-chief, or by his order.

SECT. 18. When a petition for raising such troop, platoon,
2 battery, or company has been signed by not less than sixty
3 citizens of the town where such organization is to be raised, the
4 order for raising the same may be issued, and the adjutant
5 general, on application therefor, shall furnish the petitioners
6 with an enlistment book and roll.

SECT. 19. Such book and roll shall be prepared by the adju-
2 tant general, in form and with heading to be approved by the
3 commander-in-chief, and of a uniform character for all branches
4 of the service. The signing said book, and taking the oath
5 required upon enlistment, shall constitute a valid enlistment
6 for five years into the troop, platoon, battery, or company
7 mentioned therein; and no person shall be considered enlisted
8 or entitled to pay or compensation until he is so enlisted.

SECT. 20. When an order has been issued for raising a troop
2 of cavalry or company of infantry, and fifty persons have been
3 enlisted, or thirty-six men enlisted for a platoon of light artil-
4 lery, as is required, the petitioners may give notice thereof to
5 the commander-in-chief, who shall issue an order for calling a
6 meeting of the persons who have so enlisted for the election
7 of officers.

SECT. 21. A commissioned officer of the volunteer militia shall
2 be designated to attend and preside at such meeting. Such
3 commissioned officer shall cause seasonable notice to be given
4 to each person who has so enlisted, and at said meeting such
5 officer shall preside.

SECT. 22. At said meeting, the persons present who have so
2 enlisted, may, by ballot, and major vote, nominate suitable per-
3 sons to be commissioned as captain and subaltern officers of the
4 troop, platoon, battery, or company; and the person presiding
5 at said meeting shall within five days thereafter, file in the office
6 of the adjutant general his certificate of such election.

SECT. 23. As soon as said troop of cavalry, platoon or battery of light artillery, or company of infantry is fully organized, the commanding officer shall cause the clerk of said organization to forward an attested copy of its enlistment-book to the adjutant general.

SECT. 24. On a peace footing, each troop of cavalry, company of infantry or heavy artillery, shall be limited to sixty enlisted men; and each platoon of a light battery to thirty-five enlisted men; and each full battery, to one hundred and five enlisted men; but, in actual service, when the exigency of the case requires it, the commander-in-chief may, by proclamation, authorize enlistments to the maximum standard of similar organizations in the army of the United States; and, when the exigency ceases, he shall, by proclamation, order the reduction of such organizations in the most expedient way, to the limit on a peace footing.

SECT. 25. The date of the organization of a troop of cavalry, platoon or battery of light artillery, or company of infantry, shall be the day of the meeting first held under an order for the election of its officers.

SECT. 26. The volunteer militia shall be arranged by the commander-in-chief into battalions, squadrons, regiments, brigades and divisions; and the commander-in-chief may, from time to time, change the organizations at pleasure.

SECT. 27. Each of said organizations shall be assigned to its respective squadron, battalion, or regiment, and be numbered and lettered at its formation; and the order for its organization and number and for any alterations therein shall be recorded in the office of the adjutant general.

SECT. 28. The squadron of cavalry shall consist of two troops; the battery of light artillery, of not less than three platoons; and regiments of infantry, of not less than eight nor more than ten companies.

SECT. 29. Each colonel of a regiment may enlist a band of musicians, not exceeding twenty-four, including one master and one deputy master, to be attached to his regiment, and may issue his warrant to the master, deputy master and musicians, provided that the members of such band shall furnish their own uniforms and instruments, and shall be held to duty until discharged by the colonel of the regiment.

SECT. 30. Every non-commissioned officer and private, enlisted into the Maine volunteer militia, shall be held to duty therein for the term of five years unless disability after enlistment shall incapacitate him to perform such duty, and he shall be regularly discharged in consequence thereof, by the proper authority. The commander of a regiment may, upon the written application of the commander of a company in his regiment, accompanied by a request in writing, signed by a non-commissioned officer or private, discharge such non-commissioned officer or private from the company; and the commander of a battery or separate company may, upon an application in writing, signed by a member thereof, discharge such member; *provided, however*, that the commander-in-chief may, for sufficient reasons and in his discretion, discharge enlisted men, at any time.

SECT. 31. If a troop of cavalry, platoon or battery of light artillery, or company of infantry, fails to comply with the law in regard to uniform, equipments, or discipline, so that it is incapacitated to discharge its duties, or if a troop of cavalry, or company of infantry, is reduced below forty enlisted men, and a platoon of light artillery below twenty enlisted men, or a battery below sixty enlisted men, such organizations so deficient in numbers may be disbanded by order of the commander-in-chief.

SECT. 32. The commander-in-chief may, by special order to that effect, accept as a part of the active force any troop of cavalry, platoon or battery of light artillery, or company of infantry, raised without previous order therefor, commission officers elected by them or otherwise appointed, as he may elect, and attach such organization to any existing regiment or other organization at his discretion.

SECT. 33. The same laws, rules and regulations applying to companies of infantry shall be applicable to companies of heavy artillery.

SECT. 34. The staff of the commander-in-chief shall consist of the adjutant general, who shall be, ex-officio, chief of staff, quartermaster general, and paymaster general, with the rank of brigadier general; an inspector general, with the rank of brigadier general; a commissary general, a surgeon general, a judge advocate general, each with the rank of colonel, and

7 four aides-de-camp, each with the rank of lieutenant colonel;
8 a military secretary, with the rank of major, and such other
9 staff officers as the public service may require, with such rank
10 as the commander-in-chief may designate. All staff officers of
11 the commander-in-chief, except the adjutant general and quar-
12 termaster general, shall be appointed and commissioned by
13 him, and shall hold office during the term of office of the gov-
14 ernor, unless otherwise removed by him, which he may do at
15 his pleasure. The adjutant general and quartermaster general
16 shall be chosen as provided by the constitution.

SECT. 35. The adjutant general shall distribute all orders
2 from the commander-in-chief, attend all public reviews when
3 the commander-in-chief shall review the militia, or any part
4 thereof,—obey all orders from him relative to carrying into
5 execution and perfecting the system of military discipline
6 established by the laws of the state and of the United States,—
7 furnish blank forms of the different returns and rolls that may
8 be required, and explain the principles on which they should
9 be made,—distribute all books required to be furnished at the
10 public expense, receive from the several officers of the different
11 corps throughout the state, returns of the militia under their
12 command, reporting the actual situation of their arms, accou-
13 trements, and ammunition, their delinquencies and every other
14 thing which relates to the general advancement of good order
15 and discipline, all of which the several officers of the divisions,
16 brigades and regiments, are hereby required to make in the
17 usual manner, so that the adjutant general may be furnished
18 therewith, and from all said returns he shall make proper
19 abstracts and lay the same annually before the commander-in-
20 chief, and he shall, annually, on or before the first Monday in
21 January, make a return in duplicate of the militia of the state,
22 with their arms, accoutrements and ammunition, according to
23 such directions as he may receive from the secretay of war of
24 the United States, one copy of which he shall deliver to the
25 commander-in-chief, and the other of which he shall transmit
26 to the president of the United States.

SECT 36. The quartermaster-general, under the direction
2 and supervision of the commander-in-chief, shall purchase and
3 issue all ordnance stores, artillery, arms and accoutrements,
4 clothing, camp equipage, and military stores generally, except

5 such as are expressly directed by law to be purchased by other
6 officers. He shall under the orders of the commander-in-chief,
7 procure and provide means of transportation for the militia,
8 and for all its implements, munitions of war and military sup-
9 plies, and shall be the keeper of the public magazines and of all
10 military property of the state, excepting such as is by law
11 expressly entrusted to the keeping of other officers. He shall
12 give bond to the state in the penal sum of twenty thousand
13 dollars, with two sureties at least, to be approved by the gov-
14 ernor and council, conditioned faithfully to discharge the duties
15 of his office; to use all necessary diligence and care in the
16 safe keeping of military stores and property of the state com-
17 mitted to his custody; to account for the same and deliver
18 over to his successor, or to any other person authorized to
19 receive the same, such stores and property. And any other
20 officer to whom any arms, equipments, stores, or other prop-
21 erty of the state shall at any time be issued, may be required
22 to give a bond to the satisfaction of the governor and council,
23 with the like condition.

SECT. 37. The inspector general shall attend at the encamp-
2 ments provided in this act, and witness the instruction, drill
3 and manœuvres, practiced at the encampments, critically ob-
4 serve the same, and make a written detailed report thereon,
5 independent of the report of the commanding officer. Said
6 report shall state the amount and kind of duty performed by
7 the troops on each day, the manner of its performance, the
8 state and condition of each regiment, battery, troop, and com-
9 pany, the degree of order maintained, and the general police
10 of the encampment; and shall also contain such suggestions
11 as are deemed important upon the working and efficiency of
12 the system of instruction, drill and discipline prescribed, and
13 of the necessity of further regulation and legislation in order
14 to perfect the military system of the state, and be transmitted
15 to the commander-in-chief within thirty days from the breaking
16 up of such encampments. He shall also make an annual in-
17 spection of each troop of cavalry, platoon or battery of light
18 artillery, and company of infantry, and of all other organiza-
19 tions belonging to the volunteer militia, at such time as the
20 commander-in-chief may order; *provided, however*, that such
21 inspections shall be made on or before the first day of Decem-

ber in each year. He shall also inspect all armories, books, records, and military property in possession of each organization, and report to the commander-in-chief, through the adjutant general, within thirty days of such inspection, the condition thereof.

SECT. 38. The commissary general, under the direction and supervision of the commander-in-chief, shall purchase and issue all military subsistence supplies.

SECT. 39. The surgeon general, under the direction and supervision of the commander-in-chief, shall purchase and issue all medical, surgical and hospital supplies.

SECT. 40. The judge advocate general is charged with the supervision, care and management of all things relating to the administration of justice among the military forces of the state. He shall diligently scrutinize and examine the proceedings of all courts martial and report thereon, for the information of the commander-in-chief. Under the orders of the commander-in-chief, the judge advocate general shall act as judge advocate at any court martial where the public interests shall require his attendance. He shall be the legal adviser of the military department upon all legal questions which may arise therein, and to him may be referred for supervision all contracts, agreements, or other instruments to be drawn or executed in the course of the business of this department.

SECT. 41. The adjutant general, quartermaster general, paymaster general, surgeon general, and commissary general shall account, as often as may be required by the commander-in-chief, and at least once yearly to the commander-in-chief, in such manner as he shall prescribe, for all property which shall have passed through their hands, or the hands of the subordinate officers of their respective departments, or that shall be in their care and possession, and for all moneys which they shall expend in discharging their respective duties; and they shall annually, on or before the first day of January, lay before the governor and council, accounts with vouchers, of their expenditures during the previous year.

SECT. 42. Neither the adjutant general, quartermaster general, paymaster general, surgeon general, or commissary general, nor any assistant of either of them, nor any subordinate officer of their departments, shall be concerned, directly or

5 indirectly, in the purchase or sale of any article intended for,
6 making a part of, or appertaining to, their respective depart-
7 ments, except for and on account of the state, nor shall they
8 or either of them take or supply to his or their own use any
9 gain or emolument for negotiating or transacting any business
10 in their respective departments, other than what is or may be
11 allowed by law.

SECT. 43. The commander-in-chief may, at his discretion, when-
2 ever the office of commissary general or inspector general shall
3 be vacant, assign the duties of such officer to some officer al-
4 ready in commission, until the commander-in-chief shall deem
5 it necessary to fill such office by special appointment.

SECT. 44. The officers of the line shall be elected as follows:
2 Major generals by the senate and house of representatives, each
3 having a negative upon the other; brigadier generals by the
4 written votes of the field officers of their respective brigades;
5 field officers of regiments by the written votes of the captains
6 and subalterns of the companies of the respective regiments;
7 captains and subalterns of companies by the written votes of
8 the non-commissioned officers and privates of the respective
9 companies. Major generals shall be notified of their elections
10 by the secretary of state, and, unless within thirty days after
11 such notice, they signify to the secretary their acceptance of
12 office, shall be taken to have refused the same. Major generals
13 shall order elections to fill all vacancies which occur in their
14 respective divisions, in the office of brigadier general, field-
15 officer, captain or subaltern.

SECT. 45. To each division there shall be one major general,
2 one assistant adjutant general, one division inspector, each with
3 the rank of lieutenant colonel, one quartermaster, one commis-
4 sary, one judge advocate, one aide-de-camp, each with the
5 rank of major, and two aides-de-camp, each with the rank of
6 captain.

SECT. 46. To each brigade there shall be one brigadier gen-
2 eral, one assistant adjutant general, one brigade inspector,
3 each with the rank of major, one quartermaster, one commis-
4 sary and one aide-de-camp, each with the rank of captain,
5 and one aide-de-camp with the rank of first lieutenant.

SECT. 47. To each regiment of infantry there shall be one
2 colonel, one lieutenant colonel, and one major, one adjutant
3 and one quartermaster, each with the rank of first lieutenant,

4 one surgeon with the rank of major, two assistant surgeons
5 with the rank of first lieutenant, one sergeant major, one
6 quartermaster sergeant, one commissary sergeant, one hospi-
7 tal steward and two principal musicians, and not less than eight
8 nor more than ten companies; each company to consist of one
9 captain, one first lieutenant, one second lieutenant, one first
10 sergeant, four sergeants, six corporals, two musicians, one
11 wagoner, and not less than forty nor more than sixty privates.

SECT. 48 To each regiment of cavalry there shall be one col-
2 onel, one lieutenant colonel, three majors, one adjutant, one
3 quartermaster, each with the rank of first lieutenant, one sur-
4 geon with the rank of major, two assistant surgeons with the
5 rank of first lieutenant, one sergeant major, one quartermaster
6 sergeant, one commissary sergeant, one hospital steward, and
7 two principal musicians, and not less than ten nor more than
8 twelve companies; each company to consist of one captain,
9 one first lieutenant, one second lieutenant, one first sergeant,
10 one quartermaster sergeant, four sergeants, four corporals, two
11 trumpeters, one wagoner, one farrier, one blacksmith, and one
12 saddler, and not less than forty nor more than sixty privates.

SECT. 49. To each regiment of artillery there shall be one
2 colonel, one lieutenant colonel, three majors, one adjutant and
3 one quartermaster, each with the rank of first lieutenant, one
4 surgeon with the rank of major, two assistant surgeons with
5 the rank of first lieutenant, one sergeant major, one quarter-
6 master sergeant, one commissary sergeant, one hospital stew-
7 ard, and two principal musicians, and not less than ten nor
8 more than twelve companies. To each battery of light ar-
9 tillery, or company of heavy artillery, there shall be one cap-
10 tain, two first lieutenants, two second lieutenants, one first
11 sergeant, one quartermaster sergeant, six sergeants, twelve
12 corporals, two trumpeters, and seventy-eight privates.

SECT. 50. To each company of engineers there shall be one
2 captain, two first lieutenants, one second lieutenant, ten ser-
3 geants, ten corporals, two musicians, sixty-four artificers, and
4 sixty-four privates.

SECT. 51. To each company, troop or battery, there shall be
2 elected by such organization a treasurer, who shall give bonds
3 in the sum of five hundred dollars, for the faithful performance
4 of his duties.

SECT. 52. Any officer may be discharged by order of the
2 commander-in-chief, upon either an address of both houses of
3 the legislature, the report of a court of inquiry, or the sentence
4 of a court martial.

SECT. 53. An officer may be honorably discharged by the
2 commander-in-chief upon tender of resignation, upon the dis-
3 bandment of the organization to which he belongs, or, if a
4 staff officer, on the written request of the officer appointing
5 him, or upon the qualification of his appointed successor; or
6 when he shall accept an appointment in the army or navy of
7 the United States.

SECT. 54. Any officer, may be dismissed by the commander-
2 in-chief, when it shall appear to him that such officer has been
3 convicted of any crime, or has been dishonorably discharged
4 or dismissed from the service of the United States, or from the
5 militia of this or any other state; or to carry out the sentence
6 of a court martial.

SECT. 55. All officers discharged from the service of the
2 state shall be entitled to receive a certificate of such discharge
3 in such form as the commander-in-chief shall direct.

SECT. 56. Enlistments in the reserve militia shall be for two
2 years.

SECT. 57. The governor and commander-in-chief may allow
2 companies to be organized from the enrolled militia of the
3 state, in numbers of not less than forty nor more than sixty
4 enlisted men, and with officers corresponding to those of the
5 volunteer militia, and elected as officers of such volunteer
6 militia are elected; such companies to be known as the reserve
7 militia of the state.

SECT. 58. Such companies may be formed into battalions,
2 regiments and brigades by the governor and commander-in-
3 chief, with such officers for such organizations as he may deem
4 proper; the officers of such companies, battalions, regiments
5 and brigades to be commissioned by the governor.

SECT. 59. Such companies may be furnished with arms and
2 equipments and other military property necessary for their
3 use, by the state, when on hand, such property to be accounted
4 for the same as by the volunteer militia, but the reserve militia
5 shall be to no other expense to the state except when ordered
6 out by the governor and commander-in-chief; when so ordered

7 out by the governor and commander-in-chief, such reserve
8 militia shall be governed by all the rules and regulations gov-
9 erning the volunteer militia.

SECT. 60. An enlisted man of the reserve militia may be dis-
2 charged at any time by the commanding officer of his company,
3 with the consent of the commanding officer of the battalion or
4 regiment, to which he may be attached.

SECT. 61. The assistant adjutant general of each division
2 and brigade, and the adjutant of each regiment or corps, shall
3 constantly keep a correct roster of the command to which he
4 belongs ; and an orderly book, in which he shall record all or-
5 ders received and issued.

SECT. 62. Clerks of companies shall record, in the orderly
2 book, all company orders and notifications.

SECT. 63. Each quartermaster shall keep an orderly book,
2 and record therein all orders and official communications re-
3 ceived or written by him, relating to his office or the public
4 property in his charge, all receipts for public property dis-
5 tributed, and returns of public property made by him.

SECT. 64. The commanding officer of each troop, platoon,
2 battery, or company, on the first Tuesday of April in each
3 year, shall make and sign a correct return, in the form pre-
4 scribed, of the number of persons enrolled in his troop, platoon,
5 battery or company, and cause the same to be recorded in the
6 orderly book of his command, signed by the clerk, and trans-
7 mitted to the adjutant of the regiment or battalion.

SECT. 65. He shall, at the same time, make and sign a correct
2 return, in the form prescribed, of the camp equipage, ordnance,
3 military stores, musical instruments, and other public property
4 in his troop, platoon, battery or company, furnished by the
5 state, cause the same to be signed and recorded by the clerk,
6 and transmitted to the quartermaster of his regiment.

SECT. 66. The clerk shall assist the officer in command in
2 making his returns, and shall sign and record the same in his
3 orderly book.

SECT. 67. The clerk of each troop, platoon, battery, or com-
2 pany, shall, when called upon, file with the selectmen or as-
3 sessors of any town, city or plantation in which any officer or
4 soldier of his troop, platoon, battery or company is liable to be
5 enrolled, a certified list of such officers and soldiers ; and a cer-

tified copy of such certificate shall be evidence of the enrollment, in said troop, platoon, battery or company, of the persons named in said lists.

SECT. 68. The adjutant of each regiment or battalion shall furnish the commander of each troop, platoon, battery or company assigned to the regiment or battalion of which he is adjutant, with blank forms of returns to be made by them, and explain how they are to be made; shall consolidate the returns made to him into a regimental return, record the same in his orderly book, and transmit the same, countersigned by the colonel, to the assistant adjutant general of the brigade or division, and keep on file the returns made to him; the assistant adjutant general shall consolidate the returns made to him into a brigade or division return, record the same in his orderly book, and transmit the same to the adjutant general, and shall keep on file in his office a copy of the same.

SECT. 69. The quartermaster shall consolidate the returns made to him into a regiment or battalion return, add thereto the public property in his keeping, record the same in his orderly book, and transmit it, countersigned by the colonel, to the brigade or division quartermaster, who shall consolidate all returns made to him, add thereto all public property in his keeping, record the same in his orderly book, and transmit it, countersigned by the brigade or division commander, to the quartermaster general, and keep on file the returns made to him.

SECT. 70. The returns of troops, platoons, batteries and companies shall be made to the adjutants and quartermasters on or before the first Tuesday of December in each year, and the returns of adjutants and quartermasters on or before the third Tuesday of December, annually; and the assistant adjutant general and brigade or division quartermaster shall forward their returns to the adjutant general and quartermaster general on or before the first day of January in each year; and any officer neglecting to make return within the time required shall forfeit twenty dollars; but such forfeiture may be remitted by the commander-in-chief, when, upon a report of the facts by the adjutant general, he deems the neglect excusable.

SECT. 71. The adjutant general shall, as soon as may be, examine and record the brigade or division returns, and transmit

3 the same to the commander-in-chief, and a duplicate thereof to
4 the secretary of war of the United States.

SECT. 72. He shall examine and record the return of the
2 quartermaster, add thereto all public property in his possession
3 or issued to regimental quartermasters, or not otherwise ac-
4 counted for, and record and transmit the same to the com-
5 mander-in-chief.

SECT. 73. All commissioned officers shall provide themselves
2 with such uniforms and arms complete, as the commander-in-
3 chief shall prescribe, subject to such restrictions, limitations
4 and alterations as he may order. The uniforms, arms and equip-
5 ments of non-commissioned officers and privates shall be fur-
6 nished by the state.

SECT. 74. Every officer and soldier shall hold his uniform,
2 arms, ammunition and accoutrements required by law, free
3 from all suits, distresses, executions or sales, for debt or pay-
4 ment of taxes.

SECT. 75. Non-commissioned officers and privates shall be
2 uniformed once in five years, at the expense of the state,
3 reckoning from May first, eighteen hundred and eighty; *pro-*
4 *vided, however,* that such uniforms as are in suitable condition
5 on said date, may be used, in part, to uniform said militia.

SECT. 76. The uniforms, arms, equipments and other property
2 so furnished, shall remain and continue to be the property of
3 the state, to be used for military purposes only; and such as
4 shall not have been properly expended in such use, shall be
5 returned, when called for by proper authority.

SECT. 77. All arms, equipments, and military property of
2 every description, which shall be furnished to the several com-
3 mands under the provisions of this act, shall be deposited in
4 the armories or headquarters of said commands for safe
5 keeping.

SECT. 78. It shall be the duty of every non-commissioned
2 officer and soldier, to return to the armory, or other place of
3 deposit, each article of military property of the state issued to
4 and received by him for use in the military service, within
5 three days after such tour of duty, or forthwith upon the order
6 of the commanding officer; and the possession of such prop-
7 erty by the person to whom it was issued, elsewhere than in

8 the armory or designated place of deposit, shall be deemed
9 and taken to be prima facie evidence of embezzlement of such
10 article of property by the person to whom it was issued.

SECT. 79. No soldier shall wear or use, except upon military
2 duty, or by special permission of his commanding officer, any
3 uniform, or other article of military property belonging to the
4 state.

SECT. 80. Every officer, non-commissioned officer, and soldier,
2 to whom a uniform or other article of military property shall
3 be delivered in pursuance of the provisions of this act, shall be
4 held personally responsible for its care, safe keeping, and return;
5 he shall wear the same for military purposes only, and upon
6 receiving a discharge, or leaving the military service, or upon
7 the demand of his commanding officer, shall forthwith surren-
8 der and deliver up the said uniform, together with all other
9 articles of military property that may be in his possession, to
10 the said commanding officer, in as good order and condition as
11 the same were at the time he received the same, reasonable use
12 and ordinary wear thereof excepted.

SECT. 81. Any soldier who shall wilfully or maliciously
2 destroy, injure or deface any article of military property be-
3 longing to the state, or shall retain any property in violation
4 of the preceeding sections, shall be punished by a fine not ex-
5 ceeding forty dollars, to be paid into the treasury of the com-
6 pany, to be recovered on complaint of the clerk of the com-
7 pany, before any court having jurisdiction.

SECT. 82. It shall be the duty of all commissioned officers of
2 the militia to exercise the strictest care and vigilance for the
3 preservation of the uniforms, arms, equipments and military
4 property furnished to the several commands under the pro-
5 visions of this act; and in case of loss thereof, or damage
6 thereto by reason of the neglect or default of such officers, or
7 either of them, to exercise such care and vigilance, he or they
8 shall be liable to trial by court martial for neglect of duty.

SECT. 83. Whenever any corps or detachment of the militia
2 is ordered to perform any duty requiring the use thereof, the
3 quartermaster general shall deliver to the commanding officer
4 of such corps or detachment, such tents, fixtures, and other
5 camp equipage, and such ammunition as may be necessary for
6 the discharge of such duty; and each officer to whom such

7 equipage is delivered, shall be responsible for the safe keep-
8 ing of the same, and shall return the same to the quartermaster
9 general when the duty shall have been performed for which
10 the same was issued, and in case of the discharge or death of
11 such officer, he or his legal representative shall be released
12 from such responsibility upon filing in the office of the quarter-
13 master general a certificate of the officer succeeding him in
14 command, that the articles so furnished are in his custody at
15 the date of his certificate, and in good order and condition,
16 reasonable use and wear thereof excepted, and the officer giv-
17 ing such certificate shall from that time be responsible for such
18 articles as if they had been originally issued to him. In case
19 of the discharge or death of such an officer, he or his legal
20 representative shall be relieved from such responsibility, upon
21 filing in the office of the quartermaster general a certificate
22 signed by not less than two commissioned officers of his com-
23 pany, that such articles are, at the date of the certificate, un-
24 diminished in quantity and value, reasonable use and wear
25 thereof excepted.

SECT. 84. Each regiment shall be furnished by the state with
2 the national and state colors, their staffs, belts and sockets,
3 two guidons, and four markers ; and each company of cavalry
4 and each battery of light artillery with its proper guidon, staff,
5 belt and socket, and the commander of such regiment, battery
6 or company, shall be responsible for their safe keeping.

SECT. 85. The mayor and aldermen and selectmen shall pro-
2 vide to each company of the volunteer militia within the limits
3 of their respective places, a suitable armory or place of deposit
4 for the arms, equipments and equipage, furnished it by the
5 state. When a company is formed from different places, the
6 location of such armory or place of deposit shall be determined
7 by the commanding officer, with the approval of the commander
8 of the regiment, but when it has been once so determined it
9 shall not be again changed without the approval of the quarter-
10 master general. They shall also provide a suitable room for
11 the safe keeping of books, the transaction of business, and the
12 instruction of officers for each regiment or separate battalion
13 of Maine volunteer militia located within their limits, and a
14 reasonable compensation for rent of any such armory, head-
15 quarters, or place of deposit, not exceeding the sum of one

16 hundred dollars per annum may be allowed to the town or city
17 so furnishing such armory, headquarters, or place of deposit,
18 and paid from the state treasury.

SECT. 86. The volunteer militia shall parade by companies
2 on the first Tuesday in May for inspection, company drill and
3 manœuvre. They shall also be assembled for drill not less than
4 three hours in each month

SECT. 87. Mayors and aldermen and selectmen shall provide
2 suitable places for the parade, target practice and drill of the
3 militia belonging to their respective cities and towns.

SECT. 88. There shall be an annual encampment of the volun-
2 teer militia for at least five days in each year at some time
3 during the months of August or September, and unless the
4 commander-in-chief prescribes the time, place and manner of
5 assembling the troops for that purpose, each commander of
6 division, brigade or regiment, shall annually order an encamp-
7 ment of his command during said months.

SECT. 89. The officer commanding the troops to be encamped
2 may contract for the use of the land required for the encamp-
3 ment, at a reasonable rent to be paid therefor.

SECT. 90. Every commanding officer, when on duty, may as-
2 certain and fix necessary bounds and limits to his parade, not
3 including a road, so as to prevent passing, within which no
4 spectator shall enter without leave from such commanding
5 officer. Whoever intrudes within the limits of the parade,
6 after being forbidden, may be confined under guard not exceed-
7 ing twelve hours, at the discretion of the commanding officer;
8 and whoever resists a sentry who attempts to put him or keep
9 him out of such limits, may be arrested by order of the com-
10 manding officer and carried before a court or magistrate, to be
11 examined or tried upon complaint for such assault, or disturb-
12 ance and breach of the peace.

SECT. 91. The authority of the officer in command of any
2 camp may be extended by order of the commander-in-chief to
3 a distance of one-half mile around such camp, and upon the
4 external space within such distance from the camp, with the
5 exception of any road or roads within said distance, no person
6 or persons other than the owners of the same, with their
7 servants, for the purpose of occupying and improving the
8 same in the same manner and way in which they occupied and

9 improved the same at the time of the establishment of such
10 camp, shall be allowed to enter, except under such rules as
11 shall be established by the officer commanding such camp, with
12 the approval of the commander-in-chief, or by special permis-
13 sion of the officer in command, for the time being, or some
14 officer by him designated; and if any person shall so enter he
15 may be immediately expelled, and before being expelled he
16 may, at the discretion of the officer commanding such camp, be
17 confined under guard for a period not exceeding twenty-four
18 hours.

SECT. 92. The commander-in-chief may order such target or
2 rifle practice, at the annual encampment or at other times, by
3 companies, platoons, batteries, battalions or regiments, as he
4 deems for the best interest of the service.

SECT. 93. When a troop, platoon, battery, or company is to
2 be paraded, the commander shall issue his orders to one or
3 more of the sergeants if any, otherwise to one or more cor-
4 porals or privates of his troop, platoon, battery or company,
5 requiring them to warn the officers, non-commissioned officers,
6 musicians and privates, to appear at the time and place ap-
7 pointed for parade.

SECT. 94. Such sergeants, corporals or privates shall warn
2 every person, by delivering to him in person, or leaving at his
3 abode, a written or printed order, at least four days previous
4 to the time of such parade.

SECT. 95. The return under oath of the sergeant, corporal or
2 private upon the order directed to him stating that such notice
3 was given, or a copy of the record of such order and return in
4 the company books, certified by the clerk, is evidence that due
5 notice was given of such parade.

SECT. 96. The captain or any commissioned officer shall be
2 qualified, by virtue of commission, to administer such oath
3 upon any return or military order.

SECT. 97. Any sergeant, corporal or private, convicted of
2 wilfully making a false return shall be punished as in other
3 cases of perjury.

SECT. 98. If any sergeant, corporal or private, shall neglect
2 or refuse to warn any officer, non-commissioned officer, musi-
3 cian or private, whom he is ordered to warn, he shall forfeit
4 the sum of two dollars for each person not warned.

SECT. 99. If any non-commissioned officer, musician, or private, is confined to his house by sickness at the time of any training or encampment, or is absent from town at the time he is warned, and remains absent till after such training or encampment, or has any other reasonable excuse, the commander may excuse him for non-appearance.

SECT. 100. No excuse shall be received unless the same is made in writing, and filed with the clerk within ten days after such training or encampment, and recorded in the clerk's orderly book, unless it is proved, that, by reason of continued sickness or absence, such officer or soldier was unable to make the same within that time, and that the same was made immediately on his return or recovery.

SECT. 101. No evidence of any disability by reason of bodily infirmity or debility, except in case where the party is confined to his house by sickness, shall be admitted in any case except the certificate of the surgeon or assistant surgeon of the regiment or battalion, or, if there is no such surgeon or assistant surgeon located in the town or city where the party is confined on account of such disability, an affidavit of a physician in good and regular standing, and practicing medicine under the laws of the state, regularly sworn to before any officer qualified to administer oaths, may be admitted.

SECT. 102. The adjutant general shall act as paymaster general, and shall have the general charge and supervision of all expenses, and pay for the militia in the service of the state.

SECT. 103. There shall be paid, for attendance and performance of duty, to such officers, non-commissioned officers, musicians, and privates, as shall be specially ordered to attend encampments, parades, or other duty, as is provided in this law, the following sum each per day, for every day actually on duty: To a major or brigadier general, six dollars; to all division and brigade staff officers, four dollars; to all commanding officers of regiments, five dollars; to all field officers below the rank of colonel, four dollars; to all regimental staff officers and the staff officers of a battalion, two dollars and fifty cents; and to all non-commissioned staff officers, one dollar and fifty cents. To captains, three dollars; to lieutenants, two dollars; to all non-commissioned officers, musicians, and privates, members of regimental bands excepted, one dollar.

SECT. 104. The adjutant general shall receive as compensation for his services, the annual salary now provided by law, or to be fixed from time to time by the legislature; and such compensation for his services as paymaster general and quartermaster general, as the governor and council may direct.

SECT. 105. The inspector general shall receive for his services the sum of four dollars per day for the time necessarily employed in making inspections, when ordered by the commander-in-chief, and all necessary expenses incurred.

SECT. 106. The commissary general, surgeon general, judge advocate general, and other officers on the staff of the commander-in-chief shall receive four dollars per day when on duty.

SECT. 107. To each member of regimental bands, there shall be paid, as compensation for services and subsistence, when ordered out by the regimental commander to do duty, the sum of two dollars per day.

SECT. 108. There shall be allowed, for each horse actually employed by officers required to be mounted, three dollars per day; for horses used in the cavalry, for non-commissioned officers and orderlies when required, two dollars per day; and for each draft horse employed in batteries of light artillery, not exceeding sixteen to each platoon, the sum of two dollars per day, which shall be in full for use, keeping and forage.

SECT. 109. Division and brigade, assistant adjutant generals, and inspectors, and adjutants of regiments of the Maine volunteer militia shall receive twenty-five dollars annually, in addition to their pay as herein provided.

SECT. 110. Transportation shall be furnished by the state, through the quartermaster general, to and from the place of encampment, parade or other duty, when troops are ordered out by the commander-in-chief.

SECT. 111. Officers obliged to go out of the city or town of their residence to attend a military election, shall be allowed five cents a mile, each way, for travel.

SECT. 112. The militia when ordered into camp or on special duty shall be furnished with rations by the state.

SECT. 113. The militia, when called into actual service for more than six days, shall receive the same pay and rations as the regular troops of the United States; and the rations, when

4 commuted, shall be valued at the rate fixed by the regulations
5 of the United States in force at the time.

SECT. 114. Any officer, non-commissioned officer, musician,
2 or private, who neglects, after due notice, to appear at any
3 training, inspection or review, or who is at any time absent
4 from his guard, troop, platoon, battery or company, without
5 leave from the commanding officer, before such guard, troop,
6 platoon, battery or company is dismissed, shall be fined not
7 less than three nor more than ten dollars.

SECT. 115. Any non-commissioned officer, musician or private
2 who, after due notice, neglects or refuses to appear at any
3 training, inspection or review, with the uniform, arms and
4 equipments of his troop, platoon, battery or company, shall be
5 fined five dollars if the offence is committed at any encamp-
6 ment, and three dollars if at any company training.

SECT. 116. A soldier who unnecessarily, or without order
2 from a superior officer, comes to any parade with his musket,
3 rifle or pistol loaded with ball, slug or shot, or shall so load the
4 same while on duty, or unnecessarily, or without order from a
5 superior officer, discharges the same when going to or return-
6 ing from, or upon parade, shall forfeit not less than five nor
7 more than twenty dollars; to be recovered on complaint of the
8 clerk to the use of the company.

SECT. 117. A soldier behaving with contempt towards an
2 officer, or conducting himself in a disorderly manner, or excit-
3 ing or joining in any tumult or riot, or being guilty of unmili-
4 tary conduct, disobedience of orders, or neglect of duty when
5 under arms or on duty, shall forfeit not less than ten nor
6 more than forty dollars; to be recovered as provided in the
7 preceding section.

SECT. 118. Any officer, non-commissioned officer, musician
2 or private, who, after due notice, neglects to obey any legal
3 order to turn out and march for the suppression of a riot, or
4 in case of an invasion or threatened invasion, or to enforce the
5 execution of the laws of the state, or the United States, or
6 when out refuses to obey the command of his superior officers,
7 shall be fined not more than five hundred dollars, or imprison-
8 ed not more than two years. Courts marshal ordered by
9 the commander-in-chief shall have jurisdiction of officers de-
10 scribed in this section.

SECT. 119. The clerk of each troop, platoon, battery or company shall make in his orderly-book a record of all persons who have incurred a fine at each training or encampment, specifying their offences, which shall be signed by the commander and clerk; and the same or a certified copy thereof is evidence of such offence, but other evidence relating thereto may be received.

SECT. 120. Fines and forfeitures incurred by members of the volunteer militia shall be collected in the following manner, to wit: The clerk of each company, after the expiration of twenty days, and within forty days after parade, election of officers, inspection, training, review, encampment, or other duty, shall in those cases when fines are to be collected upon his complaint, make and subscribe an information against the offending soldiers or non-commissioned officers who have not been excused by their commander or who have not within the twenty days aforesaid paid to him the forfeiture they have incurred, which information shall be left with some trial justice or filed in some police or municipal court in the county in which the offender resides. Such information shall be in substance as follows:

To A. B., Esq., trial justice within and for the county of — or to the justice of the police or municipal court within and for ——. I, the subscriber, clerk of the company commanded by ———, do hereby give information against the following person or persons who, being duly enrolled in said company, and being duly notified to meet with said company, on the — day of — in the year — (for inspection or review, election of officers, special duty, or as the case may be,) was guilty of the offences and did incur the forfeitures set against his name:

Names.	Offence.	Forfeiture.	Sums.
25 A. B., non-commissioned officer; C.D., private,	{ For unnecessarily neglecting to appear on said day,	{ has forfeited	-
26 E. F.,	{ For being deficient of a } { — on said day,	{ has forfeited,	-
27 G. H.,	{ For being on said day guilty } { of coming on to the parade } { with his arms loaded,	{ has forfeited	-

- 28 I. K., { For unnecessarily discharging his
musket, rifle or pistol in going to
or returning from, or on the place
of parade, without the orders of
an officer, } has forfeited -
- 29 L. M., { For leaving his guard, section, }
platoon or company, without } has forfeited -
the leave of an officer,

30 (And in the same manner, substantially, all other offences
31 are to be set forth against offending non-commissed officers
32 and privates.)

33 I, therefore, agreeably to my oath of office, and in compli-
34 ance with the requisitions of the law in this behalf, request
35 you to issue a summons, directed to the person named in the
36 above information, to appear before you, and show cause, if
37 any he has, why it should not be adjudged that he pay the
38 forfeiture set against his name, for the offence which he is
39 therein alleged to have committed.

40 Dated at —, this day of —, in the year —.

41 A. B., clerk of the company.

42 Commanded by —.

43 The justice or court shall file the same; and upon motion of
44 the clerk shall, within nine months, and not afterwards, issue
45 a summons to each person informed against, to be served at
46 least seven days before the time appointed for showing cause.
47 The summons, if issued by a trial justice, shall be in sub-
48 stance as follows:

49 —, ss.

50 [SEAL] To the sheriff of said — county, or either of his
51 deputies, or either of the constables of the town of —, in
52 the county aforesaid:

GREETING:

53 In the name of the state of Maine, you are hereby required
54 to summon C. D., of —, in the county aforesaid, to appear
55 before me, E. F., one of the trial justices within and for the
56 county aforesaid, at —, in —, on the — day of —, at
57 — of the clock in the — noon, then and there to show
58 cause, if any he has, why judgment should not be rendered,
59 that he has forfeited — for (here insert the offence, and the
60 time when and place where it was committed). Hereof fail not,
61 and make due return of this writ, and your doings thereon, unto

62 myself, on or before the said hour of the day of —.

63 Dated at —, aforesaid, the — day of —, in the year —.

64 E. F., Trial Justice.

65 If issued from a police or municipal court, as follows :

66 STATE OF MAINE.

67 —, ss.

68 [SEAL.] To the sheriff of the county of —, or either of
69 his deputies, or either of the constables of the town of —,
70 in said county, GREETING:

71 We command you to summon C. D., of —, in said county,
72 to appear before —, judge of our police (or municipal) court
73 of —, to be holden at —, within and for our —, on —,
74 then and there to show cause, if any he has, why judgment
75 should not be rendered, that he has forfeited — for (here
76 insert the offense, and the time and place where it was com-
77 mitted). Hereof fail not, and have you there this writ, with
78 your doings thereon.

79 Witness, W. S., Esq, at —, on the — day of — year—.

80 T. P., Clerk (or Recorder).

81 (Or witness my hand and seal at —, on the — day of —,
82 in the year of our Lord —.

83 A. B., Justice of such Court.)

84 When the person summoned appears, he may plead that he
85 is not guilty, and give any special matter in evidence.

86 Upon the trial of such complaint, made by the clerk of a
87 company, it shall be sufficient for the complainant, to prove that
88 he is clerk of the company ; for which purpose he shall produce
89 his warrant as a non-commissioned officer, and prove the signa-
90 ture thereto of the colonel or commanding officer, and that at
91 the time of signing such warrant he was reputed to be and
92 acted as such colonel or commanding officer, which shall be
93 prima facie evidence that such complainant was appointed a
94 non-commissioned officer by the captain or commanding officer
95 of such company, and that a legal return of such appointment
96 was made to the colonel or commanding officer of the regiment.
97 He shall then show, upon the back of his warrant, a legal cer-
98 tificate of his appointment as clerk, and qualification as such
99 by taking the oaths required by law. For which purpose he
100 shall procure the signature of the captain or commanding
101 officer of such company, and that he is such captain or com-

102 manding officer, by producing his commission as such ; but if
103 the clerk is appointed clerk pro tempore, his appointment may
104 be proved by the records of his company. He shall then pro-
105 duce the roll of the company, and prove that the defendant
106 resided within the limits of the company, and was enrolled
107 or enlisted therein at the time he was notified of such meet-
108 ing. He shall then produce the order of the commanding
109 officer of such company to notify the said meeting or meet-
110 ings thereof, and prove his signature thereto, and that the
111 defendant was legally notified of the time and place of such
112 meeting or meetings. If it is required by law that the order
113 for such military duty shall in such case be given by any
114 officer superior to the commanding officer of a company, then
115 the orders of such superior officer, and all intermediate orders
116 of officers transmitting the same to the commanding officer of
117 the company shall be proved, and that the persons purporting
118 by such orders to be such officers, are such ; for which pur-
119 pose, it shall be sufficient to produce the transmitted written or
120 printed copies of such orders, and the regimental or other last
121 order, transmitting the same to the commanding officer of the
122 company, to prove the signature of the proper officer to such
123 regimental or other last order, transmitting the same ; and to
124 prove that all the officers above mentioned are reputed to be
125 such officers and act as such.

126 The absence or offence of the defendant shall then be proved,
127 to show that he is liable to the fine alleged to be incurred by
128 him ; and, in case of absence, the burden of proof shall be upon
129 him to show that his absence was necessary. The evidence
130 above described shall be taken to be prima facie sufficient to
131 support the complaint. When it appears that a document or
132 paper above mentioned cannot be produced, satisfactory sec-
133 ondary evidence thereof shall be received. Upon the hearing
134 of such case, the testimony of the clerk, or other person who
135 was ordered to notify the whole or part of the company, shall
136 be prima facie evidence of notice to the defendant and that he
137 neglected to appear. If the defendant makes default, or judg-
138 ment is rendered against him, and he neglects for two days
139 after to satisfy the same with legal costs, execution shall be
140 issued therefor ; which execution, issued by a trial justice,
141 shall be in substance as follows, but if by a police or munici-

142 pal court, shall be so altered as to conform to the summons :

143 STATE OF MAINE.

144 —, ss.

145 [SEAL.] To the sheriff of such county, or either of his
146 deputies, or either of the constables of the town of —, in
147 the same county,

GREETING :

148 Whereas, E. L., clerk of the company commanded by —,
149 in said county, on the — day —, before J. D., esquire,
150 one of our trial justices for our county aforesaid, recovered
151 judgment against T. P., of —, for the sum of — fine or
152 forfeiture, and — costs of prosecution, as to us appears of
153 record whereof execution remains to be done. We command
154 you, therefore, that of the money of the said T. P., or of his
155 goods or chattels, within your precinct, at the value thereof
156 in money, you cause to be levied, paid and satisfied, unto the
157 said E. L., the sums aforesaid, being — in the whole, and
158 also out of the money, goods and chattels of the said T. P.
159 you levy twenty-five cents more for this writ, together with
160 your own fees ; and for want of such money, goods or chat-
161 tels of said T. P., to be by him shown unto you, or found
162 within your precinct, to the acceptance of the said E. L., for
163 the aforesaid sums, we command you to take the body of the
164 said T. P., and him commit unto our jail in B., and we com-
165 mand the keeper thereof accordingly to receive the said T. P.
166 into our said jail, and him safely keep until he pay the full
167 sums above mentioned, with your fees, so that he be dis-
168 charged by the said E. L., or otherwise, by order of law.
169 Hereof fail not, and make return of your doings therein unto
170 our said justice, within twenty days next coming.

171 Witness, our said justice at B., the — day of —, in the
172 year one thousand, —.

J. D., Trial Justice.

173 The complaint or summons may be amended in any stage
174 of the proceedings without payment of costs ; and the de-
175 fendant shall be allowed an adjournment or continuance of
176 the case, if justice requires it The clerk shall not be liable
177 to pay costs to a defendant in a case in which the command-
178 ing officer of his company has certified, upon the information
179 of the clerk, his approval of the same. And no appeal shall
180 be allowed from any judgment, unless the forfeiture ad-
181 judged exceeds ten dollars, exclusive of costs. A complaint,

182 by any other officer, shall be prosecuted in the like manner
183 so far as the same is applicable thereto, the forms being varied
184 accordingly; and he shall prove his authority by producing
185 his commission, and other competent evidence which may be
186 necessary.

SECT. 121. The clerk of each company, or other officer prosecuting such complaint, shall retain to his own use, from the forfeitures so collected, the amount of the expenses incurred by him in prosecuting the same, and upon demand, pay the remainder to the treasurer of the company, regiment or corps entitled to the benefit thereof, who shall give his receipt therefor, and expend the same in defraying such expenses of the company, regiment or corps, as a majority of the commissioned officers thereof shall judge necessary. All captains or commanders of companies, and all other officers authorized by this act to direct or control the collection of fines, shall report annually, to the adjutant general, through the usual channels of military communication, the amount of fines imposed, the amount collected, and the disposition thereof.

SECT. 122. Whenever it shall be necessary to call out any portion of the enrolled militia for active duty, the commander-in-chief shall direct his order to the mayor and aldermen of cities, or to the selectmen of towns, who, upon the receipt of the same, shall forthwith, by written or oral notice to each individual, or by proclamation, appoint a time and place for the assembling of the enrolled militia in their city or town, and shall then and there proceed to draft as many thereof, or accept as many volunteers as is required by the order of the commander-in-chief, and shall forthwith forward to the commander-in-chief a list of the persons so drafted, or accepted as volunteers.

SECT. 123 Every member of the enrolled militia ordered out, or who volunteers or is detached or drafted, under the provisions of this act, who does not appear at the time and place designated by the mayor and aldermen or selectmen, or who has not some able-bodied and proper substitute at such time and place, or does not pay to such mayor and aldermen, or selectmen, for the use of the state, the sum of seventy-five dollars within twenty-four hours from such time, or who does not produce a sworn certificate, from a physician in good

10 standing, of physical disability to so appear, shall be taken to
11 be a deserter and dealt with accordingly.

SECT. 124. The portion of the enrolled militia so accepted
2 shall be immediately mustered into the service of the state for
3 three years, or such less period as the commander-in-chief may
4 direct, and shall be organized into companies, which may be
5 arranged in battalions or regiments, or assigned to organiza-
6 tions of the volunteer militia already existing. Such new
7 organization shall be officered, equipped, trained and gov-
8 erned according to the laws for the government of the vol-
9 unteer militia.

SECT. 125. Elections shall forthwith be ordered in such new
2 organizations by the commander-in-chief, who may detail offi-
3 cers to train and command them until the officers elect shall
4 have qualified.

SECT. 126. Any person, directly or indirectly, advising or in
2 any manner attempting to influence any person to avoid com-
3 pliance with any order issued in pursuance of the preceding
4 sections, shall forfeit five hundred dollars, or be imprisoned not
5 less than two years.

SECT. 127. When there is, in any county, a tumult, riot, mob,
2 or a body of men acting together by force with intent to com-
3 mit a felony, or to offer violence to persons or property, or by
4 force and violence to break and resist the laws of the state, or
5 of the United States, or when such tumult, riot or mob is
6 threatened, and the fact is made to appear to the commander-
7 in-chief, or the mayor of a city, or to a court of record sitting
8 in said county, or, if no such court be sitting therein, then to
9 a justice of such court, or, if no justice is within the county,
10 then to the sheriff thereof, the commander-in-chief may issue
11 his order, or such mayor, court, justice or sheriff, may issue a
12 precept, directed to any commander of a division, brigade,
13 regiment or corps, directing him to order his command, or a
14 part thereof, describing the kind and number of troops, to ap-
15 pear at a time and place therein specified, to aid the civil
16 authorities in suppressing such violence and supporting the
17 laws; which precept, if issued by a court, shall be in substance
18 as follows: STATE OF MAINE.

19 L. S. ———, ss.

20 To (insert the officer's title) A. B., commanding (insert his
21 command).

22 Whereas, it has been made to appear to our justices of our
23 —, now holden at —, within and for the county of —,
24 that (here state one or more of the causes above mentioned,)
25 in our county of —, and that military force is necessary to
26 aid the civil authority in suppressing the same; now, there-
27 fore, we command you that you cause, (here state the number
28 and kind of troops required), armed, equipped, and with ammu-
29 nition, as the law directs, and with proper officers, either at-
30 tached to the troops, or detailed by you, to parade at —, on
31 —, then and there to obey such orders as may be given
32 them, according to law. Hereof fail not at your peril; and
33 have you there this writ, with your doings returned thereon.

34 Witness G. T. B., Esq., at —, on the — day of —, in
35 the year —. C. D., Clerk.

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

SECT. 128. The officer to whom the order of the commander-
2 in-chief or such precept is directed shall forthwith order the
3 troops therein mentioned to parade at the time and place
4 appointed. If he refuses or neglects to obey such order or
5 precept, or if an officer neglects or refuses to obey an order
6 issued in pursuance thereof, he shall be cashiered and punished
7 by fine, or imprisonment not exceeding six months, as a court
8 martial may adjudge. And a non-commissioned officer or a
9 soldier neglecting or refusing to appear at the place of parade
10 to obey an order issued in such case, shall forfeit fifty dollars
11 to the use of the state. And any person advising or attempt-
12 ing to persuade an officer or soldier to refuse or neglect to
13 appear at such time and place, or to obey such order, shall
14 forfeit two hundred dollars to the use of the state, or be im-
15 prisoned not exceeding six months.

SECT. 129. Every commissioned officer, before he enters on
2 the duties of his office, or exercises any command, shall take
3 and subscribe before a justice of the peace, or general or field
4 officer, who has previously taken and subscribed them himself,
5 the following oaths and declarations :

6 "I, A. B., do solemnly swear that I will bear true faith and

7 allegiance to the state of Maine, and will support the consti-
8 tution thereof. So help me God."

9 "I, A. B., do solemnly swear and affirm, that I will faithfully
10 and impartially discharge and perform all the duties incumbent
11 on me as —, according to the best of my abilities and under-
12 standing, agreeably to the rules and regulations of the consti-
13 tution, and the laws of this state. So help me God."

14 "I, A. B., do solemnly swear, that I will support the constitu-
15 tion of the United States."

16 And on the back of every commission the following certifi-
17 cate shall be written or printed, and signed by the person
18 before whom such officer is qualified :

19 This may certify that A. B., commissioned as within on this
20 — day of —, A. D. —, personally appeared, and took
21 and subscribed the oaths required by the constitution and laws
22 of this state and a law of the United States, to qualify him to
23 discharge the duties of his office. Before me,

24 — — —.

SECT. 130. Every clerk of a company, before he enters upon
2 his duties, shall take the following oath, before the command-
3 ing officer of the company to which he belongs, viz :

4 "I, A. B., do solemnly swear, that I will faithfully and impar-
5 tially perform all the duties incumbent on me, as clerk of the
6 company to which I belong, according to the best of my abili-
7 ties and understanding. So help me God."

8 The commander of such company shall, at the time of ad-
9 ministering the oath, certify on the back of the warrant of the
10 sergeant appointed to be clerk, that he was duly qualified, by
11 taking the oath required by law.

SECT. 131. Every enlisted man at the time of his muster-in
2 to the volunteer militia shall take the following oath :

3 "I, —, do solemnly swear that I will bear true faith and
4 allegiance to the state of Maine, and will support the consti-
5 tution thereof, and I do also solemnly swear that I will faith-
6 fully observe and obey all laws and regulations for the
7 government of the volunteer militia of said state, and the
8 orders of all officers elected or appointed over me. I do also
9 solemnly swear that I will support the constitution of the
10 United States. So help me God."

11 Sworn to before me, — — —, mustering officer.

12 And no enlisted man shall be held to duty in the volunteer
13 militia, or receive any compensation or allowance until he shall
14 have been so mustered.

SECT. 132. Any officer who neglects to perform the duties of
2 his office, or to obey the rightful orders of his superiors, or who
3 is guilty of unofficer-like or ungentleman-like conduct, may be
4 put under arrest by his superior officer, and tried by a court-
5 martial; and any officer so under arrest who exercises any
6 command shall, on conviction by a court-martial, be cashiered.

SECT. 133. Every arrest and all charges and specifications
2 relating thereto shall be reported without delay, by the officer
3 ordering the same, to the adjutant general, to be laid before the
4 commander-in-chief, who, on examination of the report, may
5 discharge the officer from arrest, if, in his opinion, the case
6 does not call for a court-martial, or may order a court-martial
7 for his trial.

SECT. 134. General courts-martial may be ordered as occa-
2 sion may require by the commander-in-chief for the trial of
3 officers above the rank of captain, and for the trial of officers
4 described in section number one hundred and fifteen. And
5 division and brigade courts-martial may in like manner be
6 ordered by their respective commanding officers for the trial of
7 officers below the rank of major, who in such order shall desig-
8 nate the time and place of holding such court, and the names
9 of the officers composing it, to consist of not less than three
10 nor more than six in number and a marshal. The senior officer
11 named shall preside, and shall be of superior rank to the officer
12 on trial.

SECT. 135. The officer to be tried shall be served, at least
2 fourteen days before the session of such court, with a copy of
3 the order for the same for his appearance thereat, and a copy
4 of the charges and specifications on which he is to be tried,
5 attested by the adjutant general, and served and returned to
6 the judge advocate by any person or officer designated by the
7 adjutant general. The charges shall specify the act or neglect
8 constituting the alleged offence, and shall be signed by the
9 person making them, and addressed to the commander-in-chief.

SECT. 136. Before proceeding to any trial the judge advocate
2 shall administer to the president and each of the members,
3 separately, the following oath: "You swear that without

4 partiality, favor, affection, prejudice or hope of reward, you
5 will well and truly try the cause now before you, between the
6 state and the person to be tried, and that you will not divulge
7 the sentence of the court until it is approved or disapproved,
8 and that you will not, on any account, at any time whatever,
9 discover the vote or opinion of any member, unless required to
10 give evidence thereof as a witness by a court of justice in a due
11 course of law. So help you God." And the president shall
12 administer to the judge advocate the following oath: "You
13 swear that you will faithfully and impartially discharge your
14 duties as judge advocate on this occasion, as well to the
15 state as to the accused, and that you will not, on any account,
16 at any time whatever, divulge the vote or opinion of any mem-
17 ber of this court-martial, unless required to give evidence
18 thereof as a witness by a court of justice in due course of law.
19 So help you God."

SECT. 137. After the president, members, and judge advocate
2 are sworn, any member may be challenged, either on the part
3 of the government or the accused, the cause of challenging
4 being stated in writing; and the validity thereof shall be de-
5 termined by the court, the members objected to not voting.
6 One member only can be challenged at a time.

SECT. 138. On all questions the opinion of the youngest
2 member of the commission shall be taken first, and so on,
3 regularly, to the oldest; and unless two-thirds of the members
4 agree that the accused is guilty, he is acquitted.

SECT. 139. Courts-martial may sentence an officer convicted
2 by them to be cashiered, or reprimanded in orders, or may im-
3 pose a fine of not more than one hundred dollars, which may
4 be recovered by the adjutant general, in an action of debt, in
5 the name of the state. If any officer is sentenced to be cash-
6 iered the court shall adjudge him incapable of holding any
7 military office for life or a term of years, according to the
8 aggravation of the offense.

SECT. 140. Courts-martial and courts of inquiry are author-
2 ized to preserve order during their sessions; and if any person
3 in their presence behaves in a disorderly manner, or makes any
4 tumult in or disturbs the court, and does not upon command
5 of the marshal, desist therefrom, the court may confine him for
6 a time not exceeding eight hours.

SECT. 141. No officer shall be tried before a court-martial
2 for any offense committed more than one year before the com-
3 plaint, in writing, is made therefor, unless by reason of absence
4 or other manifest impediment, he shall not have been amenable
5 to justice within that period.

SECT. 142. If any officer, for the trial of whom a court-
2 martial is appointed, does not appear, or withdraws in con-
3 tempt of court, or, being arraigned, from obstinacy or delib-
4 erate design stands mute, or answers foreign from the purpose,
5 the court shall proceed to trial as if he had pleaded not guilty.

SECT. 143. The judge-advocate shall administer the following
2 oath or affirmation to witnesses required to give evidence
3 before a court-martial or court of inquiry: You swear (or
4 affirm) that the evidence you shall give, in relation to the
5 charge now in hearing, shall be the truth, the whole truth, and
6 nothing but the truth, so help you God! (or, 'This you do
7 under the pains and penalties of perjury')

SECT. 144. The judge-advocate shall cause the witnesses for
2 the prosecution to be summoned by any person by him directed,
3 by subpoena signed by him. The accused shall be entitled to
4 like process for witnesses in his defense, and depositions may
5 be used, as in civil courts. Any witness duly summoned who
6 shall refuse to appear and testify, may be by warrant, signed
7 by the president of the court and directed to the sheriff of the
8 county, his deputy, or either constable of the town in which
9 such witness resides, committed to jail in such county, there
10 to be held at his own expense, until he shall be discharged by
11 due course of law. The fees of all witnesses summoned on the
12 part of the state, and of the judge-advocate for summoning
13 them shall be the same as are allowed in civil causes by the
14 supreme judicial court, to be taxed by the president of the court
15 and paid by the state to the judge advocate, who shall pay the
16 fees of witnesses, when received by him, to the persons to
17 whom they are due, and, if the sentence of the court be against
18 the accused, and be duly approved, the fees shall, by warrant
19 under the hand of the president of the court, directed in man-
20 ner aforesaid, be collected of the delinquent and paid to the
21 state.

SECT. 145. The judge-advocate shall attend all courts martial
2 ordered in his brigade or division; and if he is unable to

3 attend or any legal impediment exists to his acting, the com-
4 mander-in-chief may appoint a special judge-advocate for such
5 court.

SECT. 146. The judge-advocate shall keep accurate minutes of
2 the proceedings of the court and of the evidence, shall impar-
3 tially state the evidence for and against the accused, and shall
4 transmit his minutes, signed by the president and himself, with
5 the papers used at the trial, or certified copies, to the command-
6 er-in-chief, under seal.

SECT. 147. The statement of the complainant and the defense
2 of the accused, motions to the court, objections to evidence,
3 and opinions of the judge-advocate on questions of law, shall
4 be in writing, and entered on the minutes or annexed thereto.

SECT. 148. The original records of all courts-martial shall be
2 deposited and kept in the adjutant general's office, and the
3 accused shall be entitled to a copy thereof, upon paying there-
4 for the fees allowed to the secretary of the state for copies.

SECT. 149. The fees in courts-martial and courts of inquiry
2 shall be as follows: To the president, members, marshals, and
3 judge advocate each three dollars per day, and four cents per
4 mile for travel to and from court; to the judge advocate, for
5 drawing the necessary papers, and for copies and recording,
6 twelve and a half cents for each page of two hundred and
7 twenty-four words; to the marshal for notifying members and
8 the accused of the time and place of trial, six cents per mile
9 for actual and necessary travel out and in, and twenty-five
10 cents for each notification, and for summoning witnesses,
11 twenty-five cents each; to the marshal or sheriff, for commit-
12 ing any person, the same fees as are allowed for like service
13 on civil process; and to witnesses, the same fees as are allowed
14 witnesses in the supreme judicial court.

SECT. 150. A roll shall be made by the judge advocate of all
2 fees, charges, and expenses, specifying the services and to
3 whom due, and the president and judge advocate shall certify
4 that the fees and charges are legal, the contingent expenses
5 necessary, and the charges reasonable, and, the same being
6 transmitted with the record to the governor, he shall draw his
7 warrant therefor in favor of the president of the court.

SECT. 151. Courts of inquiry, to consist of three officers and
2 a judge-advocate, to be designated by the commander-in-chief

3 may be ordered by him to examine into any military transac-
4 tion or imputation against any officer, or for the purpose of set-
5 tling a military question, or for establishing good order and
6 discipline.

SECT. 152. The judge-advocate shall administer to the officers
2 composing the court the following oath or affirmation: "You
3 swear (or affirm) that you will well and truly examine and
4 enquire into the matter now before you, without partiality,
5 favor, or prejudice, affection, or hope of reward. So help you
6 God;" (or "This you do under the pains and penalties of
7 perjury.")

SECT. 153. The president shall then administer to the judge-
2 advocate the following oath: "You swear (or affirm) that you
3 will impartially record the proceedings of the court and the
4 evidence to be given in the case in hearing. So help you
5 God," (or "This you do under the pains and penalties of
6 perjury.")

SECT. 154. Parties personally interested shall be notified,
2 permitted to cross-examine witnesses, and introduce evidence
3 so as fairly to investigate the circumstances in question.

SECT. 155. Such court shall not give their opinion upon the
2 merits of the case unless specially required, but their proceed-
3 ings shall be signed by the president and judge-advocate, and
4 transmitted to the commander-in-chief.

SECT. 156. Any officer who is wronged by the commander of
2 his regiment or battalion, and who, on application, is refused
3 redress, may complain to the commander-in-chief or command-
4 er of the forces in service, and he shall, by court of inquiry,
5 court-martial, or otherwise, in his discretion, examine the case,
6 and cause justice to be done.

SECT. 157. No person shall suffer death, by sentence of court-
2 martial, for any offense committed in time of peace.

SECT. 158. The commander-in-chief is hereby authorized to
2 establish and prescribe such rules, regulations, forms and
3 precedents as he may deem proper for the use, government
4 and instruction of the volunteer militia, and to carry into full
5 effect the provisions of this law. The governor is hereby
6 authorized to draw his warrant from time to time on any funds
7 in the treasury not otherwise expended for the expense thereof.

SECT. 159. No officer or soldier shall be liable to jury duty

2 while in the volunteer militia service ; and any officer or soldier
3 who shall have served continuously for nine years in the volun-
4 teer militia shall be exempt for life thereafter from the per-
5 formance of jury duty.

SECT. 160. No officer or soldier shall be arrested on civil
2 process while going to, remaining at, or returning from a place
3 where he is ordered to attend for election of officers or military
4 duty.

SECT. 161. If an officer or soldier is wounded or otherwise
2 disabled, or is killed, or dies of wounds received while doing
3 military duty, according to law, in case of invasion, insurrec-
4 tion, or disturbance of the peace, he, or his widow or children,
5 shall receive from the state just and reasonable relief.

SECT. 162. No officer or soldier shall be holden to perform
2 military duty except in case of invasion, insurrection, riot or
3 tumult made or threatened, or in obedience to the orders of the
4 commander-in-chief, on a day appointed for a meeting in the
5 town in which he resides, for the election of governor, senators,
6 electors of president or vice president of the United States, or
7 representatives to congress or the legislature ; and an officer
8 parading his company or wilfully ordering it to parade contrary
9 to the provisions of this section, shall, besides being liable to
10 a court martial, forfeit not less than fifty nor more than three
11 hundred dollars.

SECT. 163. Civil officers named in this chapter, neglecting or
2 refusing to obey its provisions, shall, except as otherwise
3 specially provided, forfeit not less than twenty nor more than
4 five hundred dollars.

SECT. 164. The provisions of this chapter concerning the
2 powers and duties of selectmen of towns, shall be construed to
3 include the mayor and aldermen of any city.

SECT. 165. It shall not be lawful for any body of men what-
2 soever, other than the regularly organized corps of the militia
3 or the troops of the United States, to associate themselves to-
4 gether as a military company or organization, or to parade in
5 public with arms, in any city or town of this State, without
6 the license of the governor therefor, which may at any time
7 be revoked ; nor shall it be lawful for any city or town to raise
8 or appropriate any money toward arming, equipping, uniform-

9 ing, or in any way supporting or sustaining or providing drill
10 rooms or armories for any such bodies of men.

SECT. 166. Whoever offends against the provisions of the
2 preceding section, or belongs to or parades with any such un-
3 authorized body of men, with arms, shall be punished by a fine
4 not exceeding the sum of ten dollars, or by imprisonment in
5 jail for a term not exceeding six months.

SECT. 167. No organization of the militia shall be liable to be
2 ordered without the limits of the state, and no military organ-
3 ization shall leave the state, for any period or purpose what-
4 ever, with public or military property in its possession, or to be
5 used by it, without the consent of the commander-in-chief.
6 Any organization disobeying the provisions of this section
7 shall forthwith be disbanded by the commander-in-chief, and
8 its officers and members be liable to trial by court-martial for
9 disobedience of orders.

SECT. 168. Any troop, platoon, battery or company may
2 make and adopt such by-laws as they may see fit, subject to
3 the approval of the adjutant general.

SECT. 169. The first regiment of infantry and the several
2 unattached companies now in the service of the state, together
3 with the Androscoggin Light Artillery, and such other organi-
4 zations as the commander-in-chief shall hereafter authorize,
5 shall constitute the volunteer militia. And all other military
6 organizations which have or shall hereafter receive permission
7 to parade with arms shall constitute the reserve militia.

SECT. 170. The inspector general, or such other officer as the
2 commander-in-chief may designate, shall inspect and condemn
3 public military property which has or may become unfit for
4 use; and no property shall be sold until it has become unfit for
5 use; and no property shall be sold until it has been inspected
6 and condemned as herein provided, and such condemnation
7 approved by the commander-in-chief. The proceeds of all sales
8 of condemned military property shall be paid into the treasury
9 of the state, and used for military purposes.

SECT. 171. Members of the reserve and enrolled militia shall
2 be eligible to office in the active militia; but no commission
3 shall issue to an officer elected or appointed unless he appears
4 to be qualified by education and ability to discharge the duties
5 of his office. And the commander-in-chief may in his discretion

6 cause an examination to be had, by a military board which he
7 is authorized to appoint, into the qualifications of all persons,
8 below the rank of major generals, claiming commissions under
9 this act. If upon such examination the board finds the candi-
10 date qualified within the meaning of this section, the commis-
11 sion shall issue.

SECT. 172. All commissioned officers shall be commissioned
2 by the commander-in-chief according to the respective offices
3 and grades to which they may be elected or appointed, except
4 as herein otherwise expressly provided. Every non-commis-
5 sioned officer's warrant shall be given and signed by the com-
6 manding officer of the regiment.

SECT. 173. Commissioned officers shall take rank according to
2 the date of their commissions. When two of the same grade
3 bear an even date, their rank shall be determined by lot drawn
4 before the commanding officer of the division, brigade, regi-
5 ment, company or detachment, or president of a court-martial,
6 as the case may be. The day of the appointment or election
7 of an officer shall be expressed in his commission, and consid-
8 ered as the date thereof. When he is transferred to another
9 corps or station of the same grade, the date of the original
10 appointment shall be expressed and considered the date of his
11 commission.

SECT. 174. When an officer shall lose his commission, upon
2 affidavit made before a justice of the peace and produced to the
3 adjutant general, a duplicate commission shall issue of the
4 same tenor and date.

SECT. 175. Electors shall be notified of elections at least four
2 days previously thereto.

SECT. 176. Officers ordering elections may preside, or detail
2 some officer of suitable rank to preside.

SECT. 177. A captain or staff officer of the rank of captain,
2 may preside at the election of an officer of equal or inferior
3 grade; but no candidate for the vacancy shall preside at the
4 election, except to adjourn the meeting if no proper officer ap-
5 pear to preside. At all elections such presiding officer shall
6 keep a record of the proceedings, and make return thereof to
7 the commanding officer of the division.

SECT. 178. The person who has a majority of the written
2 votes of the electors present at a meeting duly notified, shall

3 be deemed elected, and the presiding officer shall notify him of
4 his election, and make return thereof, or of neglect or refusal
5 to elect, to the commander of the division.

SECT. 179. All laws, acts and resolves inconsistent with the
2 provisions of this act are hereby repealed, but this section shall
3 not be construed as reviving or in any manner restoring any
4 former acts or parts of acts, that were repealed by the laws of
5 eighteen hundred and sixty-five.

SECT. 180. This act shall take effect upon its approval.

STATE OF MAINE.

IN SENATE, March 4, 1880.

Reported by Mr. FLINT, from Committee on Military Affairs,
and tabled to print under Joint Rule.

C. W. TILDEN, *Secretary*.