

# MAINE STATE LEGISLATURE

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# Sixty-Sixth Legislature.

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SENATE.

No. 127.

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## STATE OF MAINE.

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

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AN ACT to revise and consolidate the laws relating to the  
Militia.

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

### PERSONS SUBJECT TO MILITARY DUTY.

SECTION 1. Every male citizen of this State of the age  
2 of eighteen and under the age of forty-five years, not  
3 exempt by law, is subject to military duty.

SECT. 2. The following persons are exempt from mili-  
2 tary duty and will be so entered upon any enrollment of  
3 the militia ; viz : justices of the supreme judicial court ;  
4 ministers of the gospel ; persons of the denominations of  
5 Quakers and Shakers ; officers of the militia who have  
6 been honorably discharged.

The following are exempt from militia duty by the  
8 laws of the United States and will be so entered upon any

9 enrollment of the militia; viz: the Vice President of the  
10 United States; the officers, judicial and executive, of the  
11 Government of the United States; the members of both  
12 Houses of Congress and their respective officers; all  
13 custom-house officers with their clerks; all post-masters  
14 and persons employed in the transportation of the mail;  
15 all ferrymen employed at any ferry on post-roads; all  
16 inspectors of exports; all artificers and workmen em-  
17 ployed in the armories and arsenals of the United States;  
18 all pilots, and all mariners actually employed in the sea  
19 service of any citizen or merchant within the United  
20 States, and such other persons as shall hereafter be  
21 exempted by the laws of the United States.

#### ENROLLMENT OF THE MILITIA.

SECT. 3. All male citizens of this State, of the age of  
2 eighteen and under the age of forty-five years, except  
3 idiots, lunatics, paupers, common drunkards and persons  
4 convicted of infamous crimes, shall, biennially in April,  
5 be enrolled by the assessors of the several cities, towns  
6 and plantations in which they reside. On such enroll-  
7 ment and opposite the name of each person exempt from  
8 duty under section two, or in the National Guard, or  
9 unable by reason of physical disability to perform military  
10 duty, the assessors shall write the word, "exempt," and  
11 state the cause of exemption; or, "National Guard," or,  
12 "disabled," as the case may be. The assessors shall sub-  
13 scribe said lists and make oath that the same are true to  
14 the best of their knowledge and belief; and shall file the  
15 same with the clerk of their city, town or plantation, on  
16 or before the first day of May in the year when made;

17 and each clerk shall, on or before the tenth day of said  
18 May, forward to the adjutant general a certified state-  
19 ment of the total number enrolled upon the list so filed  
20 with him, the number marked exempt, the number belong-  
21 ing to the National Guard, and the number marked  
32 disabled.

SECT. 4. Any person claiming exemption shall satisfy  
2 the enrolling officers of his right thereto. In case of  
3 doubt the burden of proof shall be upon the person claim-  
4 ing exemption, and enrolling officers may require him to  
5 submit to examination on oath, and may administer such  
6 oath.

SECT. 5. Any person knowingly and wilfully refusing  
2 information, or giving false information to assessors making  
3 an enrollment of the militia, respecting the name, age,  
4 residence, occupation, military service, or physical or  
5 mental disability of himself, or of his son or ward, or of  
6 a person in his employ or boarding with him, shall forfeit  
7 twenty dollars.

SECT. 6. Any assessor neglecting or refusing to faith-  
2 fully perform the duties of enrolling officer as required by  
3 law, or making any false entry upon said roll, or commit-  
4 ting any other fraud therein, shall forfeit two hundred  
5 dollars.

SECT. 7. Any clerk who shall neglect to make the re-  
2 turn to the adjutant general required by section three,  
3 shall forfeit twenty dollars.

SECT. 8. Upon the failure of any assessors to make the  
2 enrollment of the militia as required by law, the com-  
3 mander-in-chief may appoint some person to make it at  
4 the expense of the town, and the person so appointed shall

5 have all the powers and be subject to the same duties as  
6 are prescribed in the case of assessors.

CALLING OUT AND ORGANIZING THE ENROLLED MILITIA  
FOR ACTIVE DUTY.

SECT. 9. The enrolled militia shall be subject to active  
2 duty, only, in case of war, or to prevent or repel inva-  
3 sion, or to suppress insurrection or riot, or to aid civil  
4 officers in the execution of the law.

SECT. 10. When any part of the enrolled militia is  
2 called into active service by draft, each city, town and  
3 plantation shall be required to furnish its quota in propor-  
4 tion to the number of its able-bodied militia; and mem-  
5 bers of the National Guard in active service and volunteers  
6 under the call, from such city, town or plantation, shall  
7 be credited upon its quota.

SECT. 11. When necessary under the provisions of  
2 section nine, the commander-in chief may order into  
3 active service such part of the enrolled militia as may be  
4 required, either by voluntary enlistment, or draft. If a  
5 draft is to be made he shall issue his orders to the muni-  
6 cipal officers to return from their respective cities, towns  
7 or plantations, the number required. The municipal offi-  
8 cers shall forthwith cause notice of such draft to be given  
9 the persons enrolled, either orally, or by leaving written  
10 or printed notices with them or at their last and usual  
11 places of abode, or by publishing notices thereof in some  
12 newspaper printed in the county in which such town is,  
13 and by posting like notices in at least four public and  
14 conspicuous places in the town. The notices shall be  
15 given at least three days before the day fixed for the

16 draft, unless in the opinion of the commander-in-chief  
17 the public safety requires a shorter time, in which case  
18 he shall fix the time in the order. At the time and place  
19 named the municipal officers shall, by voluntary enlist-  
20 ment or draft, procure the required number and forthwith  
21 return their names to the commander-in-chief.

SECT. 12. Every member of the enrolled militia who  
2 volunteers or is drafted under the provisions of this act,  
3 who does not appear at the time and place designated by  
4 the municipal officers, or who has not some able-bodied  
5 and acceptable substitute at such time and place, or  
6 does not pay to such municipal officers for the use of the  
7 State, one hundred dollars within twenty-four hours from  
8 such time, or who does not produce a sworn certificate  
9 from a physician in good standing of physical disability  
10 to so appear, shall be taken to be a deserter and dealt  
11 with accordingly.

SECT. 13. The portion of the enrolled militia so called  
2 out shall be immediately mustered into the service of the  
3 the State for such time; not exceeding three years, as the  
4 commander-in-chief may direct, and shall be organized  
5 into companies, which may be arranged in battalions,  
6 regiments, brigades and divisions, in such arm of the  
7 service as the commander-in-chief shall direct, or assigned  
8 to organizations already existing, and they shall be  
9 equipped, instructed and governed according to the laws  
10 and regulations for the government of the National Guard,  
11 or of the United States army.

SECT. 14. Elections shall forthwith be ordered in such  
2 new organizations by the commander-in-chief, who may  
3 detail officers to command and instruct them until the offi-

4 cers elect shall be commissioned. All elections therein  
5 shall be ordered, notified and conducted in the same man-  
6 ner as hereinafter provided for elections in the National  
7 Guard.

SECT. 15. To each division organized under the provi-  
2 sions of this act, there shall be one major general, to be  
3 elected as provided in the constitution and a staff appointed  
4 by him, who shall hold office during his pleasure and  
5 until their successors are appointed and qualified as  
6 follows :—One assistant adjutant general, one division  
7 inspector, one inspector of rifle practice, each with the  
8 rank of lieutenant colonel ; one quartermaster, one com-  
9 missary, one judge advocate, one aide-de-camp, each with  
10 the rank of major, and two aides-de-camp. each with the  
11 rank of captain and such additional staff officers and with  
12 such rank as the commander-in-chief shall authorize.

#### STAFF OF THE COMMANDER-IN-CHIEF AND THEIR DUTIES.

SECT. 16. The staff of the commander-in-chief shall con-  
2 sist of the adjutant general who shall be *ex-officio* chief of  
3 staff, quarter master general and paymaster general with  
4 the rank of major general ; an inspector general, with the  
5 rank of brigadier general ; a commissary general, a sur-  
6 geon general, a judge advocate general, and an inspector  
7 general of rifle practice, each with the rank of colonel ;  
8 two aides-de-camp with the rank of lieutenant colonel,  
9 and a military secretary with the rank of major. *Pro-*  
10 *vided, however,* that the commander-in-chief may, in case  
11 of war, insurrection or invasion, appoint such additional  
12 staff officers as the public service shall require, and with  
13 such rank as he may designate. The staff of the com-

14 mander-in-chief shall be appointed and commissioned by  
15 him and shall hold office during his pleasure and until  
16 their successors are appointed and qualified.

SECT. 17. The adjutant general shall distribute all  
2 orders from the commander-in-chief attend all public  
3 reviews when the commander-in-chief shall review the  
4 troops or any part thereof, obey all orders from him rel-  
5 ative to carrying into execution and perfecting the system  
6 of military discipline established by the laws of the State  
7 and of the United States, prepare and furnish blank forms  
8 for the different returns and rolls that may be required  
9 and explain how such returns and rolls should be made,  
10 distribute all books required to be furnished at the public  
11 expense, receive from the several officers in the military  
12 force the reports they are required to make, and from  
13 such reports he shall make proper abstracts and lay the  
14 same, together with a full report of the business of his  
15 department, and a statement of the strength, condition  
16 and efficiency of the military forces of the State, before  
17 the commander-in-chief on or before the thirty-first day  
18 of December annually, and he shall annually, on or before  
19 the first Monday of January, make a return in duplicate  
20 of the militia of the State, according to such directions  
21 as he may receive from the secretary of war of the United  
22 States, one copy of which he shall deliver to the com-  
23 mander-in-chief and the other of which he shall transmit  
24 to the President of the United States.

SECT. 18. The quartermaster general, under the direc-  
2 tion of the commander-in-chief, shall purchase and issue  
3 all ordinance stores, artillery, arms and equipments,  
4 clothing, camp and garrison equipage and military stores



5 generally, except such as are expressly directed by law  
6 to be purchased by other officers, and approve all bills  
7 for such purchases; he shall provide transportation for  
8 troops and for all implements and munitions of war, and  
9 military supplies; he shall be the keeper of the public  
10 magazines and of all military property of the State,  
11 except such as is by law expressly entrusted to the keep-  
12 ing of other officers. He shall give a bond approved by  
13 the governor and council, in the sum of twenty thousand  
14 dollars, conditioned for the faithful performance of the  
15 duties of his office, the safe keeping of and accounting  
16 for all military property committed to his custody, and  
17 the delivery thereof to his successor or to any other per-  
18 son authorized to receive the same; such bond shall also  
19 be conditioned for the faithful performance of the duties  
20 of paymaster general when he shall act as such. He shall  
21 annually on or before the fifteenth day of December make  
22 a report showing the receipt and issue of military prop-  
23 erty during the year, and the amount and kind remaining  
24 on hand.

SECT. 19. The paymaster general, under the direction  
2 of the commander-in-chief, shall have the charge and  
3 supervision of the pay of troops, and of all other expenses  
4 payable from the State military fund. He shall make no  
5 payments until the accounts have been approved and cer-  
6 tified to him by the governor and council, and a warrant  
7 drawn in his favor upon the State Treasurer for the  
8 amount thereof. He shall give bonds approved by the  
9 governor and council in the sum of ten thousand dollars  
10 for the faithful discharge of the duties of his office; *pro-*  
11 *vided, however,* that when he also acts as quartermaster-

12 general his bond as such shall be conditioned for the  
13 faithful performance of his duties as paymaster general.  
14 He shall annually on or before the fifteenth day of De-  
15 cember make a report of the expenditures in his depart-  
16 ment.

SECT. 20. The inspector general shall attend all  
2 encampments of the National Guard, and critically  
3 observe the amount and kind of duty performed each day,  
4 the manner of its performance, the condition of each  
5 organization, the degree of order maintained and the gen-  
6 eral police of the camp. He shall make an annual  
7 inspection of each company, troop, platoon and corps  
8 and of any other organization belonging to the National  
9 Guard at such time before the first day of December as  
10 the commander-in-chief may order. He shall also make  
11 an annual inspection of all armories, books, records and  
12 military property in possession of each organization and  
13 of its financial condition. He shall make a detailed  
14 report upon the encampment and the condition of all  
15 property and organizations inspected by him with such  
16 suggestions as he shall deem important in regard to the  
17 workings and efficiency of the system of instruction, drill  
18 and discipline prescribed and the necessity of further leg-  
19 islation or regulations to perfect the same. Such report  
20 shall be made by the fifteenth day of December annually  
21 or at such time as the commander-in-chief may direct.

SECT. 21. The commissary general, under the direc-  
2 tion of the commander-in-chief, shall purchase and issue  
3 all subsistence supplies, and approve all bills therefor and  
4 transmit them to the adjutant general; he shall make a  
5 detailed report by the fifteenth day of December annually.

SECT. 22. The surgeon general, under the direction of  
2 the commander-in-chief, shall purchase and issue all medi-  
3 cal, surgical and hospital supplies and approve all bills for  
4 the same and transmit them to the adjutant general, and  
5 shall have the supervision of all matters pertaining to the  
6 medical department of the military forces. He shall make  
7 a detailed report by the fifteenth day of December annually.

SECT. 23. The judge advocate general under the di-  
2 rection of the commander-in-chief is charged with the  
3 supervision, care and management of all things relating  
4 to the administration of justice in the military forces of  
5 the State; he shall diligently scrutinize and examine the  
6 proceedings of all courts martial, and report thereon  
7 for the information of the commander-in-chief; he shall  
8 when directed act as judge advocate at any court martial;  
9 he shall be the adviser of the military department upon  
10 all legal questions which may arise therein, and to him  
11 may be referred for supervision all contracts, agreements,  
12 or other instruments to be drawn or executed in the  
13 course of the business thereof. He shall make a detailed  
14 report by the fifteenth day of December annually.

SECT. 24. The general inspector of rifle practice, under  
2 the direction of the commander-in-chief, shall have the  
3 supervision of rifle practice in the military forces of the  
4 State; he shall see that the laws, orders and regulations  
5 relative thereto, and to the furnishing of rifle ranges by  
6 cities and towns, are complied with, and report any fail-  
7 ure to the commander-in-chief. He shall make a detailed  
8 report with such recommendations as he shall deem for  
9 the interests of the service by the fifteenth day of Decem-  
10 ber annually.

SECT. 25. Neither the adjutant general, quartermaster  
2 general, paymaster general, surgeon general, or commissary  
3 general nor any assistant of either of them, nor any su-  
4 bordinate officer of their departments, shall be concerned,  
5 directly or indirectly, in the purchase or sale of any ar-  
6 ticle intended for, making a part of, or appertaining to,  
7 their respective departments, except for and on account  
8 of the State, nor shall they or either of them take or ap-  
9 ply to his or their own use any gain or emolument for  
10 negotiating or transacting any business in their respec-  
11 tive departments, other than what is allowed by law.

#### ORGANIZATION OF THE ACTIVE MILITIA.

SECT. 26. The active militia shall be known and des-  
2 ignated as the National Guard of the State of Maine, and  
3 on a peace footing shall consist of not more than twenty-  
4 four companies of infantry, one battery of light artillery,  
5 two troops of cavalry, an ambulance corps, and a signal  
6 corps.

SECT. 27. The organizations authorized in the preced-  
2 ing section shall be raised on petition to the commander-  
3 in-chief, or by his order.

SECT. 28. When a petition for raising an organization  
2 of the National Guard has been signed by not less than  
3 sixty citizens of the town where it is desired, and the same  
4 has been granted by the commander-in-chief, the adjutant  
5 general shall thereupon furnish the petitioners with an  
6 enlistment book and all necessary blanks.

SECT. 29. When the minimum number of persons  
2 required by law has been enlisted and notice thereof given  
3 to the commander-in-chief, he shall issue an order for the  
4 election of officers.

SECT. 30. All enlistments in the National Guard shall  
2 be for three years, and shall be made by signing such  
3 enlistment book as may be prescribed by the commander-  
4 in-chief. An attested copy of the enlistment book, shall  
5 at the organization of each company, be made by the  
6 clerk and forwarded, together with duplicates of all  
7 enlistment papers, forthwith to the adjutant general.  
8 When new enlistments are made in any organization, the  
9 commanding officer shall forward duplicate enlistment  
10 papers to the adjutant general.

SECT. 31. No enlistment shall be allowed in the  
2 National Guard of other than able bodied citizens of this  
3 State, between the ages of sixteen and forty years, resid-  
4 ing in the town where the armory of the organization in  
5 which they enlist is situated or in an adjoining town. In  
6 time of peace, no minor shall be enlisted in the National  
7 Guard without the written consent of his parent or  
8 guardian; which shall appear on the enlistment paper.

SECT. 32. No man shall be mustered into the service  
2 of the State unless certified by a surgeon or assistant sur-  
3 geon to be able bodied and capable of doing military duty.

SECT. 33. Every enlisted man at the time of his mus-  
2 tering in shall take and subscribe the following oath :

“I, ——— ———, do solemnly swear that I will bear  
4 true faith and allegiance to the State of Maine, and will  
5 support the constitution thereof; that I will faithfully  
6 observe and obey all laws and regulations for the govern-  
7 ernment of the military forces thereof, and the orders of  
8 all officers elected or appointed over me. I do also sol-  
9 emnly swear that I will support the constitution of the  
10 United States. So help me God.”

Sworn to before me, ——— ———, Mustering officer.

No enlisted man shall be held to military duty or receive any compensation or allowance until he shall have been so mustered.

The commanding officer of every company, if a commissioned officer, or any field or commissioned staff officer may, and hereby is qualified to administer the oath required by this section

SECT. 34. The date of the organization shall be the day of the meeting first held under an order for the election of its officers.

SECT. 35. Each company of infantry shall consist of one captain, one first lieutenant, one second lieutenant, one first sergeant, four sergeants, six corporals, two musicians, and not less than forty-two nor more than fifty-six privates.

SECT. 36. A battery of light artillery shall consist of one captain, two first lieutenants, two second lieutenants, one first sergeant, four sergeants, one quartermaster sergeant, eight corporals, two trumpeters, and not less than sixty nor more than eighty privates.

SECT. 37. Each troop of cavalry shall consist of one captain, one first lieutenant, one second lieutenant, one first sergeant, four sergeants, eight corporals, two trumpeters and not less than forty-two nor more than fifty-six privates.

SECT. 38. The ambulance corps shall consist of one second lieutenant, three sergeants, and not less than twelve nor more than seventeen privates.

SECT. 39. The signal corps shall consist of one second lieutenant, three sergeants, and not less than twelve nor more than seventeen privates.

SECT. 40. To each regiment of infantry there shall be  
2 one colonel, one lieutenant colonel, three majors, and a  
3 staff to consist of one surgeon with the rank of major,  
4 one assistant surgeon with the rank of captain, one assist-  
5 ant surgeon, one adjutant, one quartermaster, and one  
6 inspector of rifle practice each with the rank of first  
7 lieutenant, and one chaplain; a non-commissioned staff  
8 to consist of one sergeant major, one quartermaster ser-  
9 geant, one commissary sergeant, one hospital steward,  
10 one trumpeter, and one color bearer who shall be a ser-  
11 geant, and not less than twelve companies.

Provided; that, when a regiment is divided into battal-  
13 ions for the purpose of drill and instruction, the colonel  
14 may detail an officer to act as adjutant, and a non-com-  
15 missioned officer to act as sergernt major of each battallion.

SECT. 41. Each colonel of a regiment may enlist and  
2 muster a band of musicians, not exceeding twenty-five,  
3 including one master, one deputy master and one drum  
4 major, to be attached to his regiment; provided that the  
5 members of such band shall furnish their own uniforms and  
6 instruments. They may be discharged by the colonel at  
7 his pleasure.

SECT. 42. To a brigade there shall be one brigadier  
2 general and a staff to consist of one assistant adjutant gen-  
3 eral, one brigade inspector, one surgeon who shall be med-  
4 ical director of the brigade, and one inspector of rifle  
5 practice, each with the rank of major, one quartermaster,  
6 one commissary, and one aide-de-camp each with the rank  
7 of captain, and one aide-de-camp with the rank of first  
8 lieutenant.

SECT. 43. The organizations of the National Guard  
2 may be arranged by the commander-in-chief in squadrons,

3 battalions, regiments and brigades, and he may change the  
4 arrangement thereof at his pleasure

SECT. 44. Each organization shall be assigned to its  
2 respective squadron, battalion or regiment and be num-  
3 bered and lettered at its formation.

SECT. 45. The commander-in-chief may authorize the  
2 appointment of additional non-commissioned officers in the  
3 several organizations of the National Guard and upon the  
4 staffs of commanding officers whenever the service shall  
5 require.

SECT. 46. The commander-in-chief may, in his discre-  
2 tion, discharge enlisted men at any time. The commander  
3 of a regiment or separate battalion may, upon the written  
4 application of any enlisted man, approved by the com-  
5 mander of his company, discharge from the service such  
6 enlisted man; and the commander of a battery, separate  
7 company, troop or corps, may, upon like application,  
8 signed by a member thereof, discharge such member.

SECT. 47. If any organization of the National Guard  
2 fails to comply with the laws, regulations and discipline  
3 governing the service the commander-in-chief may in his  
4 discretion disband such organization.

#### ELECTION AND APPOINTMENT OF COMMISSIONED OFFICERS.

SECT. 48. General, field and line officers shall be  
2 elected as follows: Brigadier generals by the written  
3 votes of the field officers of their respective brigades; field  
4 officers of regiments by the written votes of the captains  
5 and subalterns of their respective regiments; captains and  
6 subalterns by the written votes of the members of their  
7 respective companies.



SECT. 49. Electors shall be notified of elections at  
2 least four days previous thereto, by written or printed  
3 notice given in hand, sent by mail, or left at their last  
4 and usual places of abode.

SECT. 50. An officer of a grade at least equal to that  
2 of the office to be filled, but in no case below the grade  
3 of captain, shall be designated to attend and preside at  
4 elections, but no candidate for the vacancy shall be so  
5 designated. At all elections such presiding officer shall  
6 keep a record of the proceedings and make return thereof  
7 to the commander-in-chief, and notify the officer of his  
8 election.

If the officer designated to preside fails to appear the  
10 election shall be postponed to a day fixed by him.

SECT. 51. The person who has a majority of the writ-  
2 ten votes of the electors present at a meeting duly noti-  
3 fied, shall be deemed elected, but in no case shall an elec-  
4 tion be held unless a majority of the qualified electors are  
5 present.

SECT. 52. The original roster of the brigade, or regi-  
2 ment, or original roll of the company, as the case may be,  
3 shall be produced at elections, by the person having the  
4 legal custody thereof.

SECT. 53. When a person elected or appointed to an  
2 office refuses to accept his commission or qualify at the  
3 time of acceptance, a new election shall be ordered or  
4 appointment made.

SECT. 54. When the electors neglect or refuse to elect  
2 to fill a vacancy, the commander-in-chief shall appoint a  
3 suitable person.

SECT. 55. Whenever any staff office shall be vacant the  
2 duties of such office may be assigned to an officer already

3 in commission or a detail made therefor until such time as  
4 the vacancy shall be filled.

SECT. 56. All officers of the National Guard whose  
2 term of office is not otherwise fixed by law shall be com-  
3 missioned and hold office for the term of six years and no  
4 longer unless re-elected. When an officer is commissioned  
5 to fill a vacancy caused by the expiration of his own term  
6 of service he shall take rank from the date of his original  
7 commission.

SECT. 57. Brigadier generals, colonels and command-  
2 ing officers of separate battalions shall appoint their  
3 respective staff officers: They shall hold office until their  
4 successors are appointed and qualified unless sooner  
5 removed by the officer appointing them which he may do  
6 at his pleasure.

SECT. 58. Every commissioned officer, before he en-  
2 ters on the duties of his office, or exercises any command,  
3 shall take and subscribe before a justice of the peace, or  
4 general or field officer, who has previously taken and  
5 subscribed them himself, the following oaths and declara-  
6 tions:

“I, A. B., do solemnly swear that I will bear true faith  
8 and allegiance to the State of Maine, and will support  
9 the constitution thereof. So help me God.” “I, A. B.,  
10 do solemnly swear that I will faithfully and impar-  
11 tially discharge and perform all the duties incum-  
12 bent on me as ——, according to the best of my abil-  
13 ities and understanding, agreeably to the constitution and  
14 laws of this State. So help me God.” “I, A. B., do  
15 solemnly swear that I will support the constitution of the  
16 United States. So help me God.” The following cer-

17 tificate shall be endorsed on every commission and signed  
18 by the person before whom such officer is qualified :

This may certify that A. B., commissioned as within,  
20 on this — day of —, A. D. —, personally appeared, and  
21 took and subscribed the oaths required by the constitu-  
22 tion and laws of this State and of the United States, to  
23 qualify him to discharge the duties of his office.

Before me, \_\_\_\_\_

SECT. 59. All officers shall be commissioned by the  
2 commander-in-chief according to the respective offices and  
3 grades to which they have been elected or appointed,  
4 but no commission shall issue to any person elected or ap-  
5 pointed unless he is a citizen of this State and appears to  
6 be qualified by education and ability to discharge the duties  
7 of the office.

SECT. 60. The commander-in-chief shall appoint a  
2 military board of three officers to enquire into the quali-  
3 fications of all persons elected or appointed to any office  
4 below the grade of brigadier general and claiming a com-  
5 mission under this act, except upon the staff of the com-  
6 mander-in-chief, and no commission shall issue until the  
7 person so elected or appointed shall have passed a satis-  
8 factory examination before such board, as to his moral  
9 character, his general knowledge of military affairs pro-  
10 portionate to the office to be held and his fitness for the  
11 service. If he fails to appear before the board when  
12 notified or is adjudged unqualified, a new election shall  
13 be ordered or appointment made ; and no person who  
14 has failed to pass such examination shall be eligible to  
15 election or appointment, to an office of equal or higher  
16 grade in the National Guard, for the period of one year

17 thereafter. Such examination shall be made within  
18 thirty days after the election or appointment, unless the  
19 commander-in-chief shall for good cause enlarge the time.  
20 At least two members of said board shall be of a grade  
21 equal or superior to that of the office to be filled. In  
22 case of the absence of any member of the board, or of  
23 disability to sit by reason of rank, or if for other cause  
24 the board is not of the required number, the commander-  
25 in-chief may detail an officer for the time being.

SECT. 61. When an officer shall lose his commission,  
2 upon affidavit made before a justice of the peace and pro-  
3 duced to the adjutant general, a duplicate commission  
4 shall issue of the same tenor and date.

#### DISCHARGE OF COMMISSIONED OFFICERS.

SECT. 62. An officer may be honorably discharged by  
2 the commander-in-chief upon tender of his resignation,  
3 upon the disbandment of the organization to which he  
4 belongs, or, if a staff officer, upon the written request of  
5 the officer appointing him, or upon the qualification or his  
6 appointed successor ; or when he shall accept an appointment  
7 in the army or navy of the United States.

SECT. 63. When an officer holding a military commis-  
2 sion is elected or appointed to another office in the militia,  
3 and accepts the same, such acceptance shall vacate the of-  
4 fice previously held.

SECT. 64. No officer shall be honorably discharged un-  
2 til he has turned over to the officers entitled to receive the  
3 same all military property issued to him or in his custody,  
4 or for which he is responsible or accountable, and filed  
5 with the quartermaster general receipts therefor.

SECT. 65. All officers honorably discharged from the  
2 service of the State shall be entitled to receive a certificate  
3 thereof in such form as the commander-in-chief shall  
4 direct.

SECT. 66. Any officer may be discharged by order of  
2 the commander-in-chief, upon the report of a military  
3 board of inquiry, or the sentence of a court martial; or  
4 when it shall appear to him that such officer has been con-  
5 victed of any crime, or has been dishonorably discharged  
6 or dismissed from the service of the United States, or from  
7 the militia of this or any other State.

APPOINTMENT AND REDUCTION OF NON-COMMISSIONED  
OFFICERS.

SECT. 67. Non-commissioned officers of companies  
2 shall be nominated by their respective captains, who  
3 shall forthwith make a return in writing of such nomina-  
4 tions to the commanding officer of the regiment or sepa-  
5 rate battalion, and every such non-commissioned officer  
6 shall be appointed and his warrant given and signed by  
7 such commanding officer; *provided*, that in separate  
8 companies, troops or corps they shall be appointed, and  
9 their warrants signed, by the commanding officer thereof.  
10 No warrant shall be issued to any person so appointed  
11 until he shall have passed the examination required by  
12 law and regulations.

SECT. 68. Non-commissioned officers may be reduced  
2 to the ranks by the officer authorized to appoint them or  
3 by the sentence of a court martial or upon the report of a  
4 board of inquiry.

SECT. 69. The commander-in-chief shall prescribe by  
2 regulations the uniforms, arms, equipments and insignia of  
3 rank of the National Guard of the State of Maine.”

SECT. 70. All commissioned officers shall provide  
2 themselves with such uniforms, arms, equipments and in-  
3 signia of rank as are prescribed.

SECT. 71. The National Guard shall be provided at  
2 the expense of the State with such uniforms, arms, equip-  
3 ments, colors, musical instruments, books for instruction  
4 and for records, camp and garrison equipage, and other  
5 military supplies as may be necessary for the proper train-  
6 ing and instruction thereof and for the proper performance  
7 of the duties required by this act, except as provided in  
8 the preceding section and uniforms for bands.

SECT. 72. All property furnished by the State shall  
2 remain and continue to be the property of the State, to be  
3 used for military purposes only, and when not so in use  
4 shall be kept in the armories or designated places of  
5 deposit.

SECT. 73. Any officer, enlisted man or other person,  
2 who shall wilfully or maliciously destroy, injure or deface  
3 any article of military property belonging to the State, or  
4 shall use it for other than military purposes, or shall have  
5 or retain the same in violation of law or regulations shall  
6 be punished by a fine not exceeding fifty dollars.

SECT. 74. Every officer receiving public property for  
2 military use shall be held responsible for the safe keeping  
3 and return of the same when called for, and he shall  
4 account for, and make such returns thereof, as may be  
5 prescribed whenever called upon so to do by the com-  
6 mander-in-chief.

SECT. 75. Every member of the military force of the  
2 State shall hold his uniform, arms, equipments, musical in-  
3 struments and ammunition required by law, free from all  
4 suits, distresses, executions or sales for debts or payment  
5 of taxes.

SECT. 76. The quartermaster general, subject to reg-  
2 ulations, may issue for drill purposes, to organizations  
3 authorized to use the same, any unserviceable or obso-  
4 lete arms and equipments; he shall require a bond in  
5 double their value, conditioned for the proper care, safe  
6 keeping and return thereof, and they shall at all times be  
7 open to inspection by the military authorities of the State.

SECT. 77. The quartermaster-general may loan, sub-  
2 ject to regulations, to encampments of organizations of  
3 veterans of the late war, obsolete and unserviceable arms  
4 and equipments, and such camp and garrison equipage as  
5 may be spared without detriment to the service; a bond  
6 shall be required for the safe-keeping, proper care and  
7 return thereof, and the State shall be subject to no ex-  
8 pense on account of such loan. Such property may be  
9 furnished under like restrictions, but without bond, for  
10 encampments of the cadets of the State college of agri-  
11 culture and mechanic arts. Field pieces now owned by  
12 the State may be loaned under regulations and by the  
13 authority of the commander-in-chief. No State military  
14 property shall be loaned for any other purpose whatever.

#### ARMORIES, HEADQUARTERS AND RIFLE-RANGES.

SECT. 78. Municipal officers shall provide for each  
2 company of the National Guard located within the limits  
3 of their respective towns, subject to the approval of the

4 commander-in-chief or such officer as he may designate,  
5 a suitable drill room and armory or place of deposit for  
6 the arms, equipments and other property furnished by  
7 the State. They shall also provide suitable rooms for  
8 the headquarters of each separate battalion, regiment or  
9 brigade established within their limits, and a reasonable  
10 compensation for the rent thereof, not exceeding one  
11 hundred dollars per annum may be allowed to the town  
12 so furnishing, and paid by the State.

SECT. 79. Every town having a company of the National  
2 Guard located therein, shall provide and keep in repair  
3 a suitable rifle range for the use of such company, ap-  
4 proved by the commander-in-chief or such officer as he  
5 may designate; and if any such town shall fail to comply  
6 with the requirements of this section, the commander-in-  
7 chief may cause such range to be furnished and maintained  
8 at the expense of the State and shall deduct the cost  
9 thereof from any sum then or thereafter due such town  
10 for rent under the preceding section.

#### MILITARY DUTIES.

SECT. 80. The National Guard shall parade for inspec-  
2 tion by companies, battalions or regiments twice each  
3 year, the time to be fixed by the commander-in-chief, and  
4 he may order out any organization for review, escort or  
5 any other military duty or ceremony at his pleasure.

SECT. 81. There shall be in addition to the inspections  
2 required in the preceding section, at least one annual  
3 inspection by the inspector general or other officer detailed  
4 therefor, of each organization and of its armory, books,  
5 records, military property in its possession and of its



6 financial condition, at such time as the commander-in-chief  
7 shall designate.

SECT. 82. Each company of the National Guard shall  
2 drill twice in each month, each drill to be not less than  
3 one hour and a half long, provided that the commanding  
4 officer may order drills more frequently not exceeding one  
5 each week.

SECT. 83. Commanding officers of companies shall  
2 assemble their officers and non-commissioned officers for  
3 military instruction for not less than two hours each  
4 month.

SECT. 84. The commander-in-chief shall call meetings  
2 of the commissioned officers of each regiment at least twice  
3 each year for military instruction.

SECT. 85. There shall be an annual encampment of the  
2 National Guard upon the State camp ground at such time  
3 as the commander-in-chief shall order, at which time one  
4 of the inspections required by law shall be made; pro-  
5 vided, that such encampment may be omitted whenever  
6 the commander-in-chief shall determine it to be for the  
7 interests of the service.

SECT. 86. Every commanding officer, when on duty,  
2 may ascertain and fix necessary bounds and limits to his  
3 parade, not including a road so as to prevent passing,  
4 within which no person shall enter without leave from  
5 such commanding officer. Whoever intrudes within the  
6 limits of the parade, after being forbidden, may be con-  
7 fined under guard not exceeding twelve hours, at the  
8 discretion of the commanding officer; and whoever  
9 resists a sentinel who attempts to put him or keep him  
10 out of such limits, may be arrested by order of the com-

11 manding officer and carried before a court or magistrate,  
12 to be examined or tried upon complaint for such assault  
13 or disturbance and breach of the peace.

SECT. 87. The authority of the officer in command of  
2 any camp may be extended by order of the commander-  
3 in-chief to a distance of one-half mile around such camp,  
4 and upon the external space within such distance from  
5 the camp, with the exception of any road or roads within  
6 said distance, no person or persons other than the owners  
7 of the same, with their servants, for the purpose of  
8 occupying and improving the same in the same manner  
9 and way in which they occupied and improved the same  
10 at the time of the establishment of such camp, shall be  
11 allowed to enter, except under such rules as shall be  
12 established by the officer commanding such camp, with  
13 the approval of the commander-in-chief, or by the special  
14 permission of the officer in command for the time being,  
15 or some officer by him designated; and if any person  
16 shall so enter he may be immediately expelled, and before  
17 being expelled he may, at the discretion of the officer  
18 commanding such camp, be confined under guard for a  
19 period not exceeding twenty-four hours.

SECT. 88. The commander-in-chief may order such  
2 rifle practice, at the annual encampment or at other times,  
3 as he deems for the best interest of the service.

SECT. 89. When there is, in any county, a tumult, riot,  
2 mob, or a body of men acting together by force with  
3 intent to commit a felony, or to offer violence to persons  
4 or property, or by force and violence to break and resist  
5 the laws of the State, or of the United States, or when  
6 such tumult, riot or mob is threatened, and the fact is

7 made to appear to the commander-in-chief, or the mayor  
 8 of a city, or to a court of record sitting in such county,  
 9 or, if no such court be sitting therein, then to a justice of  
 10 such court, or, if no justice is within the county, then to  
 11 the sheriff thereof, the commander-in chief may issue his  
 12 order, or such mayor, court, justice or sheriff may issue  
 13 a precept, directed to any commander of a brigade, regi-  
 14 ment or company directing him to order his command,  
 15 or a part thereof, describing the kind and number of  
 16 troops, to appear at the time and place therein specified,  
 17 to aid the civil authorities in suppressing such violence  
 18 and supporting the laws; which precept, if issued by a  
 19 court, shall be in substance as follows:

#### STATE OF MAINE.

, ss.

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

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

Witness, G. T. B., Esq., at \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_,  
38 in the year \_\_\_\_\_. \_\_\_\_\_ C. D., Clerk.

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

SECT. 90. The officer to whom the order of the com-  
2 mander-in-chief or such precept is directed, shall forth-  
3 with order the troops therein mentioned to parade at the  
4 time and place appointed. If he refuses or neglects to  
5 obey such order or precept, or if an officer neglects or  
6 refuses to obey an order issued in pursuance thereof, he  
7 shall be cashiered and punished by fine not exceeding  
8 five hundred dollars or imprisonment not exceeding six  
9 months, or both as a court martial may adjudge. And a  
10 non-commissioned officer or private neglecting or refus-  
11 ing to appear at the place of parade, or to obey an order  
12 issued in such case, shall be punished by a fine not ex-  
13 ceeding two hundred dollars or be imprisoned not exceed-  
14 ing six month, or both as a court martial may adjudge.  
15 And any person advising or attempting to persuade an  
16 officer or soldier to refuse or neglect to appear at such  
17 time and place, or to obey such order, shall forfeit two  
18 hundred dollars or be imprisoned not exceeding six  
19 months.

SECT. 91. No parade or voluntary service shall be per-  
2 formed by any organization of the National Guards under  
3 arms or with State uniform without the approval of the  
4 commander-in-chief.

SECT. 92. No officer or soldier shall be arrested on  
2 civil process while going to, remaining at, or returning

3 from a place where he is ordered to attend for election  
4 of officers or military duty.

SECT. 93. No officer or soldier shall be holden to per-  
2 form military duty except in case of invasion, insurrec-  
3 tion, riot or tumult, made or threatened, or in obedience  
4 to the orders of the commander-in-chief, on a day ap-  
5 pointed for a meeting in the town in which he resides, for  
6 the election of governor, senator, electors of president  
7 and vice president of the United States, or representa-  
8 tives to congress or the legislature; and an officer  
9 parading his company or wilfully ordering it to parade  
10 contrary to the provisions of this section, shall be liable  
11 to court martial.

SECT. 94. Notices for duty at encampments shall be  
2 given at least four days prior thereto and for other duty  
3 at such time as the officer issuing the order shall pre-  
4 scribe, such notices may be by written or printed notice  
5 in hand or left at last an usual place of abode provided  
6 that the posting of a copy of an order, in a conspicuous  
7 place in the drill or business room of a company, at a  
8 regular meeting, holden not less than four days before  
9 the time fixed in such order for the performance of any  
10 duty, shall be held sufficient notice to all members of the  
11 company not excused from such meeting; provided  
12 further that when the days upon which the semi-monthly  
13 drills provided by law are to be held, have been fixed, no  
14 further notice thereof shall be required to the members  
15 of the company.

SECT. 95. A battery for heavy artillery practice may  
2 be located upon the State camp ground and the infantry  
3 may be instructed therein and in the use of machine guns.

SECT. 96. Every officer and soldier who has rendered  
2 honorable service for nine years in the active militia of  
3 the State shall receive a service medal therefor and an  
4 additional bar or clasp for each additional three years  
5 service.

## PAY AND ALLOWANCES.

SECT. 97. There shall be paid, for attendance and per-  
2 formance of duty, to such officers, non-commissioned offi-  
3 cers, musicians and privates, as shall be specially or-  
4 dered to attend encampments, parades or other duty, as  
5 is provided in this act, the following sum each per day,  
6 for every day actually on duty : To a major general, eight  
7 dollars ; brigadier general, six dollars ; colonel, five dol-  
8 lars ; lieutenant colonel, four dollars and fifty cents ;  
9 major, four dollars ; captain, three dollars ; chaplain,  
10 three dollars ; first lieutenant, two dollars and fifty  
11 cents ; second lieutenant, two dollars ; non-commissioned  
12 officer, one dollar and fifty cents ; private, one dollar and  
13 twenty-five cents ; member of band, three dollars. No  
14 pay or compensation shall be allowed for the performance  
15 of the duties required by sections eighty, eighty-one,  
16 eighty-two, eighty-three, eighty-four and eighty-eight,  
17 unless expressly authorized in the order for such duties.

SECT. 98. Assistant adjutants general and adjutants of  
2 regiments of the National Guard shall receive twenty-five  
3 dollars, and adjutants of separate battalions ten dollars  
4 annually in addition to the per diem pay herein provided.

SECT. 99. There shall be allowed for each horse  
2 actually employed by officers required to be mounted,  
3 three dollars per day and forage ; for horses used in the  
4 cavalry and by non-commissioned officers and orderlies

5 when required, two dollars per day and forage ; and for  
6 each draft horse employed in batteries of light artillery,  
7 not exceeding sixteen to each platoon, the sum of two  
8 dollars per day, which shall be in full for use.

SECT. 100. The commander-in-chief, under such reg-  
2 ulations as he may prescribe, may authorize the payment  
3 to commanding officers and clerks of organizations of the  
4 National Guard, such sum annually as he shall determine  
5 not exceeding thirty dollars to captains for care of property  
6 and twenty dollars to clerks for keeping records.

SECT. 101. Officers ordered to make inspections or  
2 perform other special duty shall in addition to their per  
3 diem be paid their necessary expenses and furnished with  
4 transportation by the State.

SECT. 102. Transportation for troops, horses and camp  
2 equipage to and from the place of encampment, parade  
3 or other duty, when troops are ordered out by the com-  
4 mander-in-chief, shall be furnished by the State through  
5 the quartermaster general.

SECT. 103. The National Guard when ordered into camp  
2 or on special duty, shall be furnished with rations by the  
3 State.

SECT. 104. The militia, when called into actual service  
2 for more than ten days, shall receive the same pay and  
3 rations as the regular troops of the United States ; and the  
4 rations, when commuted, shall be valued at the rate fixed  
5 by the regulations of the United States in force at the time.

SECT. 105. When the militia are discharged from actual  
2 service, they shall be allowed pay and rations to their re-  
3 spective homes.

SECT. 106. Any enlisted man who when under pay,  
2 fails to appear at any drill or parade, without excuse,

3 shall have one dollar deducted from his compensation for  
4 each failure so to appear ; and the commanding officers of  
5 companies shall see that each absence is noted upon the  
6 pay roll. The paymaster general shall pay all sums so  
7 deducted to the adjutant of the regiment or separate  
8 battalion when the regiment or separate battalion is on  
9 duty, and to the treasurer of the company when it is on  
10 duty separate from the battalion or regiment, to be dis-  
11 posed of for the benefit of the regiment, separate battalion  
12 or company as the three senior officers of each shall  
13 direct. Nothing herein shall be held to affect liability to  
14 any punishment provided for the non-performance of  
15 such duty.

#### PAYMENT OF ACCOUNTS.

SECT. 107. All military accounts, unless otherwise  
2 specially provided by law, shall be approved by the per-  
3 son authorized to contract the same and transmitted to  
4 the adjutant general for examination, and if found correct,  
5 approved by him. They shall then be presented to the  
6 governor and council for examination, and if found correct  
7 shall be certified to the paymaster general for payment,  
8 and a warrant shall be drawn for the amount thereof on  
9 the State treasurer in favor of the paymaster general, and  
10 the accounts so allowed shall be paid by him to the per-  
11 sons to whom they are severally due or to their order.

SECT. 108. No officer or enlisted man shall contract,  
2 or presume to authorize the contracting of any indebted-  
3 ness on behalf of the State without express authority there-  
4 for from the commander-in-chief, and any officer or enlisted  
5 man who shall violate the provisions of this section shall  
6 be dishonorably discharged from the service of the State.



## COURTS MARTIAL AND MILITARY BOARDS OF INQUIRY.

SECT. 109. The commander-in-chief is authorized to  
2 order courts martial; the members thereof and all wit-  
3 nesses testifying before them shall be sworn and the proceed-  
4 ings conducted in accordance with regulations.

SECT. 110. Any officer or enlisted man who neglects or  
2 refuses to perform the duties of his office, or to obey the  
3 orders of his superiors, or is guilty of any breach of the  
4 laws or regulations governing the military forces of the  
5 State, or is guilty of conduct unbecoming an officer, sol-  
6 dier or gentleman may be put under arrest by his superior  
7 officer and tried by court martial.

SECT. 111. No officer or enlisted man shall be tried  
2 by a court martial for any offence committed more than  
3 one year before charges are preferred therefor, except in  
4 case of concealment of the offence by the person charged.

SECT. 112. Courts martial may, when no other punish-  
2 ment is fixed by law, sentence an officer or enlisted man  
3 convicted by them, to pay a fine of not exceeding two  
4 hundred dollars and costs of witnesses; and all fines and  
5 costs imposed by them may be recovered by the adjutant  
6 general in an action of debt in the name of the State.  
7 They may in addition to the foregoing or any other pun-  
8 ishment fixed by law sentence an officer convicted by  
9 them to be cashiered, dishonorably discharged, or reprimanded  
10 in orders and if sentenced to be cashiered or dishonorably  
11 discharged the court shall adjudge him disqualified for life or for any term of years, according to the  
12 aggravation of the offences, for holding any military  
13 office.

SECT. 113. Witnesses may be summoned before courts  
2 martial and they and persons serving the summons shall  
3 receive the fees, and witnesses shall be subject to the pen-  
4 alties for non appearance, that are prescribed in the  
5 Supreme Judicial Court, and depositions taken according  
6 to law may be used. The accused shall be entitled to  
7 subpoenas for witnesses in his behalf, and their fees shall  
8 be paid by the State.

SECT. 114. The commander-in-chief may, from time to  
2 time, appoint military boards of inquiry to consist of not  
3 less than three nor more than five officers, whose duty it  
4 shall be to examine into any military transaction, or  
5 imputation against any officer, or into the capacity, quali-  
6 fication, propriety of conduct and efficiency of any com-  
7 missioned officer of the militia below the rank of major  
8 general, who may be ordered before them for such exami-  
9 nation; or for the purpose of settling any military ques-  
10 tion, or for establishing good order and discipline; the  
11 members thereof and witnesses examined by them shall  
12 be sworn, the board shall proceed as prescribed in regula-  
13 tions and shall report to the commander-in-chief. If the  
14 report is adverse to such officer, and is approved by the  
15 commander-in-chief, the commission of such officer shall  
16 be vacated.

SECT. 115. Officers reported under the preceding  
2 section shall be notified, permitted to cross examine  
3 witnesses, and introduce evidence.

SECT. 116. Such board shall not give their opinion  
2 upon the merits of the case or make recommendations  
3 unless specially required.

## COMPANY BY-LAWS, CLERK AND TREASURER.

SECT. 117. Companies of the National Guard may  
2 make by-laws, subject to the approval in writing of the  
3 adjutant general, not repugnant to law, orders or regu-  
4 lations, and fix a sum to be paid by any member of such  
5 company for non-compliance therewith, not exceeding  
6 five dollars. Any sums due from any officer or enlisted  
7 man under such by-laws, may be recovered in an action  
8 of debt before any court of competent jurisdiction, in the  
9 name of the State and for the use of the company.

In any such action, the plea of the general issue shall  
11 put in issue only the fact of the performance of  
12 the duty specified; all other matters of defence must be  
13 made by special plea or brief statement, and judgment  
14 thereon if adverse to the defendant shall be final, and  
15 judgment shall be entered in favor of the State for the  
16 amount claimed, and execution shall issue therefor with  
17 costs, and such execution shall run against the body of  
18 the defendant.

SECT. 118. To every company there shall be a clerk  
2 who shall be an officer or enlisted man of the company and  
3 appointed by the commanding officer.

SECT. 119. Every clerk of a company, before he enters  
2 upon his duties shall take the following oath, before the  
3 commanding officer of the company to which he belongs,  
4 viz:

“I, A. B., do solemnly swear, that I will faithfully and  
6 impartially perform all the duties incumbent on me, as  
7 clerk of the company to which I belong, according to the  
8 best of my abilities and understanding. So help me God.”

The commander of such company shall, at the time certify in the company order book the appointment of the clerk and that he took the oath prescribed.

SECT. 120. Each company shall elect a treasurer who shall give bond to the adjutant general for the benefit of the company and approved by it in the sum of five hundred dollars, for the faithful performance of his duties.

#### GENERAL PROVISIONS.

SECT. 121. The commander-in-chief shall cause to be prepared regulations for the enrollment, government and instruction of the military forces of the State, and to carry into full force and effect the provisions of this act. Such regulations when approved by the commander-in-chief shall be published with the military law of the State together with extracts from the constitution relating thereto and distributed to the commissioned officers of the National Guard and be by them held as the property of the State to be accounted for.

The commander-in-chief is authorized to make changes in and additions to such regulations from time to time as the service may in his judgment require, but all such regulations, changes and additions shall be in conformity with the laws of this State and of the United States, and when so approved and promulgated shall have the same force and effect as the provisions of this law. Any rules, orders and regulations now in force shall remain in force until such new regulations are approved and promulgated.

SECT. 122. For the purpose of raising revenue to defray the current expenses of the National Guard, there shall be assessed and collected as other State taxes are,

4 a tax of one-tenth of one mill upon all property in the  
5 State subject to taxation, for the present fiscal year and  
6 for each fiscal year thereafter.

The revenue raised under the provisions of this section  
8 shall be paid into the State treasury and be converted  
9 into a special military fund, from which special fund only  
10 shall be paid the expenses authorized by this act: and so  
11 much thereof as may be necessary is hereby appropriated  
12 to carry out the provisions hereof, to be paid upon  
13 vouchers approved as provided in section one hundred  
14 and seven.

SECT. 123. No officer or soldier shall be liable to jury  
2 duty while in the National Guard.

SECT. 124. If an officer or soldier is wounded or other-  
2 wise disabled, or is killed, or dies of wounds received  
3 while doing military duty, according to law, in case of  
4 invasion, insurrection, or disturbance of the peace, he, or  
5 his widow or children, shall receive from the State just and  
6 reasonable relief.

SECT. 125. Civil officers named in this chapter, neglect-  
2 ing or refusing to obey its provisions, shall, unless otherwise  
3 specially provided, forfeit not less than twenty nor more  
4 than five hundred dollars.

SECT. 126. It shall not be lawful for any body of men  
2 whatsoever, other than the regularly organized militia or  
3 the troops of the United States, to associate themselves  
4 together as a military company or organization, or to  
5 parade in public with fire arms, in any city or town of  
6 this State, without the license of the governor therefor,  
7 which may at any time be revoked; nor shall it be law-  
8 ful for any city or town to raise or appropriate any

9 money toward arming, equipping, uniforming, or in any  
10 way supporting or sustaining or providing drill rooms or  
11 armories for any such bodies of men: Provided, that  
12 associations wholly composed of soldiers and sailors hon-  
13 orably discharged from the service of the United States  
14 may parade at any time in public with fire arms, having  
15 first obtained the written permission so to do of the  
16 mayor of the city or municipal officers of the town in  
17 which they desire to parade.

SECT. 127. Whoever offends against the provisions of  
2 the preceding section, or belongs to or parades with any  
3 such unauthorized body of men, with fire arms, shall be  
4 punished by a fine not exceeding ten dollars, or by impris-  
5 onment not exceeding six months.

SECT. 128. No military organization shall leave the  
2 State, for any period or purpose whatever, with public or  
3 military property in its possession, or to be used by it,  
4 without the consent of the commander-in-chief. Any  
5 organization disobeying the provisions of this section  
6 shall forthwith be disbanded by the commander-in-chief,  
7 and its officers and members be liable to trial by court  
8 martial for disobedience of orders.

SECT. 129. The system of discipline and field exercise  
2 ordered to be observed, in the different corps, by the  
3 army of the United States, or such system as may here-  
4 after be directed for the militia by the laws of the United  
5 States, shall be observed by the National Guard of the  
6 State of Maine.

SECT. 130. The inspector general, or such other officer  
2 as the commander-in-chief may designate, shall inspect  
3 and condemn public military property which has become

4 unfit for use ; and no property shall be sold or exchanged  
5 until it has become unfit for use and has been inspected  
6 and condemned, as herein provided, and such condemna-  
7 tion approved by the commander-in-chief.

The proceeds of all sales of condemned military property  
9 and of hay from the State camp ground shall be paid into  
10 the treasury of the State, and credited to the military  
11 fund.

SECT. 131. Offences against the provisions of this act  
2 may be prosecuted by complaint or indictment before a  
3 court of competent jurisdiction, except where a different  
4 remedy is specially provided.

SECT. 132. All fines collected under the provisions of  
2 this act, the disposition whereof is not otherwise specially  
3 provided for, shall be paid into the State treasury and  
4 credited to the military fund.

SECT. 133. The word "company" as used in this act  
2 includes, company of infantry, battery or platoon of artil-  
3 lery, troop of cavalry, ambulance corps or signal corps,  
4 unless otherwise expressed or implied.

SECT. 134. The officers now upon the staff of the com-  
2 mander-in-chief shall, notwithstanding the provisions of  
3 section sixteen, hold office as appointed and commissioned.

SECT. 135. To reorganize the active militia under the  
2 provisions of this act, the commander-in chief shall cause  
3 an inspection to be made of all organizations now in the  
4 service, he may authorize the recruiting of such new  
5 companies as the military appropriation will warrant, and  
6 may transfer any company now organized to such arm of  
7 the National Guard as he shall deem best for the service ;  
8 he may then disband the present regimental and battalion

9 organizations, and arrange the companies according to the  
10 provisions of section forty-three of this act, and until the  
11 number of infantry companies shall be increased to  
12 twenty-four, he may form the companies not assigned to  
13 a regiment into separate battalions to be commanded by  
14 the senior officer therein with such details for staff duty  
15 as the commander-in-chief shall direct, or he may assign  
16 the extra companies to the regiment already formed.

SECT. 136. Nothing herein shall be construed as ter-  
2 minating commissions or enlistments in the Volunteer  
3 militia but all such shall continue in force in the National  
4 Guard according to the terms thereof, subject to the pro-  
5 visions of this act.

SECT. 137. So much of chapter three hundred and  
2 seven of the public laws of eighteen hundred and sixty-  
3 five as was not repealed by chapter two hundred and  
4 twenty-five of the public laws of eighteen hundred and  
5 eighty; Sections one, two, three and four of chapter  
6 twenty-nine of the public laws of eighteen hundred and  
7 sixty-nine and all acts amendatory thereof; Chapter  
8 thirty-three of the public laws of eighteen hundred and  
9 seventy-two; Chapter one hundred and twelve of the  
10 public laws of eighteen hundred and seventy-three;  
11 Chapters two hundred and fifty-seven, two hundred and  
12 sixty and two hundred and sixty-one of the public laws  
13 of eighteen hundred and seventy-four; and Chapter two  
14 hundred and twenty-five of the public laws of eighteen  
15 hundred and eighty and all acts amendatory thereof and  
16 additional thereto, are hereby repealed; but this section  
17 shall not be construed as reviving any law repealed by  
18 chapter three hundred and seven of the public laws of  
19 eighteen hundred and sixty-five.

SECT. 138. This act shall take effect when approved.



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*To the Honorable Senate and House of Representatives in  
Legislature assembled:*

The Commission "To revise the laws relating to the militia to conform to the new regulations," appointed under resolve approved January 12, 1893, have the honor to submit the following report:

The accompanying act entitled "An Act to Revise and Consolidate the Laws Relating to the Militia," embodies the work of the commission.

In the preparation of this act the commission have endeavored to bring the law upon the subject into a compact form, and so arrange the provisions relating to kindred topics that the whole may be consistent and easy of access.

We have endeavored to separate as far as possible the provisions relating to the enrolled militia and those relating to the active militia, in order to avoid confusion and enable officers to readily find the provisions relating to the National Guard. It has also been our endeavor to make the law as short as possible consistent with full provisions for all matters necessary to be covered by law. Many provisions have been left to be provided for in regulations which can be altered to conform to changes in methods of drill and organization. By this course the law has been reduced nearly one-third, and yet all matters have been provided for or left to regulations.

Stringent provisions have been made for the examination of all officers asking for commission under this act and it provides that they must pass an examination before a board to be appointed by the governor, that no commission shall issue until such examination has been passed and that any officer failing to pass shall be ineligible for commission to an office of equal or higher grade for one year thereafter.

The matter of raising sufficient revenue to properly provide for the maintenance of the military force is of course of the first importance. The method of fixing the amount and requiring that all expenses of the department be paid from

this one fund we think will commend itself to the good judgment of the Legislature.

The tax will be but a small burden upon the tax-payer and we believe that the amount it will yield is necessary to maintain a proper and efficient force.

The revision of any law in a short time must of necessity be liable to errors. If in spite of the care we have exercised to avoid them, errors exist in the act presented, they will doubtless be discovered by your committees.

We have thought it best to give a short synopsis of the important provisions of the law which may enable members to judge of its merits without a reading of the whole.

For convenience of reference the act is arranged under appropriate headings, the first is :

#### PERSONS SUBJECT TO MILITARY DUTY.

The constitution does not exempt any person between the ages of eighteen and forty-five years from military duty and allows but few exemptions to be made by the Legislature without the payment of an equivalent. We have followed what might seem to be the spirit of that instrument and put judges of the Supreme Judicial Court, persons of the denominations of Quakers and Shakers, ministers of the gospel and officers honorably discharged from the militia and no others on the exempted list. Those exempted from militia duty by the laws of the United States must of necessity be exempt. We know of no authority for the long list of exemptions made in the law of 1880 without a provision for the payment of an equivalent.

#### ENROLLMENT.

The act provides for the enrollment biennially of all persons between the ages of eighteen and forty-five, except idiots, etc., by the assessors of cities, towns and plantations and for a return by the clerk to the adjutant general of the total number and the number exempt, the number in the National Guard and the number physically disabled, thus giving information of the full strength of the enrolled militia.

## CALLING OUT AND ORGANIZING THE ENROLLED MILITIA.

The act provides for calling out and organizing the enrolled militia for active service in case of war, invasion, insurrection or riot.

## STAFF OF COMMANDER-IN-CHIEF.

The act increases the rank of the adjutant general to major general and adds an inspector general of rifle practice. It limits the number of aides-de-camp to two, which reduces the staff to nine, one less than the present number. This provision is not to apply to the present staff who hold office as appointed and commissioned. The duties of the staff are fully defined.

## ORGANIZATION OF THE ACTIVE MILITIA.

The most important feature of the law is the organization of the active militia. This is designated as the "National Guard of the State of Maine," and on a peace footing is to consist of not more than twenty-four companies of infantry, one battery of light artillery, two troops of cavalry, an ambulance corps and a signal corps. Companies are to be raised by petition to the commander-in-chief or by his order. All enlistments are to be made for three years and none allowed except of able-bodied citizens of this State between the ages of sixteen and forty years.

Enlistments in the United States army are allowed between the ages of sixteen and thirty-five and there seems to be good reason for this limitation of the maximum age where long service is of the utmost advantage; but other considerations affect enlistments in the militia, wherein a sprinkling of older men may tend to the advantage of the service; while it is important that young men should be given early military training to fit them while in the prime of life to do military duty.

In the organization of companies we have followed as near as practicable the requirements of the new drill regulations.

The regimental organization provided for consists of one colonel, one lieutenant colonel, three majors, one surgeon with the rank of major, one assistant surgeon with the rank of captain, one assistant surgeon, one adjutant, one quartermaster and one inspector of rifle practice each with the rank of first lieutenant and a chaplain; a non-commissioned staff consisting of sergeant major, quartermaster sergeant, commissary sergeant, hospital steward, one trumpeter and one color bearer and not less than twelve companies.

The division of the regiment into battalions being, as we consider, for drill and instruction and not for administrative purposes, no provision is made for an adjutant and sergeant major for the battalions except by detail.

The colonel of a regiment is authorized to enlist a band of not exceeding twenty-five musicians including master, deputy master and drum major, the band to furnish their own uniforms and instruments.

To a brigade, if organized, there will be a brigadier general with staff consisting of an assistant adjutant general, a brigade inspector, a surgeon who is to be medical director of the brigade and an inspector of rifle practice each with the rank of major; a quartermaster, a commissary and one aide-de-camp each with the rank of captain and one aide-de-camp with the rank of first lieutenant.

The organizations of the National Guard may be arranged by the commander-in-chief in squadrons, battalions, regiments and brigades and he may change the arrangement at his pleasure.

To provide for future changes in drill regulations the commander-in-chief is empowered to authorize the appointment of additional non-commissioned officers in the several organizations and upon the staffs of commanding officers when the service shall require.

Provision is made for the discharge of enlisted men and for the disbandment of organizations which fall below the standard of efficiency.

The sixth subdivision relates to the election and appointment of commissioned officers.

The term of commissions is fixed at six years with a provision that if an officer is commissioned to succeed himself he shall rank from the date of his original commission.

All staff officers hold office until their successors are appointed and qualified unless sooner removed.

The efficiency of the service especially in the militia depends in a great measure upon the commissioned officers.

It is therefore of the first importance that the utmost care should be taken, that the officers of the National Guard shall be men of the requisite ability and fitness.

To secure this it is provided that no officer shall receive a commission under this act until he has passed an examination before a board to be appointed by the commander-in-chief, as to his moral character his general knowledge of military affairs proportionate to the office to be filled and his fitness for the service; if an officer fails to pass the examination he is not eligible to election or appointment to an office of equal or higher grade for the period of one year.

This provision if carried out in spirit cannot fail to secure competent officers in the National Guard.

The seventh title provides for the discharge of commissioned officers.

The eight title provides for the appointment and reduction of non-commissioned officers, and requires an examination before the issue of warrants.

The ninth title provides that the uniforms, arms and equipments of the National Guard shall be prescribed by the commander-in-chief and further provides for the care and use of those belonging to the State; that they shall be used for military purposes only; and that officers having the care and custody thereof shall make returns when required. It further authorizes the issue of such arms and equipments as are obsolete or unserviceable to organizations authorized to use them and for the loaning thereof and of such camp and garrison equipage as can be spared to organizations of veterans and cadets of the State College for encampments.

The tenth title provides that armories, headquarters and rifle ranges shall be furnished by towns where companies are located; that the State shall allow for rent of armories and headquarters one hundred dollars each and that if any town does not furnish and maintain a rifle range, it may be done by the State and the expense deducted from any sum due the town for rent.

The eleventh title relates to military duties and provides for an annual encampment, two inspections each year besides one inspection of armories, books, financial condition etc., and for at least two drills each month and for meetings of officers and non-commissioned officers of each company for at least two hours each month, and for the meeting of regimental officers twice each year, for military instruction, and for rifle practice at encampments and at other times as ordered.

Provision is also made for calling out the National Guard in case of riot and for the instruction of the infantry in heavy artillery and in the use of machine guns

A service medal is given for nine years' service in the active militia with additional bar or clasp for three years additional service. Title twelve relates to pay and allowances which remain substantially as under the old law the most important changes being the increase of pay of non-commissioned officers to one dollar and fifty cents per day and of privates to one dollar and twenty-five cents per day; allowances are made to adjutants and authority given for payments to captains of not exceeding thirty dollars per year for care of property and to clerks of not exceeding twenty dollars for the keeping of records. Provision is made for a deduction from the compensation of men who do not attend drills and parades when under pay.

Title thirteen provides for the payment of accounts and requires every bill to be approved by the officer authorized to contract the same and then by the adjutant general before transmission to the Governor and Council to be by them approved and sent, with a warrant for the amount thereof, to

the paymaster general for payment ; it prohibits the contracting of bills without express authority therefor and provides that any officer or enlisted man who violates its provisions shall be dishonorably discharged from the service of the State.

Title fourteen provides for courts martial and military boards of inquiry for the trial of military offences and the settlement of military questions.

Title fifteen authorizes companies to make by-laws and elect a treasurer and provides for the appointment of a clerk.

#### GENERAL PROVISIONS.

Section 121 directs the preparation of a code of regulations for the enrollment, government and instruction of the military forces of the State, and to carry into effect the provisions of this act and for the publication of such regulations together with this act and extracts from the constitution. It enacts that such regulations when promulgated shall have the force of law.

Section 122 provides for raising revenue to support the military force of the State and directs that a tax of one-tenth of one mill be assessed upon the property of the State to constitute a special military fund for the payment of all military expenses. This tax it is believed will yield from year to year enough to establish an adequate military force and keep it in a condition of the highest efficiency and at the same time be but a light burden to be borne by the property of the State. The rate fixed will require that a tax payer the valuation of whose property is one thousand dollars shall contribute ten cents for this purpose ; one whose property is valued at ten thousand dollars one dollar. From this fund is to be paid all military expenses including uniforms. The amount appropriated by New Hampshire for each man in the active militia is \$24.40 ; by Vermont \$38.20 ; by Massachusetts \$44.30 ; by Connecticut \$43.55 ; and by Maine it has been \$17.85 which has proved to be inadequate to produce the best results.



Provision is made for the condemnation and sale of unseizable property for the collection and disposition of fines and such general matters as are not covered by the more specific provisions of the law.

Provision is made for the reorganization of the present force. It requires an inspection of all organizations and authorizes the recruiting of new companies, the disbandment of the present regiments and the formation of new ones in accordance with this act.

The commission gave a public hearing at which many officers now in the active militia and several ex-officers were present and gave their views upon proposed changes and modifications in the law. We also had communications from other officers and from all we received many valuable suggestions which aided us materially in our labor.

All of which is respectfully submitted.

SELDEN CONNOR,  
JNO. MARSHALL BROWN,  
SAMUEL D. LEAVITT,  
WINFIELD S. CHOATE,  
VICTOR BRETT.

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STATE OF MAINE.

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IN SENATE, March 6, 1893.

Pending reference to the Committee on Military Affairs, laid on the table and ordered printed.

KENDALL M. DUNBAR, *Secretary*.