

MAINE STATE LEGISLATURE

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Sixty-Ninth Legislature.

HOUSE.

No. 359

STATE OF MAINE.

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

AN ACT to amend Chapter 266 of the Public Laws of 1893,
relating to the Militia.

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

Section 35 of said act is hereby amended by inserting after
2 the word "sergeant" in the third line thereof, the words 'one
3 quartermaster sergeant;' by striking out the words "forty-
4 two" and "fifty-six" in the fourth line thereof, and inserting
5 in the places thereof, respectively, the words 'thirty-two' and
6 'ninety-two,' and by adding at the end of said section the
7 words 'and the commander-in-chief shall have authority to
8 authorize the appointment from the privates of an infantry
9 company such non-commissioned officers, artificers and wag-
10 oners as will make its organization correspond with that es-
11 tablished for the United States Army, should the company be

12 recruited to its maximum.' So that said section, as amended,
13 shall read as follows :

'Sect. 35. Each company of infantry shall consist of one
15 captain, one first lieutenant, one second lieutenant, one first
16 sergeant, one quartermaster sergeant, four sergeants, six
17 corporals, two musicians, and not less than thirty-two nor
18 more than ninety-two privates, and the commander-in-chief
19 shall have authority to authorize the appointment from the
20 privates of an infantry company, such non-commissioned
21 officers, artificers and wagoners as will make its organization
22 correspond with that established for the United States Army,
23 should the company be recruited to its maximum.'

Section 39 of said act is hereby amended by striking out all
2 of said section after the word "lieutenant" in the second line,
3 and inserting in place thereof the following: 'two first class
4 sergeants, one quartermaster sergeant, one acting hospital
5 steward, with rank of sergeant, two sergeants, four corporals,
6 and not less than ten nor more than fifteen privates;' so that
7 said section, as amended, shall read as follows :

'Sect. 39. The signal corps shall consist of one second
9 lieutenant, two first class sergeants, one quartermaster ser-
10 geant, one acting hospital steward, with rank of sergeant,
11 two sergeants, four corporals, and not less than ten nor more
12 than fifteen privates.'

Section 45 of said act is hereby amended by adding at the
2 end thereof the following: 'and he is hereby authorized and
3 directed to cause to be enlisted in each company, battery,
4 troop or corps of the National Guard, as a part of the author-
5 ized enlisted strength thereof, under rules and regulations to
6 be prescribed by him, a competent person as cook, who shall
7 take rank as, and be allowed the pay of a corporal of the arm
8 of the service to which he belongs, and whose duties in con-
9 nection with the preparation and serving of the food of the

10 enlisted men of the company, battery, troops or corps and with
11 the supervision and instruction of enlisted men hereby author-
12 ized to be detailed to assist him, shall be prescribed in the regu-
13 lations for the government of the National Guard. Each cook
14 will be required to attend such drills and exercises as will
15 qualify him for the performance of the duty of a soldier
16 under arms when necessity requires.' So that said section,
17 as amended, shall read as follows :

'Sect. 45. The commander-in-chief may authorize the
19 appointment of additional non-commissioned officers in the
20 several organizations of the National Guard, and upon the
21 staffs of commanding officers whenever the service shall
22 require, and he is hereby authorized and directed to cause
23 to be enlisted in each company, battery, troop or corps of
24 the National Guard, as a part of the authorized enlisted
25 strength thereof, under rules and regulations to be pre-
26 scribed by him, a competent person as cook, who shall take
27 rank as, and be allowed the pay of a corporal of the arm of
28 the service to which he belongs, and whose duties in connec-
29 tion with the preparation and serving of the food of the en-
30 listed men of the company, battery, troop or corps and with
31 the supervision and instruction of enlisted men hereby author-
32 ized to be detailed to assist him, shall be prescribed in the
33 regulations for the government of the National Guard. Each
34 cook will be required to attend such drills and exercises as
35 will qualify him for the performance of the duty of a soldier
36 under arms when necessity requires.'

Section 66 of said act is hereby amended by inserting after
2 the word "be" in the first line, the words 'dishonorably dis-
3 charged, discharged without honor, or ;' so that said section,
4 as amended, shall read as follows :

'Sect. 66. Any officer may be dishonorably discharged,
6 discharged without honor, or discharged by order of the com-

7 mander-in-chief, upon the report of a military board of in-
8 quiry, or the sentence of a court martial; or when it shall
9 appear to him that such officer has been convicted of any
10 crime, or has been dishonorably discharged or dismissed from
11 the service of the United States, or from the militia of this or
12 any other State.'

Section 78 of said act is hereby amended by adding at the
2 end thereof, the following: 'and such drill room, armories,
3 headquarters or other places provided for in this section shall
4 be held for the exclusive use of the National Guard unless
5 otherwise authorized by the commander-in-chief after appli-
6 cation in each case by the municipal authorities in writing.
7 If said premises are used contrary to the provisions hereof,
8 there shall be a deduction from the rent of the premises
9 agreed upon, equal to one month's rental for each day of such
10 use.' So that said section, as amended, shall read as follows:

'Sect. 78. Municipal officers shall provide for each com-
12 pany of the National Guard located within the limits of their
13 respective towns, subject to the approval of the commander-
14 in-chief of such officer as he may designate, a suitable drill
15 room and armory or place of deposit for the arms, equip-
16 ments and other property furnished by the State. They shall
17 also provide suitable rooms for the headquarters of each sep-
18 arate battalion, regiment or brigade established within their
19 limits, and a reasonable compensation for the rent thereof,
20 not exceeding one hundred dollars per annum, may be
21 allowed to the town so furnishing, and paid by the State, and
22 such drill room, armories, headquarters or other places pro-
23 vided for in this section shall be held for the exclusive use
24 of the National Guard unless otherwise authorized by the
25 commander-in-chief after application in each case by the
26 municipal authorities in writing. If said premises are used
27 contrary to the provisions hereof, there shall be a deduction

28 from the rent of the premises agreed upon, equal to one
29 month's rental for each day of such use.'

Section 84 of said act is hereby amended by striking out
2 the word "twice" in the second line and inserting in the place
3 thereof the word 'once;' so that said section, as amended,
4 shall read as follows :

'Sect. 84. The commander-in-chief shall call meetings of
6 the commissioned officers of each regiment at least once each
7 year for military instruction.'

Section 89 of said act is hereby amended by striking out
2 that part of the section beginning with the word "or" fol-
3 lowing the word "commander-in-chief" in the seventh line,
4 to and including the word "thereof" in the tenth line, and
5 inserting in the place of these words 'or any justice of the
6 supreme judicial court in term time or vacation;' by strik-
7 ing out the words in the eleventh and twelfth lines from
8 "mayor" to "sheriff," inclusive, and inserting in the place
9 thereof the word 'justice;' by striking out in lines seven-
10 teen and eighteen, the words "a court" and inserting in place
11 thereof 'such justice;' by striking out the words "our jus-
12 tices" in the twenty-third line and inserting in place thereof
13 the words 'a justice;' by striking out the entire twenty-
14 fourth line thereof and the first word of the twenty-fifth line
15 and inserting in place thereof the words 'supreme judicial
16 court;' by striking out the abbreviated word "Esq.," in the
17 thirty-sixth line and inserting in place thereof the following :
18 'Justice of the supreme judicial court;' by striking out the
19 last paragraph of this section, beginning with the word "and"
20 and ending with the word "case;" so that said section, as
21 amended, shall read as follows :

'Sect. 89. When there is, in any county, a tumult, riot,
23 mob, or a body of men acting together by force with intent
24 to commit a felony, or to offer violence to persons or property,

25 or by force and violence to break and resist the laws of the
 26 State, or of the United States, or when such tumult, riot or
 27 mob is threatened, and the fact is made to appear to the com-
 28 mander-in-chief, or any justice of the supreme judicial court
 29 in term time or vacation, the commander-in-chief may issue
 30 his order, or such justice may issue a precept, directed to any
 31 commander of a brigade, regiment or company, directing him
 32 to order his command, or a part thereof, describing the kind
 33 and number of troops, to appear at the time and place therein
 34 specified, to aid the civil authorities in suppressing such vio-
 35 lence and supporting the laws; which precept, if issued by
 36 such justice, shall be in substance as follows:

STATE OF MAINE.

37ss.

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

Whereas, it has been made to appear to a justice of our
 41 supreme judicial court, that (here state one or more of the
 42 causes above mentioned,) in our county of....., and
 43 military force is necessary to aid the civil authority in sup-
 44 pressing the same; now, therefore, we command you that
 45 you cause (here state the number and kind of troops re-
 46 quired,) armed, equipped, and with ammunition, as the law
 47 directs, and with proper officers, either attached to the troops,
 48 or detailed by you, to parade at, on,
 49 then and there to obey such orders as may be given them,
 50 according to law. Hereof fail not at your peril; and have
 51 you there this writ, with your doings returned thereon.

Witness, G. T. B., justice of the supreme judicial court,
 53 at, on the day of, in the year.....

C. D., *Clerk.*'

Section 91 of said act is hereby amended by inserting after
 2 the word "Guard" in the second line thereof, the following
 3 words: 'or licensed company;' so that said section, as
 4 amended, shall read as follows:

‘Sect. 91. No parade or voluntary service shall be per-
6 formed by any organization of the National Guard or licensed
7 company under arms or with State uniform without the
8 approval of the commander-in-chief.’

Section 98 of said act is hereby amended by striking out the
2 words “twenty-five dollars,” being the fourteenth and fif-
3 teenth words in said section, and inserting in place thereof
4 the words ‘one hundred dollars;’ so that said section, as
5 amended, shall read as follows:

‘Sect. 98. Assistant adjutants general and adjutants of
7 regiments of the National Guard shall receive one hundred
8 dollars and adjutants of separate battalions, ten dollars an-
9 nually in addition to the per diem pay herein provided.’

Section 99 of said act is hereby amended by inserting after
2 the word “cavalry” in the third line thereof, the words ‘the
3 signal corps and the ambulance corps;’ so that said section,
4 as amended, shall read as follows:

‘Sect. 99. There shall be allowed for each horse actually
6 employed by officers required to be mounted, three dollars per
7 day and forage; for horses used in the cavalry, the signal
8 corps and the ambulance corps, and by non-commissioned
9 officers and orderlies when required, two dollars per day and
10 forage; and for each draft horse employed in batteries of
11 light artillery, not exceeding sixteen to each platoon, the sum
12 of two dollars per day, which shall be in full for use.’

Section 100 of said act is hereby amended by striking out
2 the word “thirty” in the fifth line, and inserting in place there-
3 of the word ‘fifty,’ and in the fifth line inserting after the
4 word “care” the words ‘and responsibility;’ so that said sec-
5 tion, as amended, shall read as follows:

‘Sect. 100. The commander-in-chief, under such regula-
7 tions as he may prescribe, may authorize the payment to com-
8 manding officers and clerks of organizations of the National

9 Guard, such sum annually as he shall determine not exceed-
10 ing fifty dollars to captains for care and responsibility of
11 property and twenty dollars to clerks for keeping records.'

Section 104 of said act is hereby amended by adding at the
2 end thereof the following: 'but if, when ordered, the length
3 of service should not be specified, it shall receive for the first
4 ten days the pay and rations provided by other sections in
5 this chapter for the State troops and after ten days shall
6 receive the same pay and rations as the regular troops of the
7 United States.' So that said section, as amended, shall read
8 as follows:

'Sect. 104. The militia, when called into actual service for
10 more than ten days, shall receive the same pay and rations
11 as the regular troops of the United States; and the rations,
12 when commuted, shall be valued at the rate fixed by the regu-
13 lations of the United States in force at the time, but if, when
14 ordered, the length of service should not be specified, it shall
15 receive for the first ten days the pay and rations provided by
16 other sections in this chapter for the State troops and after ten
17 days shall receive the same pay and rations as the regular
18 troops of the United States.'

Section 110 of said act is hereby amended by inserting after
2 the word "who" in the first line thereof, the following words:
3 'is guilty of any conduct to the prejudice of good order and
4 military discipline or;' so that said section, as amended, shall
5 read as follows:

'Sect. 110. Any officer or enlisted man who is guilty of
7 any conduct to the prejudice of good order and military disci-
8 pline or neglects or refuses to perform the duties of his office,
9 or to obey the orders of his superiors, or is guilty of any
10 breach of the laws or regulations governing the military
11 forces of the State, or is guilty of conduct unbecoming an
12 officer, soldier or gentleman, may be put under arrest by his
13 superior officer and tried by court martial.'

Section 112 of said act is hereby amended by inserting after
2 the word "discharged" in the ninth line thereof, the follow-
3 ing: 'discharged without honor, discharged;' by striking
4 out the word "offences" in the twelfth line, and inserting in
5 the place thereof the word 'offence,' and by adding at the end
6 of said section the following: 'And they may also in addition
7 to the foregoing, or any other punishment fixed by law, sen-
8 tence any enlisted man convicted by them to be dishonorably
9 discharged, discharged without honor, or discharged, or may
10 adjudge him disqualified for life or for any term of years
11 according to the aggravation of the offence for re-enlistment
12 or for holding any military office.' So that said section, as
13 amended, shall read as follows:

'Sect. 112. Courts martial may, when no other punishment
15 is fixed by law, sentence an officer or enlisted man convicted
16 by them, to pay a fine of not exceeding two hundred dollars
17 and costs of witnesses; and all fines and costs imposed by
18 them may be recovered by the adjutant general in an action
19 of debt in the name of the State. They may in addition to
20 the foregoing or any other punishment fixed by law, sen-
21 tence an officer convicted by them to be cashiered, dishonor-
22 ably discharged, discharged without honor, discharged, or
23 reprimanded in orders, and if sentenced to be cashiered or
24 dishonorably discharged the court shall adjudge him dis-
25 qualified for life or for any term of years according to the ag-
26 gravation of the offence, for holding any military office. And
27 they may also in addition to the foregoing, or any other pun-
28 ishment fixed by law, sentence any enlisted man convicted by
29 them to be dishonorably discharged, discharged without
30 honor, or discharged, or may adjudge him disqualified for
31 life or for any term of years according to the aggravation of
32 the offence for re-enlistment or for holding any military
33 office.'

Section 114 of said act is hereby amended by striking out
2 the words "not less than three nor more than five officers" in
3 the second and third lines, and inserting in the place thereof
4 'one or more officers not exceeding five and a recording officer
5 to reduce the proceedings and evidence in writing;' by strik-
6 ing out that part of the section beginning with the word "im-
7 putation" in the fourth line, to and including the word "gen-
8 eral" in the seventh line, and inserting in the place thereof
9 the following: 'into the qualification, efficiency and pro-
10 priety of conduct of any officer or soldier;' by striking out
11 in the eleventh and twelfth lines thereof the following: "pro-
12 ceed as described in regulations and shall;" by inserting after
13 the word "commander-in-chief" in the twelfth line, 'who may
14 take such action by order or otherwise as he may deem ad-
15 visable, but;' by striking out the word "such" in the thir-
16 teenth line and inserting in the place thereof the word 'any;'
17 by inserting after the word "officer" in the thirteenth line
18 thereof the words 'or soldier;' by striking out the words "the
19 commission of such officer shall" in the fourteenth line, and
20 the words "be vacated" in the fifteenth line, and inserting in
21 the place thereof the following: 'he may in his discretion,
22 dishonorably discharge, discharge without honor or vacate
23 the commission of such officer, or dishonorably discharge,
24 discharge without honor or discharge such soldier, but the
25 commander-in-chief shall have power to remit or reduce
26 after conviction, all forfeitures and penalties and to grant
27 reprieves, commutations and pardons, or order a re-hearing
28 or new trial in any case tried or heard under the provisions
29 of this act.' So that said section, as amended, shall read as
30 follows:

'Sect. 114. The commander-in-chief may, from time to
32 time, appoint military boards of inquiry to consist of one or
33 more officers not exceeding five and a recording officer to
34 reduce the proceedings and evidence in writing, whose duty

35 it shall be to examine into any military transaction, or into
36 the qualification, efficiency and propriety of conduct of any
37 officer or soldier, who may be ordered before them for such
38 examination; or for the purpose of settling any military
39 question, or for establishing good order and discipline; the
40 members thereof and witnesses examined by them shall be
41 sworn, the board shall report to the commander-in-chief, who
42 may take such action by order or otherwise as he may deem
43 advisable, but if the report is adverse to any officer or soldier,
44 and is approved by the commander-in-chief, he may in his
45 discretion dishonorably discharge, discharge without honor
46 or vacate the commission of such officer, or dishonorably dis-
47 charge, discharge without honor or discharge such soldier,
48 but the commander-in-chief shall have power to remit or re-
49 duce after conviction, all forfeitures and penalties and to
50 grant reprieves, commutations and pardons, or order a re-
51 hearing or new trial in any case tried or heard under the pro-
52 visions of this act.'

Section 129 of said act is hereby amended by striking out
2 the words "discipline and" in the first line thereof; by insert-
3 ing after the word "for" in the fourth line thereof, the words
4 'said army or' and by adding to said section the following:
5 'The methods of preparing charges and of procedure for
6 courts martial, boards of inquiry, and other courts or boards
7 shall in general follow those established for the armies of the
8 United States, except where it may be otherwise provided in
9 this act, and in time of war, insurrection or invasion courts
10 martial may in addition to the provisions of the laws of this
11 State, sentence an officer or an enlisted man convicted by
12 them, to penalties and punishments similar to those then pro-
13 vided for substantially like offences, by the laws, regulations
14 and articles of war then governing the armies of the United
15 States, or to such penalties and punishments, not exceeding
16 those then provided for substantially like offences, by the

17 laws, regulations and articles of war then governing the
18 armies of the United States, as may be prescribed by the com-
19 mander-in-chief.' So that said section, as amended, shall
20 read as follows:

'Sect. 129. The system of field exercise ordered to be
22 observed, in the different corps, by the army of the United
23 States, or such system as may hereafter be directed for said
24 army or the militia by the laws of the United States, shall
25 be observed by the National Guard of the State of Maine.
26 The methods of preparing charges and for procedure for
27 courts martial, boards of inquiry, and other courts or boards
28 shall in general follow those established for the armies of the
29 United States, except where it may be otherwise provided in
30 this act, and in time of war, insurrection or invasion courts
31 martial may in addition to the provisions of the laws of this
32 State, sentence an officer or an enlisted man convicted by
33 them, to penalties and punishments similar to those then pro-
34 vided for substantially like offences, by the laws, regulations
35 and articles of war then governing the armies of the United
36 States, or to such penalties and punishments, not exceeding
37 those then provided for substantially like offences, by the
38 laws, regulations and articles of war then governing the
39 armies of the United States, as may be prescribed by the
40 commander-in-chief.'

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,
Augusta, March 15, 1899.

Reported by Mr. BROWN of Falmouth, from Committee on Military
Affairs, and ordered printed under joint rules.

W. S. COTTON, *Clerk.*