

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-FOURTH LEGISLATURE

SENATE.

No. 479

STATE OF MAINE.

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

AN ACT to consolidate and revise the Military Laws of the
State of Maine.

Be it enacted by the People of the State of Maine, as follows:

Section 1. *Persons subject to militia duty; exemptions.—*

2 The militia of the State shall consist of every able-bodied
3 male citizen, and every able-bodied male of foreign birth
4 who has declared his intention to become a citizen, who is
5 a resident of this State and who is more than eighteen and
6 less than forty-five years of age, subject to the following
7 exceptions:

Persons exempted by the laws of the United States, to
9 wit:

The Vice-President of the United States, the officers, judicial and executive, of the government of the United States, the members and officers of each House of Congress, persons in the military or naval service of the United States, all custom-house officers, with their clerks, postmasters and persons employed by the United States in the transmission of the mail, ferrymen employed at any ferry on a post road, artificers and workmen employed in the armories and arsenals of the United States, pilots, mariners actually employed in the sea service of any citizen or merchant within the United States, and all persons who are exempted by the laws of the respective states or territories shall be exempted from militia duty, without regard to age.

Persons exempted by the laws of the State, to wit:

Justices of the supreme judicial court; ministers of the gospel; persons of the denominations of Quakers and Shakers; and officers of the militia who have been honorably discharged.

Sect. 2. *Enrollment.*—All male citizens who are more than eighteen and less than forty-five years of age, excepting idiots, lunatics, paupers, vagabonds, habitual drunkards, and persons convicted of infamous crimes, and who are resident in this State, shall, biennially in April, be enrolled by the assessors in the several cities, towns and plantations in which they reside, in such manner and according to such regulations as the Governor shall prescribe. On such enrollment and opposite the name of each person who is ex-

10 empt from duty under section one, or who is serving in
11 the active militia, or who is unable by reason of physical
12 disability to perform military duty, the assessor shall write
13 the word "exempt" and state in each case the cause of
14 exemption. The assessors shall subscribe said list and make
15 oath that the same is true to the best of their knowledge
16 and belief; and shall file the same with the clerk of the city,
17 town or plantation on or before the first day of May of
18 the year when made; and each clerk shall, on or before the
19 tenth day of said May, make a certified statement of the
20 total number enrolled, the number marked exempt, the num-
21 ber belonging to the National Guard and the number marked
22 disabled, and forward the same to the office of the Adjutant
23 General.

Sect. 3. *Exemption claims.*—Any person claiming exemp-
2 tion shall satisfy the enrolling officer of his right thereto,
3 and in case of doubt the burden of proof shall be upon the
4 person claiming exemption, and the enrolling officer may
5 require him to submit to examination on oath, and may
6 administer such oath.

Sect. 4. *Penalty for refusing or giving false information*
2 *to assessor.*—Any person knowingly and wilfully refusing
3 information or giving false information to an assessor or
4 other authorized person making the enrollment, respecting
5 the name, age, residence, occupation, military service, physi-
6 cal or mental condition, or other proper subject of inquiry,
7 of himself or any person within his knowledge liable to be

8 enrolled, shall for each such concealment, refusal, or giving
9 of false information be guilty of a misdemeanor. The offi-
10 cer making the enrollment shall, within ten days, report all
11 persons violating this section to the Adjutant General.

Sect. 5. *Neglect of assessor and clerk.*—Any assessor neg-
2 lecting or refusing faithfully to perform the duties of
3 enrolling officer as required by law, or making any false
4 entry upon said rolls, or committing any other fraud therein,
5 and any clerk neglecting to make and forward the state-
6 ment required by section two, shall be guilty of a misde-
7 meanor. Upon the failure of the assessors to make the
8 enrollment of the militia as required by law, the Governor
9 may appoint some person to make it at the expense of the
10 city, town, or plantation, and the person so appointed shall
11 have all the powers and be subject to the same duties as
12 are prescribed in the case of assessors.

Sect. 6. *Classification of Militia.*—The militia shall be
2 divided into two classes—the active and the reserve militia.
3 The active militia of this State shall consist of the regu-
4 larly enlisted, organized, and uniformed military forces,
5 who have heretofore participated or shall hereafter partici-
6 pate in the apportionment of the annual appropriation pro-
7 vided by section sixteen hundred and sixty-one of the Re-
8 vised Statutes of the United States, as amended, and shall
9 be known as the National Guard; and of the regularly en-
10 listed, organized, and uniformed naval forces, which shall
11 be known as the Naval Reserve. The reserve militia shall

12 consist of all those liable to service in the militia, but not
13 serving in the active militia of the State.

Sect. 7. *Commander-in-chief.*—The Governor is the con-
2 stitutional commander-in-chief of the militia, except of such
3 portions as may be at times in the service of the United
4 States.

Sect. 8. *Staff of the Governor.*—The Staff of the Com-
2 mander-in-chief shall consist of the Adjutant General who
3 shall be ex-officio Chief of Staff, Quartermaster General,
4 and Paymaster General with rank of Brigadier General, an
5 Inspector General, with rank of Colonel, a Judge Advocate,
6 with rank of Lieutenant Colonel, the senior officer on duty
7 with each of the Staff departments, four Aides-de-Camp,
8 with the rank of Major, and one Naval Aide, with rank of
9 Lieutenant Commander. All officers, except as otherwise
10 provided in this Chapter, and except the Aides herein pro-
11 vided, must be at the time of their appointment, Commis-
12 sioned Officers in the active militia, on the active or retired
13 list of or above the grade of Captain, but no officers shall
14 be appointed from the retired list who shall have had less
15 than eight years of service in the active militia, the last
16 year of which shall have been within ten years immediately
17 preceding the appointment.

The Staff of the Governor as now constituted shall con-
19 tinue to hold office as appointed and commissioned during
20 the pleasure of the Governor who made the present appoint-

21 ments, but thereafter, the Governor's Staff shall be chosen
22 and constituted as provided in this section.

Sect. 9. *Power of Governor in case of insurrection, etc.*—
2 In case of insurrection, invasion, tumult, riot, mob, or body
3 of men acting together by force with intent to commit a
4 felony or to offer violence to persons or property, or by
5 force and violence to break and resist the laws of this State,
6 or the United States, or of imminent danger thereof, or in
7 the event of public disaster resulting from flood, conflagra-
8 tion, or tempest, the Governor shall have the power to or-
9 der into the active service of the State any part of the mili-
10 tia that he may deem proper. And whenever the militia of
11 this State or a part thereof is called forth under the con-
12 stitution and laws of the United States, the Governor shall,
13 unless the order for the call specifies otherwise, order out
14 for service the active militia or such part thereof as may be
15 required; and if the number available be insufficient he shall
16 order out the reserve militia or such part as may be neces-
17 sary. The designations of organizations called into the ser-
18 vice of the United States shall not, during such service, be
19 given to new organizations.

Sect. 10. *Drafts or volunteers from militia.*—Whenever it
2 shall be necessary to call into active service the reserve mili-
3 tia, or any part thereof, the Governor shall direct his order
4 to the chief municipal officer of any city, town, or plantation,
5 who, upon the receipt of the same, shall proceed to draft, by
6 lot, as many of the reserve militia or accept as many volun-

7 teers as are required by the Governor, and shall forthwith
8 forward to the Adjutant General a list of the persons so
9 drafted or accepted as volunteers.

Sect. 11. *Punishment for failure to appear.*—Every mem-
2 ber of the active militia ordered out, and every member of
3 the reserve militia who volunteers or who is drafted and noti-
4 fied thereof, under the provisions of the preceding section,
5 who does not appear at the time and place designated by his
6 commanding officer, or the chief municipal officer, within
7 twenty-four hours from such time, or who does not produce
8 from a physician in good standing a sworn certificate of
9 physical disability to so appear, shall be deemed a deserter
10 and dealt with as prescribed in the articles of war of the
11 United States.

Sect. 12. *Period of service of reserve militia when called
2 out; organization.*—Whenever any portion of the reserve
3 militia is called forth under the constitution and laws of the
4 United States, the members thereof shall be immediately
5 mustered into the service for three years, or such other
6 period as the call may prescribe; and whenever any portion
7 of such militia shall be ordered into the service of the State
8 they shall be mustered into the service for such period, not
9 exceeding three years, as the Governor may direct. Such
10 reserve militia, when so ordered into active service shall
11 have, as far as practicable, the same system of organization,
12 equipment, training and discipline as are or may thereafter
13 be prescribed for the National Guard. The Governor shall

14 have the power to appoint the officers for any new organiza-
15 tions formed out of said reserve militia; he may, at his dis-
16 cretion, transfer and promote officers of the National Guard
17 to the organizations thus formed and order into active ser-
18 vice for this purpose such retired officers of the National
19 Guard as may be efficient and available and in such number
20 as he may deem necessary.

Sect. 13. *Proclamation of state of insurrection.*—When-
2 ever any portion of the militia is employed in aid of the civil
3 authority, the Governor, if in his judgment the maintenance
4 of law and order will thereby be promoted, may by proclama-
5 tion declare the county, city, town or plantation in which
6 the troops are serving or any specified portion thereof, to be
7 in a state of insurrection.

Sect. 14. *Duty of officer receiving orders calling out active*
2 *militia not transmitted through the Governor.*—Whenever
3 reserve militia or the National Guard, or both, or any num-
4 ber of them or either of them, shall be called forth under the
5 constitution and laws of the United States, and the orders
6 for that purpose shall not be issued to or transmitted through
7 the Governor of the State, any officer or officers of the mili-
8 tia or National Guard receiving such orders not so issued or
9 transmitted shall communicate the same to the governor as
10 soon as practicable.

Sect. 15. *National Guard, called into United States service,*
2 *to go beyond the territory of the United States, and to serve*
3 *till expiration of enlistment.*—Whenever the President shall

4 call forth the National Guard, or any number of them to be
5 employed in the service of the United States, and specifies in
6 his call the period for which such service is required, the Na-
7 tional Guard so called shall continue to serve during the
8 term so specified, either within or without the territory of
9 the United States, unless sooner relieved by order of the
10 President: Provided, That no commissioned officer or en-
11 listed man of the National Guard shall be liable to service
12 beyond the term of his existing commission or enlistment.

Sect. 16. *Relief from civil or criminal liability.*—No mem-
2 ber of the militia ordered into the active service of the State
3 shall be liable civilly or criminally for any act done, or
4 caused, ordered, or directed to be done, by him in further-
5 ance of and while in the performance of his military duty.
6 When an action or proceeding of any nature shall be com-
7 menced in any court by any person against any officer or en-
8 listed man of the militia for any act so done, or caused, or-
9 dered, or directed to be done, all the expenses of the defense
10 of such proceeding or action, civil or criminal, including fees
11 of witnesses for the defense, defendant's court costs, and all
12 costs for transcripts of records and abstract thereof on ap-
13 peal, shall be paid by the State, out of the military fund; and
14 it shall be the duty of the attorney general either personally
15 or by one or more assistants to defend such officer or soldier;
16 provided that where the action or proceeding is criminal the
17 Adjutant General shall designate a judge-advocate of the
18 National Guard to conduct the defense of such member, or,

19 if the services of a judge-advocate be not available, then he
20 shall select some other competent attorney to conduct such
21 defense, and the judge-advocate or other attorney so se-
22 lected shall receive and be paid out of the military fund a
23 reasonable compensation for his professional services. In
24 any such action or proceeding the defendant may require the
25 person instituting or prosecuting the same to file security for
26 payment of costs that may be awarded the defendant, which
27 costs if recovered in an action the costs whereof have been
28 paid out of the military fund shall be paid into the State
29 treasury for the benefit of the military fund; and the de-
30 fendant may, in every such action or proceeding, make a
31 general denial and give the special matter in evidence.

Sect. 17. *The Adjutant General of the State; his relation
2 to the war department; and his duties.*—The Adjutant Gen-
3 eral of the State shall have the rank of brigadier general,
4 and shall be, ex-officio, chief of staff, quartermaster gen-
5 eral, and paymaster general, of the State. For the purpose
6 of establishing the relation between the war department and
7 the various staff departments of the State, he shall be the
8 chief of said departments; and the requisitions, purchases,
9 and issues to be made by the senior officer on duty in cer-
10 tain of said departments, as hereinafter prescribed; shall
11 be made by them pursuant and in obedience to his directions
12 and instructions.

(a) He shall control the military department subordinate
14 only to the Governor, and may adopt such methods of

15 administration, not inconsistent with the laws, regulations,
16 and customs of the service of the regular army so far as
17 the same may be applicable, as he may deem necessary to
18 render the department efficient.

(b) He will superintend the preparation of all returns,
20 reports, plans, and estimates required of the State by the
21 war department; and, on or before the 31st day of Decem-
22 ber of each year, shall make a report to the Governor of
23 the strength and condition of the active militia and of the
24 business transactions of the department, including a detailed
25 statement of expenditures for all military purposes.

(c) He shall be responsible for the care, preservation, and
27 repair of all military property belonging or issued to the
28 State for the arming and equipping of the militia; and he
29 shall dispose of all military property of the State found
30 unserviceable after a proper inspection, account for the
31 proceeds thereof, and deposit the same into the State treas-
32 ury to the credit of the military fund.

(d) He shall turn in, in such manner as the war depart-
34 ment may require, such ordnance, accoutrements and equip-
35 ments belonging to the United States and receive in sub-
36 stitution therefor such prescribed regulation ordnance and
37 equipment, as may be necessary to conform to the standard
38 required by the laws and regulations of the United States.

(e) He shall, under the direction of the Governor, pre-
40 pare requisitions for, and make purchases and issues of,
41 such military property as is necessary to equip the organ-

42 izations of the active militia according to the standard that
43 is now or may be hereafter prescribed by the laws and reg-
44 ulations of the United States, except such purchases and
45 issues as are hereinafter required to be made by the senior
46 officers on duty in the other staff departments; he shall
47 approve the bills of all purchases by whomsoever made and
48 all issues; but no such property shall be issued, or other-
49 wise disposed of, to persons or organizations other than
50 those of the active militia and portions of the reserve militia
51 called into active service.

(f) He shall keep a just and true account of all expenses
53 necessarily incurred, including pay, transportation and sub-
54 sistence of officers and enlisted men of the militia and of
55 all military property; and shall render annually to the Gov-
56 ernor a statement in detail showing the disposition of all
57 clothing, ordnance, arms, ammunition, and other military
58 property on hand and issued.

(g) He may, upon approval of the Governor, sell for cash
60 to officers of the active militia, for their official use, and
61 to organizations of the active militia, any military or naval
62 property which is an article of issue by the State; and shall
63 with his annual report render to the Governor a true ac-
64 count of the sales so made, and shall deposit the proceeds
65 of the same in the State treasury to the credit of the mili-
66 tary fund.

Whenever the Adjutant General is absent from the State
68 or is unable from any cause to perform his duties, the Gov-

69 ernor shall during his absence or disability designate an
70 officer of the active militia present for duty in the State
71 to perform the duties of the Adjutant General.

Sect. 18. *Bond of the Adjutant General.*—The Adjutant
2 General shall give a bond to the State, approved by the Gov-
3 ernor and Council, in the sum of ten thousand dollars, con-
4 ditioned on the faithful performance of his duties as herein
5 prescribed; and the costs and expenses incurred by entering
6 into such bond shall be paid out of the military fund.

Sect. 19. *Inspector General.*—The Inspector General shall
2 make an annual inspection and a detailed report upon the
3 armories, property, books, records, financial condition, and
4 the various organizations of the active militia, and such
5 other inspections as the Adjutant General may direct or
6 the law require. He shall perform such other duties as
7 are herein prescribed and submit to the Adjutant General
8 a report of the transactions of his office by the fifteenth of
9 December, annually.

Sect. 20. *Senior ordnance officer.*—The senior officer on
2 duty in the ordnance department shall have the rank of
3 lieutenant colonel and shall from time to time submit to
4 the Adjutant General requisitions for all ordnance prop-
5 erty, equipment, and accoutrements and all range and target
6 material, which requisitions when approved by the Adju-
7 tant General, and submitted to and signed by the Governor
8 shall if they be for material issued to the State by the ord-
9 nance department be forwarded to that department for sup-

10 ply, and if they be for material not so issued, then, by
11 direction of the Adjutant General and in the manner pre-
12 scribed in section twenty-seven, the senior ordnance officer
13 shall purchase and direct the issue of such ordnance prop-
14 erty and range material, certify all bills therefor as correct,
15 and transmit them to the Adjutant General.

He shall, when required or whenever he deems it neces-
17 sary, report to the Adjutant General upon the condition of
18 the ordnance, arms, and accoutrements on hand or issued
19 to the National Guard; he shall point out all deficiencies
20 and, so far as he is vested with authority, he shall be respon-
21 sible that all organizations are armed and equipped as
22 prescribed or as may hereafter be prescribed by the war
23 department.

He shall be the inspector of and shall exercise general
25 supervision over the small-arms practice of the National
26 Guard. No target range or shooting gallery for the Na-
27 tional Guard shall be acquired, constructed, maintained or
28 equipped, except upon his recommendation, unless the Gov-
29 ernor shall expressly order otherwise. It shall be his duty
30 to make or cause to be made by the regimental inspectors
31 of small-arms practice an annual inspection of all target
32 ranges and shooting galleries used by the National Guard,
33 to submit a report to the Adjutant General of the condition
34 and necessities of each; and to make a detailed report of the
35 transactions of his office to the Adjutant General on the
36 fifteenth day of December annually.

Sect. 21. *The senior officer of the Medical Department.*—

2 The senior surgeon on duty in the medical department shall
3 have the rank of lieutenant colonel and, under the direc-
4 tion of the Adjutant General and in the manner prescribed
5 in section twenty-seven, shall purchase and direct the issue
6 of all medical supplies and equipment, certify all bills there-
7 for as correct and transmit them to the Adjutant General.
8 It shall be his duty to make or cause to be made by an
9 officer of the medical department an annual inspection and
10 inventory of the stock of medical supplies on hand at gen-
11 eral headquarters, to make a list of the articles and quali-
12 ties needed to equip the National Guard in the manner pre-
13 scribed by the war department, and transmit the same to
14 the Adjutant General for authority to supply the same;
15 and he shall make to the Adjutant General a detailed report
16 of the transactions of his office and of the condition and
17 quantity of medical supplies on hand, on the fifteenth day
18 of December annually.

Sect. 22. *The senior officer of the Subsistence Department.*

2 —The senior officer on duty in the subsistence department
3 shall have the rank of lieutenant colonel and shall, under
4 the direction of the Adjutant General, purchase and issue
5 in the manner prescribed in section twenty-seven, all sub-
6 sistence stores and property, certify all bills therefor as
7 correct and transmit them to the Adjutant General; he
8 shall make a detailed report of the transactions of his office

9 to the Adjutant General on the fifteenth day of December
10 annually.

Sect. 23. *The Judge-Advocate.*—The judge-advocate shall
2 be appointed by the Governor, with rank of lieutenant
3 colonel; he shall be an attorney-at-law of the supreme judi-
4 cial court of this State, of at least five years' standing. He
5 shall be, under the direction of the Governor, charged with
6 the supervision of all things relating to the administration
7 of justice in the military forces of the State; he shall dili-
8 gently scrutinize and examine the proceedings of all courts-
9 martial and courts of inquiry which are submitted to him
10 for review and report thereon to the Adjutant General;
11 he shall when directed act as judge-advocate or recorder
12 of any military court or board; he shall be the legal adviser
13 of the military department, and to him may be referred for
14 supervision all contracts, agreements, or other instruments
15 to be drawn or executed in the course of the business there-
16 of. He shall make a detailed report of the transactions of
17 his office to the Adjutant General on the fifteenth day of
18 December annually.

Sect. 24. *Legal adviser of the commander-in-chief, adju-
2 tant general, and armory commission.*—The attorney gen-
3 eral of the State shall be the legal adviser of the governor,
4 of the adjutant general, and of the armory commission.

Sect. 25. *When governor may appoint additional staff
2 officers and chiefs of staff departments.*—In time of war, in-
3 surrection, invasion, or rebellion, or of imminent danger

4 thereof, the governor may appoint such staff officers and
5 create such chiefs of staff departments as may be necessary
6 to provide for an increased active militia or to fill the va-
7 cancies caused by absence in active service, or for both pur-
8 poses; provided, that appointments in a staff department or
9 corps shall be made from officers of the existing staff depart-
10 ments or corps as promotions so far as such officers are avail-
11 able; provided also, that promotion in each staff department
12 or corps and appointments to fill vacancies thus created shall
13 be made as hereinafter prescribed. Provided further, that
14 in time of peace, whenever the formations of the Active
15 Militia shall require it, the Governor may organize such ad-
16 ditional staff departments as are thereby made necessary and
17 whenever such new departments are organized the corre-
18 sponding departmental office authorized under section eight,
19 shall cease to exist and the senior officer on duty with the
20 new staff department shall be ex-officio a member of the
21 governor's staff.

Sect. 26. *Duties of staff officers when not herein pre-*
2 *scribed.*—Officers of all staff departments and corps shall
3 perform the duties required of them by law, and such others,
4 not inconsistent with the laws of the State, as correspond to
5 those which are now or may hereafter be required, of the
6 corresponding staff departments or corps of the regular
7 army, by the customs of the service, the orders of the war
8 department, and the laws and regulations of the United
9 States.

Sect. 27. *Purchases of military property, how made.*—

2 Purchases of military property not exceeding one hundred
3 dollars in value may be made in such manner as the pur-
4 chasing officer may deem best. For other purchases not ex-
5 ceeding five hundred dollars, the purchasing officer shall pro-
6 cure written proposals from at least two parties. For pur-
7 chases exceeding five hundred dollars in value the purchas-
8 ing officer shall publicly advertise, for not less than ten days,
9 for sealed proposals, to be opened at the place, day, and hour
10 designated in such advertisement. All bids must be ac-
11 companied with a certified check for ten per centum of the
12 amount of the bid; and he may require the person contract-
13 ing to give bond in such sum and surety as he may direct,
14 conditioned for faithful performance, in default of which
15 such bond shall be prosecuted by the attorney-general, and
16 all moneys recovered turned in to the State treasury for the
17 benefit of the military fund: Provided, That in case of
18 emergency occasioned by war, invasion, riot, insurrection,
19 resistance to the laws, or imminent danger thereof, or by
20 flood, conflagration, or tempest, the governor may direct
21 that such property as may be urgently required be pur-
22 chased in open market. Provided, also, That the right is re-
23 served to reject any or all bids.

Sect. 28. *Officers making purchases and sales represent*

2 *the State.*—No officer herein authorized to make purchases
3 or sales of military property shall be concerned, directly or
4 indirectly, in the purchase or sale of any such property,

5 except for and on account of the State; nor shall any such
6 officer take or apply to his own use any gain or emolument
7 for negotiating or transacting any business of his office,
8 other than what is allowed by law.

Sect. 29. *Property purchased for military purposes to be*
2 *inspected before acceptance.*—All property purchased under
3 the authority herein granted shall be inspected and no pay-
4 ment shall be made therefor until it shall appear by the
5 certificate of the inspecting officer that the property is of the
6 kind and quality specified in the agreement.

Sect. 30. *Indebtedness not to be contracted, except by*
2 *authorized person.*—No officer or enlisted man shall con-
3 tract, or presume to authorize the contracting of any indebt-
4 edness on behalf of the State, unless especially authorized to
5 do so by this chapter or by the express order of the gover-
6 nor; and any person in the military service who shall violate
7 the provisions of this section shall be dishonorably dis-
8 charged, and suffer such other punishment as a court-martial
9 may direct.

Sect. 31. *Composition and organization.*—The National
2 Guard of the State shall consist of the necessary staff de-
3 partments, a medical department, a coast artillery corps,
4 the commissioned officers heretofore or hereafter retired,
5 the organizations forming the National Guard at this date,
6 and such others as may be organized hereafter and such per-
7 sons as are or may be enlisted and commissioned therein.

8 The commander-in-chief shall have power to alter, divide,
9 consolidate, disband or reorganize any organizations or corps
10 and create new organizations and corps whenever required
11 by the provisions of this chapter or whenever in his judg-
12 ment the efficacy of the State forces will be thereby in-
13 creased, and he shall have power and it shall be his duty to
14 change the organization of the State forces so as to con-
15 form to any organization, system of drill or instruction now
16 or hereafter prescribed by the laws and regulations of the
17 United States for the organization and government of the
18 militia; and for that purpose the number of the officers and
19 non-commissioned officers of any grade may be increased
20 or diminished, or their grades may be altered, whenever
21 necessary to secure such uniformity. Whenever the Na-
22 tional Guard is organized, by order of the commander-in-
23 chief, into a brigade, a brigadier general shall be selected
24 as prescribed in section fifty, to command the same.

Sect. 32. *New organizations, how raised.*—New organi-
2 zations may be raised on petition to the governor, or by his
3 order; and when the minimum number of persons required
4 by law has been enlisted and notice thereof given to the
5 governor, he may issue an order for the election of the com-
6 missioned officer; but whenever the governor shall have the
7 authority to appoint officers of the line, he may raise new
8 organizations and appoint the officers thereof whenever and
9 in such manner as he may deem best for the service.

Sect. 33. *Strength of active militia on peace and war footing.*—The aggregate forces in the active militia in time of peace, fully armed, uniformed, and equipped, shall not exceed three thousand men; but in case of war, insurrection, invasion, or rebellion, or imminent danger thereof, the governor shall have power to increase the forces beyond the said three thousand and organize them as is required by law.

Sect. 34. *Organization, discipline, and armament.*—The organization, armament, and discipline of the National Guard of this State and of the military units thereof shall be the same as that which is now or may hereafter be prescribed or provided by the laws and regulations of the United States for the organized militia; and the commander-in-chief is hereby authorized and it shall be his duty to issue and prescribe from time to time such orders and regulations, and to adopt such other means of administration, as shall maintain the prescribed standard of organization, armament and discipline; and it shall be the further duty of the commander-in-chief to prescribe such regulations and to adopt such methods of administration, for the care, preservation, disposition of and accountability for all military property issued to the active militia and belonging to the United States; for procuring, disbursing, and accounting for all military funds allotted to the State; for arming, equipping, and supplying the active militia; and for arranging for such camps of instruction, field service, and rifle practice as shall meet

20 the requirements that are now or may hereafter be pre-
21 scribed by the laws and regulations of the United States.
22 And such orders, regulations, and means adopted shall have
23 the full force and effect of law.

Sect. 35. *May constitute a brigade; staff of brigade com-
2 mander.*—The regiments and all other military units of the
3 National Guard shall, when so ordered by the governor, con-
4 stitute a brigade, which shall be commanded by the brigadier
5 general, or, in case of his absence or disability, by the senior
6 line officer of the National Guard. The staff of the brigade
7 commander shall consist of one surgeon, one adjutant gen-
8 eral, one ordnance officer, one commissary, one quartermas-
9 ter, and one judge-advocate, majors; and two aides, lieu-
10 tenants, detailed from the National Guard. In addition to
11 the above the governor may, upon the recommendation of
12 the brigade commander, detail from the National Guard for
13 duty on the brigade staff such other officers as may be neces-
14 sary, but no officer shall be so detailed except to a position
15 authorized by the orders of the war department or by the
16 laws and regulations governing the regular army or the
17 organized militia.

Sect. 36. *The several staff departments of the National
2 Guard.*—There shall be the following departments consist-
3 ing of officers of number and rank specified necessary for
4 the maintenance of the staff corps and departments, of the
5 National Guard, viz: a subsistence department, one commis-

6 sary, lieutenant colonel; an ordnance department, one lieu-
7 tenant colonel and one major; and a medical department,
8 organized as prescribed in the following section.

Sect. 37. *The Medical Department, and the Medical*
2 *Corps.*—That from and after the approval of this act the
3 medical department of the National Guard shall consist of
4 a Medical Corps, a Medical Reserve Corps and the Hospital
5 Corps. The Medical Corps shall consist of the officer nec-
6 essary for the staff department, for service with the regi-
7 ments, separate battalions and artillery corps of the National
8 Guard, and for the organization of such ambulance com-
9 panies, field hospitals, and supply depots, as may be author-
10 ized or required as the proper complement for the National
11 Guard by the orders of the war department, or the laws and
12 regulations of the United States governing the organized
13 militia; and such officers shall have the same titles as those
14 of corresponding grades in the United States Army, and
15 shall be of the same grades and numbers as are authorized
16 or prescribed by the laws and regulations of the United
17 States for service with the corresponding organizations of
18 the regular army, or as authorized or prescribed by the said
19 laws and regulations or orders of the war department for
20 the government of the organized militia.

Immediately following the approval of this act officers of
22 the medical department then on the active list shall be re-
23 commissioned in the corresponding grades in the Medical

24 Corps established by this act in the order of seniority, as
25 follows: Surgeons with the rank of major, as majors; as-
26 sistant surgeons, who at the time of this act shall have served
27 three years or more, as captains; assistant surgeons, with the
28 rank of first lieutenant, who at the time of the approval of
29 this act shall have served less than three years as such, as
30 first lieutenants; and hereafter first lieutenants shall be pro-
31 moted to the grade of captain after three years' service as
32 first lieutenants in the Medical Corps.

All promotions in the Medical Corps to fill vacancies in the
34 several grades created or caused by this act, or hereafter
35 occurring, shall be made according to seniority and no per-
36 son shall receive an appointment as first lieutenant in the
37 Medical Corps unless he shall have been examined and ap-
38 proved by a medical board of the National Guard as herein-
39 after prescribed.

Sect. 38. *Medical Reserve Corps.*—For the purpose of
2 securing competent medical practitioners to conduct the
3 physical examination of applications for enlistment and to
4 render medical service to any organization called out by the
5 governor to suppress insurrection, riot, or resistance to the
6 laws, the governor of the State is authorized to issue com-
7 missions as first lieutenants of the medical reserve corps to
8 such contract surgeons as shall be favorably recommended
9 by the senior officer of the Medical Corps, not to exceed one
10 for each company or other organization so situated that the

11 services of an officer of the Medical Corps cannot be effec-
12 tively available. Such officers are not members of the
13 National Guard nor entitled to retirement, but the commis-
14 sions so given shall confer upon the holders all the authority,
15 rights, and privileges of commissioned officers of like grade
16 in the Medical Corps of the National Guard, except promo-
17 tions, but only when engaged in active duty as examining
18 surgeon of recruits or in rendering services to any command
19 to which they may be attached in time of insurrection, riot,
20 or resistance to the laws. They shall have rank in said corps
21 according to the date of their commissions therein, and
22 when employed on active duty shall rank next below all offi-
23 cers of like grade in the National Guard: Provided, That
24 contract surgeons now in the militray service who receive
25 the favorable recommendation of the company commander
26 at the station where such contract surgeon resides and of
27 the senior officer of the Medical Corps, shall be given pref-
28 erence in appointment over all other applicants; and Pro-
29 vided further, That any officer of the medical reserve corps
30 who fails to perform his duty as herein prescribed shall for-
31 feit his commission and not be eligible to re-appointment.

Officers of the Medical Reserve Corps when called into or
33 engaged in active duty shall be subject to the laws, regula-
34 tions, and orders for the government of the National Guard;
35 and for conducting the physical examination of applicants
36 for enlistment shall be entitled to such compensation as the

37 governor in regulations may prescribe, and for all other ser-
38 vices to the pay and allowances of first lieutenants of the
39 Medical Corps.

Sect. 39. *Hospital Corps*.—The Hospital Corps shall con-
2 sist of the sergeants first class, sergeants, corporals, privates
• 3 first class and privates, required for service with the several
4 organizations of the National Guard, ambulance company,
5 or field hospital; and such non-commissioned officers and
6 privates shall be of the same grades and numbers as are
7 authorized or prescribed for service with the corresponding
8 organizations of the regular army or as authorized or pre-
9 scribed by the orders of the war department, or laws and
10 regulations of the United States for the government of the
11 organized militia.

Enlistments in the Hospital Corps and the appointment of
13 non-commissioned officers therein shall be as prescribed in
14 regulations by the governor.

Sect. 40. *Coast Artillery Corps*.—The governor is hereby
2 authorized to organize a coast artillery corps which shall
3 belong to the line of the National Guard, and which shall
4 consist of such number of companies as the governor may
5 determine. The number of field officers and sergeant-majors
6 of coast artillery shall be in approximately the same pro-
7 portion to the number of companies as obtains in the coast
8 artillery corps of the regular army, and the number of mas-
9 ter electricians, engineers, electrician sergeants first and

10 second class, master gunners, firemen and other expert en-
11 listed men shall be determined by the governor ; but the min-
12 imum strength in the different grades for a coast artillery
13 company of the National Guard shall be as prescribed by
14 the orders of the war department and the laws and regula-
15 tions of the United States. The Commander-in-Chief has
16 the power to transfer to the coast artillery corps, under such
17 regulations as he may prescribe, such existing organizations
18 of such officers and men thereof as he may deem for the best
19 interest of the service.

Sect. 41. *Civilian Cooks.*—The Commander-in-Chief may
2 authorize the employment of cooks to the number fixed in
3 this chapter in organizations in which there are vacancies
4 in enlisted cooks when such organizations are on duty under
5 his orders or are called upon in aid of the civil authorities.
6 The Commander-in-Chief may authorize the employment
7 and prescribe the number of cooks for all headquarters and
8 organizations for which the enlistment of cooks is not au-
9 thorized by this chapter. Cooks during such employment
10 shall be subject to the laws and regulations for the govern-
11 ment of the National Guard and shall receive the same pay
12 as enlisted cooks.

Sect. 42. *Composition and strength of the Naval Re-*
2 *serve.*—The organizations forming the Naval Reserve at
3 this date, such others as may be organized hereafter and
4 such persons as may be enlisted or as may be appointed or

5 commissioned therein, shall constitute the Naval Reserve of
6 this State. In time of peace the Naval Reserve shall con-
7 sist of not more than one ship's company of not more than
8 seven divisions, the total strength of which shall not exceed
9 three hundred officers and men, but in time of war, invasion,
10 insurrection, or imminent danger thereof, the governor shall
11 have power to increase this force to double the authorized
12 peace strength and organize it as the exigencies of the ser-
13 vice may require, provided that in time of peace the total
14 strength of the active militia shall not exceed the limits pre-
15 scribed in section thirty-one.

Sect. 43. *Organization of the Naval Reserve.*—The Com-
2 mander-in-Chief may organize the forces prescribed in the
3 preceding section as he may deem proper; and when in his
4 judgment the efficiency of the Naval Reserve will be in-
5 creased thereby, or whenever public interest may demand
6 it, he may alter, reorganize, or disband any or all of the
7 organizations therein; and he shall have power at any time
8 to change the organization of the Naval Reserve so as to
9 conform to any organization, system of drill or instruction
10 which may be adopted for the Navy of the United States,
11 and to increase and decrease for that purpose the number
12 of officers, warrant officers, chief petty officers, petty officers
13 and enlisted men and to change their grades, titles, and
14 designations.

The system of administration, drill and instruction of the

16 Naval Reserve shall conform, as nearly as practicable, to
17 that of the Navy of the United States; and the discipline and
18 government thereof when not otherwise prescribed shall be
19 according to the laws and regulations now or hereafter gov-
20 erning the National Guard. No part of the Naval Reserve
21 shall be attached to any organization of the National Guard
22 except when especially ordered by the governor, in which
23 case the senior officer present shall command the whole,
24 unless the Commander-in-Chief shall direct otherwise.

Sect. 44. *Rank of officers and men of the Naval Reserve.*

2 —The commanding officer of a ship's company shall rank as
3 lieutenant commander except where the ship's company
4 consists of less than three divisions, when the rank of the
5 commanding officer shall be lieutenant. There shall be al-
6 lowed on the staff of the commanding officer of the ship's
7 company one lieutenant junior grade who shall act as execu-
8 tive officer; one assistant paymaster and one assistant sur-
9 geon each of the rank of lieutenant junior grade; but when-
10 ever the commanding officer of the ship's company shall
11 rank as lieutenant commander, the executive officer shall
12 rank as lieutenant. In addition there shall be on the staff
13 of the commanding officer two chief petty officers of such
14 class as he may designate. Each division shall be com-
15 manded by an ensign, excepting that the senior division offi-
16 cer may be commissioned with the rank as lieutenant junior
17 grade. To each division there shall be allowed, in time of

18 peace, one chief petty officer of such class as the command-
19 ing officer of the ship's company may designate, and not
20 more than eight petty officers and thirty-two other enlisted
21 men.

The relative rank between officers of the other National
23 Guard organizations and of the Naval Reserve shall be the
24 same as that now or hereafter existing between officers of
25 the Army and Navy of the United States; and the relative
26 rank of petty officers in the Naval Reserve and non-commis-
27 sioned officers in other National Guard organizations will
28 be as prescribed by the governor; seamen shall correspond
29 to privates of infantry.

Sect. 45. *Pay and allowances of the Naval Reserve.*—

2 The pay of officers and petty officers of the Naval Reserve
3 shall be the same as that of officers and non-commissioned
4 officers of the same relative rank in the National Guard; and
5 seamen shall receive the pay of privates of infantry. The
6 commanding officer of the ship's company shall be allowed
7 a sum not exceeding fifty dollars per annum for the care
8 and responsibility of such State and United States property
9 as he may be accountable for; each division commander shall
10 be allowed a sum not exceeding twenty-five dollars for the
11 care and responsibility of public property for which he is
12 accountable; the executive officer of the ship's company
13 shall be allowed the sum of twenty-five dollars per annum:

14 and the third class yeoman of each division shall receive for
15 his services the sum of ten dollars per annum.

Sect. 46. *Qualifications of commissioned officers of the*
2 *Naval Reserve.*—Commissioned officers of the Naval Re-
3 serve shall have the same authority, rights, privileges, and
4 qualifications, grade for grade, as commissioned officers of
5 the National Guard, and, if not otherwise prescribed, shall
6 be elected or appointed in the same manner; but the board
7 of examination, in the case of the election or appointment
8 of an officer of the Naval Reserve shall consist of at least
9 one commissioned officer of the Naval Reserve, active or
10 retired. The commanding officer of the ship's company
11 shall be elected by the division commanders, and the elec-
12 tion of division commanders shall be as prescribed for the
13 election of company officers of the National Guard; but
14 whenever the governor shall have authority to appoint com-
15 missioned officers of the National Guard he shall have the
16 power to appoint commissioned officers of the Naval Re-
17 serve in like manner.

Sect. 47. *Commissions.*—All officers shall be comims-
2 sioned by the governor at his discretion, but no one shall be
3 commissioned unless the conditions and qualifications set
4 forth in the following sections have been complied with, and
5 no one shall be recognized as an officer unless he shall have
6 been duly commissioned and shall have taken the constitu-
7 tional oath of office. The acceptance of a commission in

8 the militia of this State shall be deemed a resignation by the
9 person accepting the same of all other commissions held by
10 him in such militia. In no case shall any officer in the ac-
11 tive militia be commissioned to a higher grade than that pre-
12 scribed for the corresponding command by the laws and reg-
13 ulations for the government of the regular army and navy
14 of the United States or of the organized militia.

Sect. 48. *Eligibility for a commission.*—Commissioned of-
2 ficers must be citizens of the United States and twenty-one
3 years of age or over. No person who has been expelled or
4 dishonorably discharged from any military or naval organi-
5 zation of this or any other state or of the United States shall
6 be commissioned, and no person shall be commissioned un-
7 less he shall possess the additional requirements prescribed
8 in this chapter for the particular office to which he is to be
9 commissioned; provided that in time of war, insurrection,
10 invasion, rebellion, or imminent danger thereof, the gover-
11 nor shall have the power to fill any vacancy in any field grade
12 by the appointment thereto of any officer on the active list of
13 the army, navy or marine corps of the United States.

Sect. 49. *Rank.*—Rank and precedence of officers and
2 non-commissioned officers of the National Guard of this
3 State, the relative rank between officers thereof and of the
4 Naval Reserve, the power of command and the commands
5 appropriate to each grade, shall be as determined by the laws
6 and regulations for the government of the regular army and

7 navy of the United States; except that when an officer is
8 commissioned to fill a vacancy caused by the expiration of
9 his own term of service he shall take rank from the date of
10 his original commission in that grade.

Sect. 50. *Election and promotion of line officers.* Gen-
2 eral, field, and company officers, of the line, shall be elected
3 as follows: Brigadier generals by the written votes of the
4 field officers of their respective brigades; field officers by
5 the written votes of the captains and subalterns of their re-
6 spective regiments or corps; captains and subalterns by the
7 written votes of the members of their respective companies;
8 subject to the age limit prescribed in section fifty-two: Pro-
9 vided that any officer now in active service and holding a
10 commission in the active militia shall be eligible to re-election;
11 Provided also, that if section 1, article VII of the constitu-
12 tion of the State shall be hereafter amended in such manner
13 as to permit the legislature to prescribe the mode of select-
14 ing officers for the grades herein specified, then, on and
15 after the first day of July next succeeding the adoption of
16 such amendment, the said officers shall be promoted and ap-
17 pointed by the governor as follows and the elective system
18 prescribed in this chapter shall cease to exist, otherwise to
19 remain in full force and effect: Vacancies in the grade of
20 brigadier general shall be filled by promoting the senior col-
21 onel; vacancies in the field grades of a regiment or corps
22 by promoting the senior officer of the regiment or corps, of
23 the next lower grade; vacancies in the grade of captain and

24 lieutenant by promoting the senior officer of the company,
25 of the next lower grade. Subject in each case to examina-
26 tion as provided in section fifty-eight. Vacancies in the
27 grade of second lieutenant shall be filled in the following
28 manner. All enlisted men of the company, and any battalion
29 and regimental non-commissioned staff officer who was ap-
23 the next lower grade; vacancies in the grade of captain and
30 pointed from said company, shall if physically sound be
31 eligible for appointment, and shall be permitted to appear
32 before an examining board, for a physical and a competi-
33 tive practical and theoretical examination; the enlisted man
34 whom the board considers, after the competitive examina-
35 tion, to be the best qualified shall be appointed to fill the
36 vacancy. The governor shall prescribe regulations as to
37 the scope and the manner of conducting such examination,
38 and if no such enlisted man appears or if none satisfactorily
39 passes said examination, then the governor shall fill the
40 vacancy by making an appointment from the enlisted men
41 of the organization in which the vacancy occurred.

Sect. 51. *Elections.*—The adjutant general shall issue or-
2 ders for all elections, shall detail a suitable officer other than
3 a candidate to preside thereat, and shall give or cause to be
4 given by commissioned officers notification to all qualified
5 voters when, where, and for what office the election is to be
6 held, by written or printed notice given in hand, sent by mail,
7 or left at the last and usual place of abode at least four days

8 before the date of the election. The officer or officers serv-
9 ing such notice shall make a certified written return of the
10 persons notified and of the manner of service, and present
11 the same to the presiding officer before the polls are open.
12 At the time fixed for the election the officer ordered to pre-
13 side thereat, or in his absence a qualified officer authorized
14 by him to act for him, or in the absence of such officer the
15 commissioned officer highest in rank of those present not
16 being a candidate, shall require the return of the service of
17 notice, the roster of the brigade, regiment, or company from
18 the legal custodian and shall then open the polls. A major-
19 ity of the votes of all persons present voting at an election
20 shall be necessary for a choice, but in no case shall an elec-
21 tion be held unless a majority of the qualified electors are
22 present. The presiding officer shall be the judge of the
23 election, shall canvass the result, forthwith notify in writing
24 the successful candidate of his election, and report the pro-
25 ceedings in writing to the adjutant general.

If it shall appear at any election that legal notice has not
27 been given in the manner aforesaid to all persons entitled to
28 vote, the presiding officer shall adjourn the meeting, cause
29 such notice to be given, set another date for an election not
30 less than seven days later, and notify the adjutant general;
31 but the presence of a person entitled to vote shall be a waiver
32 of his right to legal notice.

If the electors neglect, refuse, or, after the election shall

34 have been in progress for three hours, fail to elect, then this
35 fact shall be certified by the presiding officer to the adju-
36 tant general, and the governor shall promote or appoint an
37 officer in accordance with the preceding section, and if any
38 person so elected or appointed neglect, refuse, or fail with-
39 out cause to appear, when notified, for examination, or fail
40 to pass the examination, a new election shall be held or ap-
41 pointment made.

Every officer duly commissioned shall within ten days ac-
43 cept the same and take the constitutional oath of office; such
44 oath may be taken and subscribed before any officer author-
45 ized by law to administer an oath or before any military offi-
46 cer who has taken the oath himself; and in case of neglect or
47 refusal to accept the commission or to take and subscribe the
48 oath within the time mentioned, such commission shall be
49 cancelled by the governor, and a new election ordered or
50 appointment made to fill the vacancy.

Sect. 52. *Age limit prescribed for each grade of the line
2 and staff.*—No person shall be elected, appointed or commis-
3 sioned to, any of the following grades, who is over the age
4 limit prescribed for each of the several grades, viz: brigadier
5 general, sixty-four years; colonel and lieutenant colonel,
6 sixty-one years; major, fifty-six years; captain, fifty years;
7 first lieutenant, forty-five years; and second lieutenant, forty
8 years. Any officer who shall, while serving in any of the
9 above grades, reach the age limit prescribed for said grade,

10 shall, if eligible, be retired; otherwise, honorably discharged.
11 This section shall not apply to the Adjutant General of the
12 State of Maine, and shall not serve to vacate any commis-
13 sion now in force; nor shall it, upon the expiration of his
14 present commission, prevent the re-election or re-appointment
15 of any officer to the office he now holds for the same period
16 of time and under the same conditions as obtained hereto-
17 fore and up to the passage of this act; nor shall it apply to
18 chaplains of the National Guard.

Sect. 53. *Time limit of service in each grade of the line
2 and staff.*—No officer of the active militia shall be permit-
3 ted to serve in any of the following grades for a greater
4 period than that prescribed for each of the several grades,
5 viz: brigadier general, five years; colonel, six years; lieu-
6 tenant colonel, seven years; major, eight years; captain, nine
7 years; first lieutenant, ten years; and second lieutenant, ten
8 years. But should any officer be re-elected or re-appointed
9 to the office he now holds, the time limit of service in that
10 grade shall be reckoned from the date of the approval or
11 passage of this act. When an officer shall have served the
12 prescribed time in any one grade he shall be placed on the
13 retired list.

Sect. 54. *Vacancies in the several staff departments and
2 corps, brigade, regimental and battalion staff, how filled.*—
3 Vacancies occurring in the various grades, excepting the
4 lowest, of the several staff departments and corps, shall be

5 filled by promoting and appointing the senior officer in the
6 next lower grade of said department or corps. Vacancies
7 occurring in the lowest grades thereof shall be filled in the
8 following manner :

In the medical department all commissioned officers of the
10 National Guard, all non-commissioned officers of the hospi-
11 tal corps, and all officers of the Medical Reserve Corps, who
12 are active licensed practitioners of medicine and surgery in
13 this State of at least five years standing as such, and who are
14 physically sound shall be permitted to appear before a board
15 of examination consisting of officers of the medical depart-
16 ment, and the applicant whom the board considers, after
17 professional and general examination, to be the best quali-
18 fied for the position shall be appointed to fill the vacancy.
19 In the ordnance department, the vacancy shall be filled by
20 promoting thereto, in order of seniority, the regimental as-
21 sistant inspectors of small-arms practice ; in the subsistence
22 department, by promoting thereto, in order of seniority, the
23 regimental commissaries ; subject in each case to examination
24 as prescribed in section fifty-eight, and if, for any reason, a
25 vacancy occurring in the lowest grade of any of said depart-
26 ments be not filled by this method of promotion, then the
27 governor may fill such vacancy in such manner as he deems
28 best.

Commanding officers of brigades, regiments and separate
30 battalions shall appoint their respective staff officers subject

31 to the provisions of Sections forty-seven, forty-eight, fifty-
32 seven and fifty-eight of this act, who shall hold office dur-
33 ing the pleasure of the officer making the appointment and
34 until their successors are appointed and qualified, subject
35 at all times to the same laws and regulations as apply to
36 other commissioned officers of the National Guard.

Battalion staff officers are appointed by the regimental
38 commanders upon recommendation of the battalion com-
39 mander.

Sect. 55. *Chaplains and their qualifications.*—The gover-
2 nor is authorized to appoint, upon the recommendation of the
3 several regimental commanders, chaplains in the National
4 Guard at the rate of one for each regiment, with the rank
5 of captain; no person shall hereafter be appointed a chap-
6 lain who is more than fifty-five years of age, and until he
7 has furnished proof that he is a regularly ordained minister
8 of some religious denomination in good standing.

Sect. 56. *Competitive examination.*—The governor may
2 prescribe a system of examination to determine the enlisted
3 man best qualified for appointment to the grade of second
4 lieutenant as prescribed in section fifty-four and the best
5 qualified applicant for appointment to the lowest grade in
6 the Medical Corps as prescribed in section fifty-four.

Sect. 57. *Examination upon original appointment or elec-*
2 *tion.*—The governor shall prescribe a system of examination
3 to determine the fitness for commission consequent on an

4 original appointment or election of all persons, other than
5 those provided for in the preceding section ; and no person
6 shall be commissioned consequent upon an original appoint-
7 ment or election until he shall have passed a satisfactory
8 examination as to his physical, moral, educational, and gen-
9 eral fitness for the service.

Sect. 58. *Examination for promotion or appointment to
2 higher grade.*—The governor shall prescribe a system of
3 examination of all officers of the active militia below the
4 grade of lieutenant colonel to determine their physical, moral,
5 professional and general fitness for promotion or for ap-
6 pointment other than the first, such examination to be con-
7 ducted, if practicable, at such time anterior to the accruing
8 of the right to promotion or to the issuing of the commis-
9 sion as may be best for the interest of the service ; provided
10 that the governor may waive the examination for promo-
11 tion or appointment to any grade in the case of any officer
12 who in pursuance of existing laws has passed a satisfactory
13 examination for such grade prior to the passage of this act,
14 and provided that if any officer fails to pass a satisfactory
15 examination and is reported unfit for promotion or appoint-
16 ment, the officer next below him in rank or standing next in
17 the line of promotion, having passed said examination, shall
18 receive the promotion, or if the office is elective the gover-
19 nor shall order another election ; and provided that should
20 the officer be found incapacitated for service by reason of
21 physical disability he shall be retired with the rank to which

22 his seniority entitled him to be promoted, and should he fail
23 for any other reason, other than moral fitness, he shall be
24 suspended from promotion or appointment to any office in
25 the active militia for one year, and should he fail the second
26 time to pass such examination he shall be honorably dis-
27 charged, but should he be found lacking in moral fitness, he
28 shall, if the governor approve of such finding, be discharged
29 for the good of the service; provided also that the examina-
30 tion into the professional fitness of a judge-advocate and a
31 chaplain shall extend no farther than to the special qualifi-
32 cations required of them. The board of examination under
33 this and the two preceding sections shall have the same power
34 to take evidence, administer oaths, and compel witnesses
35 to attend and testify and produce books and papers and
36 punish their failure to do so, as is possessed by a general
37 court-martial.

Sect. 59. *Brevet Commissions.*—The governor may, upon
2 the recommendation of his commanding officer, confer a
3 brevet commission of a grade next higher than that actually
4 held by the officer so recommended, upon any officer of the
5 National Guard or Naval Reserve in active service, for dis-
6 tinguished gallantry. Such commissions shall carry with
7 them only such privileges or rights as are allowed in like
8 cases in the military and naval service of the United States.

Sect. 60. *Honorable discharge.*—Any officer who shall
2 reach the age limit prescribed in section fifty-two, or who
3 shall fail in a second examination as prescribed in section

4 fifty-eight, or who shall be rendered surplus by reduction or
5 disbandment of his organization in any manner provided for
6 in this chapter, or who accepts an appointment in the army,
7 navy or marine corps of the United States, if in each case
8 he is ineligible for retirement, or who tenders his resignation
9 and the same having been accepted, shall receive an honor-
10 able discharge, provided he shall not be under arrest or re-
11 turned to a military court for any deficiency or delinquency
12 and provided he be not indebted to the State in any manner,
13 and that all his accounts for money and public property be
14 correct.

Sect. 61. *Discharge for the good of the service.*—Any offi-
2 cer who shall be found lacking in moral fitness under the
3 provisions of section fifty-eight, or who shall be discharged
4 under the provisions of section sixty-three, or who, being
5 under arrest or returned to a military court for any deficiency
6 or delinquency, or who after being notified fails or refuses
7 to liquidate his indebtedness to the State, or to render cor-
8 rect accounts for public funds or property entrusted to his
9 care, tenders his resignation, and the same being accepted,
10 shall be discharged for the good of the service, and any
11 officer so discharged, shall not again be eligible to receive a
12 commission.

Sect. 62. *Retirement.*—Any officer who is sixty-four
2 years old, or who is found incapacitated for service by rea-
3 son of physical disability under the provisions of section
4 fifty-eight, or who hereafter shall serve in any one grade

5 the time limit as prescribed in section fifty-three, or who
6 shall while serving in any grade reach the age limit pre-
7 scribed for that grade in section fifty-two and be eligible for
8 retirement due to length of service or other cause specified
9 in this section, shall be withdrawn from active service and
10 placed on the retired list.

11 Any officer who has served twenty-five years as a commis-
12 sioned officer in the active militia of this State, or who is
13 sixty years old, may be, by order of the Commander-in-
14 Chief, withdrawn from the active service and placed on the
15 retired list.

16 Any officer who has served as a commissioned officer in the
17 active militia of this State six consecutive years, or as such
18 nine years not necessarily consecutive, or nine years either
19 as an officer or soldier in which shall be counted honest and
20 faithful service in the military or naval service of the United
21 States, or both, provided six years of which have been ser-
22 vice as a commissioned officer in the active militia of the
23 State, shall, if he make application, be placed on the retired
24 list with the highest rank held by him during his service.

25 Any officer who has served as a commissioned officer in
26 the active militia of this State for a continuous period of
27 fifteen years; honorable service in war, to be counted double,
28 may at his own request be placed upon the retired list with
29 one grade higher rank than that held at the time of his re-
30 tirement.

Retired officers shall be entitled to wear the uniform of the

32 rank with which they were retired; they shall continue to be
33 borne on the National Guard Register, shall be subject to
34 military law, and may, in the discretion of the governor, be
35 assigned to active duty in time of war, insurrection, invasion,
36 or imminent danger thereof.

Sect. 63. *Board for retirement and discharge.*—Any com-
2 missioned officer who has become or who shall hereafter
3 become disabled and thereby incapable of performing the
4 duties of his office shall be withdrawn from active service
5 and placed on the retired list; and any commissioned officer
6 who has become or who shall hereafter become unfit or in-
7 competent, and thereby incapable of performing the duties
8 of his office, shall upon the recommendation of his command-
9 ing officer or of an inspecting officer, be discharged for the
10 good of the service, honorably discharged, or, if eligible
11 thereto, retired, in the discretion of the Commander-in-Chief.
12 Such retirement or discharge shall be by order of the Com-
13 mander-in-Chief who, before making such order, shall con-
14 vene a board of not less than five commissioned officers one
15 of whom shall be an officer of the medical corps, who before
16 entering upon the discharge of their duties shall be sworn to
17 an honest and impartial performance of the same, whose duty
18 it shall be to determine the facts as to the nature and cause
19 of incapacity of such officer as appears disabled or unfit or
20 incompetent, from any cause, to perform military duty and
21 whose case shall be referred to it. The board, excepting the
22 officer or officers of the medical corps, shall be composed, as

23 far as may be, of seniors in rank to the officer whose in-
24 capacity is inquired of; it shall be invested with the powers
25 of courts-martial and courts of inquiry, and whenever it
26 finds an officer incapacitated for active service, shall report
27 such fact to the governor stating the cause of incapacity,
28 whether from disability, unfitness, or incompetency, and if
29 he approve such finding such officer shall be placed on the
30 retired list or discharged, as provided in this article: Pro-
31 vided that it shall not be necessary to convene a board for
32 action on any case arising under this section, unless the offi-
33 cer designated to be placed upon the retired list or discharged
34 shall, within twenty days after being notified that he will be
35 so retired or discharged, serve on the adjutant general of the
36 State a notice in writing that he demands a hearing and
37 examination before such board; and provided that no officer
38 shall be so retired or discharged without having had a full
39 and fair hearing before the board if upon due notice he
40 shall demand it.

Provided further, That the Commander-in-Chief shall,
42 whenever he may deem the good of the service requires it,
43 order any commissioned officer before a board of examina-
44 tion constituted as above, and such board shall examine into
45 the moral character, capacity, and general fitness for the
46 service of such commissioned officers, and record and return
47 the testimony taken, and a record of its proceedings; and if
48 the findings of such board be unfavorable to such officer,
49 and be approved by the Governor, he shall be discharged for

50 the good of the service. Failure to appear when ordered be-
51 fore a board constituted under this section shall be sufficient
52 ground for finding by such board that the officer ordered to
53 appear be so discharged.

Sect. 64. *Dismissal*.—An officer who shall have been ab-
2 sent without leave for a period of six months shall upon the
3 recommendation of his immediate commanding officer be
4 dismissed from the service by order of the Commander-in-
5 Chief.

Sect. 65. *Removal*.—No officer shall be removed from
2 office without his consent, except by sentence of a general
3 court-martial or as provided in this chapter.

Sect. 66. *Enlistments*.—Recruits enlisting in the active
2 militia must be able-bodied men, free from disease, of good
3 character and temperate habits, between the ages of eighteen
4 and forty-five years, except that men may be enlisted as
5 musicians if more than sixteen years of age; and in time of
6 peace no person who is not a citizen of the United States and
7 of this State, or who has not made legal declaration of his
8 intention to become a citizen or who cannot speak, read, and
9 write the English language or who does not reside within a
10 town where an organization of the active militia is stationed,
11 or within a radius of twelve miles, shall be enlisted in the
12 active militia; provided that the character and the standard
13 of the physical examination required for enlistment in the
14 National Guard shall be as prescribed in the regulations of
15 the War Department and the laws of the United States for

16 the government of the organized militia, and provided that
17 no person under the age of twenty-one years, having parents
18 or guardian entitled to his custody shall be enlisted or mus-
19 tered into the active militia of the State without the writ-
20 ten consent of such parent or guardian.

No person not of the age specified above, no insane or in-
22 toxicated person, no deserter from the military or naval ser-
23 vice of the United States or of this or any other state, and
24 no person who has been convicted of a felony shall be en-
25 listed in the active militia.

Hereafter all enlistments in the active militia shall be for a
27 term of not less than three years, and no person shall again
28 be enlisted whose service during the last enlistment in the
29 active militia was not honest and faithful, or who has been
30 dishonorably discharged or discharged without honor from
31 any military or naval organization of the State or of the
32 United States, unless he produces the written consent to
33 such enlistment of the commanding officer of the organiza-
34 tion in which he last served or from which he was dishon-
35 orably discharged or discharged without honor and unless
36 such enlistment be approved by the Adjutant General.

Men who have been discharged by reason of disbandment
38 may be enlisted and shall then receive credit for the period
39 served at the time of disbandment; and a man discharged for
40 physical disability shall if such disability cease and he again
41 enlists, receive credit for the period served prior to such dis-
42 charge.

Chief and principal musicians, musicians, and privates of
44 the hospital corps may be enlisted as such.

Sect. 67. *Reenlistment and continuous service.*—When a
2 soldier reenlists within sixty days from the expiration of
3 his last preceding enlistment, his services shall be consid-
4 ered as continuous and the reenlistment shall be dated as of
5 the day following such expiration; and when the term of
6 service of any enlisted man expires during a period of fur-
7 lough and while he is serving in the military or naval forces
8 of the United States, should he reenlist in the active militia
9 within sixty days of his muster out of the service of the
10 United States, his service shall be considered as continuous,
11 and shall in like manner commence on the day following such
12 expiration, and the reenlistment shall be dated as of the day
13 following such expiration.

No man of forty-five years of age or over shall be re-
15 enlisted unless he has served the full period of his last pre-
16 ceding enlistment, has the permission of the commanding
17 officer of the organization in which he desires to enlist, and
18 of the adjutant general and has passed the physical examina-
19 tion prescribed by regulations; nor shall any such man be
20 again reenlisted.

Sect. 68. *Enlistment papers.*—Every person who enlists
2 or reenlists shall sign and make oath to an enlistment paper
3 which shall contain an oath of allegiance to the State and the
4 United States, and be in such form as may be prescribed in
5 the regulations issued under this chapter. Such oath shall

6 be taken and subscribed to before a commissioned officer
7 of the active militia, and all such commissioned officers are
8 hereby authorized to administer such oaths and, when desig-
9 nated by the commanding officer of the company or other
10 organization or by other proper military superior, to make
11 and complete valid enlistments in the active militia. A per-
12 son making a false oath as to any statement contained in
13 such enlistment paper shall upon conviction be deemed guilty
14 of perjury.

Sect. 69. *Transfers.*—The commander-in-chief shall have
2 the power to make and cause to be made such transfers of
3 officers and enlisted men within a regiment, corps, or sepa-
4 rate organization, between regiments, corps or separate
5 organizations, and between the line and the hospital corps,
6 as may be for the best interests of the service, and to pro-
7 vide regulations therefor.

Sect. 70. *Non-commissioned officers.*—General, post, regi-
2 mental and battalion non-commissioned staff officers, and
3 non-commissioned officers of companies and bands, shall
4 be appointed, promoted, reduced, and warranted in accord-
5 ance with, and their duties defined by, the regulations un-
6 der this chapter, which shall be the same, so far as may be,
7 as the corresponding regulations governing the regular
8 army. Chief petty officers and petty officers of the Naval
9 Reserve shall be appointed, promoted, reduced, and war-
10 ranted in such manner as the commander-in-chief may pre-
11 scribe.

Sect. 71. *Dropping from the rolls.*—Any enlisted man, who shall remove his residence to such distance from the armory of his organization or the armory, post, or district at which he is detailed to serve, or enter into such employment as will render it impracticable for him to perform his duties properly, or who, after due diligence, cannot be found, may be dropped from the rolls by authority of the adjutant general, upon recommendation of the company or corps' commander; an enlisted man, dropped from the rolls by reason of removal or character of employment, may upon change in residence or employment be taken up at any time, upon his own application approved by the adjutant general. A man shall not be taken up from dropped until he has passed the physical examination required upon enlistment, and men thus taken up shall receive credit for the time served before having been dropped.

Sect. 72. *Discharges.*—No enlisted man shall be discharged from the service without a discharge in writing signed by his regimental or corps commander and no discharge shall be given to any enlisted man before his term of service has expired, except by order of the commander-in-chief or adjutant general, by sentence of a general court-martial or military commission, on certificate of disability by direction of the adjutant general, and in compliance with an order of a court of competent jurisdiction, or a judge or justice thereof, on a writ of habeas corpus.

Discharges shall be of the following kinds:

1. Honorable discharge, which shall be given to every
13 soldier whose service has been honest and faithful, his con-
14 duct having been such as to warrant his re-enlistment.

2. Discharge without honor, which shall be given to a
16 soldier discharged:

(a) Without trial, on account of fraudulent enlistment.

(b) Without trial, on account of having become disquali-
19 fied for service, physically or in character, through his own
20 misconduct.

(c) On account of imprisonment under sentence of a civil
22 court.

(d) Where discharge without honor is specially ordered
24 by the commander-in-chief for any other reason.

(e) Where upon expiration of the enlistment the service
26 has not, in the opinion of the company commander concurred
27 in by a board of officers, been honest and faithful. The
28 company or detachment commander who deems the service
29 not honest and faithful shall, if practicable, so notify the
30 soldier at least thirty days prior to discharge, and shall at
31 the same time notify the regimental commander or senior
32 officer of the corps, who will in every case upon the writ-
33 ten request of the enlisted man convene a board consisting,
34 if practicable, of three officers one of whom the convening
35 officer may be, to determine whether the soldier's service
36 has been honest and faithful. The soldier shall be given a
37 hearing and the decision of the board shall be final.

3. Dishonorable discharge, which may be given to a
39 soldier:

(a) Sentenced to be so discharged by a court-martial or
41 military commission.

(b) Fined by a court-martial or military commission and
43 who fails to pay such fine within thirty days after it was
44 imposed.

(c) Convicted of felony.

(d) Whose commanding officer makes application to the
47 adjutant general for his discharge for the good of the ser-
48 vice, stating briefly the misconduct relied upon as a ground
49 for the discharge; if the adjutant general, after investigation
50 in which the soldier complained of shall be given a full and
51 fair hearing, concur in the application, he may issue his
52 orders for dishonorable discharge.

Sect 73. *Certificate of merit.*—Hereafter when any en-
2 listed man of the active militia shall have distinguished him-
3 self in the service for gallantry or for long and meritorious
4 service in the active militia for a continuous period of fif-
5 teen years or for a period of twenty years not necessarily
6 continuous, the governor may upon the recommendation
7 of the commanding officer of the regiment or the senior
8 officer of the corps to which such enlisted man belongs,
9 grant him a certificate of merit; and a holder of such certifi-
10 cate shall be borne on the Military Register of the State for
11 the remainder of his life; provided that meritorious service

12 hereafter in time of actual war, insurrection, or rebellion,
13 shall count double toward procuring such certificate.

Sect. 74. *Military courtesy, command, and administration.*

2 Matters of military courtesy and discipline; precedence of
3 regiments and corps; details and working parties; special
4 duty; official designation and duties of officers; records;
5 flags, colors and standards; instruction and administration
6 of regiments, battalions, and companies; interior economy
7 of companies; rosters, detachments, and daily service; hon-
8 ors, courtesies, and ceremonies; guards; practical and theo-
9 retical instruction; care, accountability, and responsibility for
10 public property; surveys of property; staff administration
11 and general duties of the staff corps; military correspond-
12 ence; orders; muster rolls; return of troops and battle re-
13 ports; arrest and confinement; and field service, shall, in
14 general and so far as practicable and consistent with this
15 chapter, be as now or hereafter prescribed in the regulations
16 for the armies of the United States.

Sect. 75. *Inspections.*—The commander-in-chief may in
2 his discretion at such times and under such regulations as
3 he may prescribe order each colonel commanding a regi-
4 ment, or, in case of his disability or when designated by
5 him, of the lieutenant colonel, and each major commanding
6 a battalion, to parade, inspect, and report upon the gen-
7 eral military efficiency of the several companies under his
8 command at least once each year. In addition to the in-
9 spections provided for in this section, the inspector gen-

10 eral shall make the inspection prescribed in section nineteen
11 of this chapter; and the commander-in-chief may, whenever
12 he deems it necessary, order an inspection by a medical of-
13 ficer of the officers and men, armories, clothes, and equip-
14 ment of the active militia.

Sect. 76. *Schools, instruction, and encampments.*—The
2 commander-in-chief shall prescribe for the officers and men
3 of the regiments, corps and staff departments of the Na-
4 tional Guard and for the officers and men of the Naval
5 Reserve a course of theoretical and practical instruction,
6 and shall organize such schools, designate such instructors,
7 and make such regulations, as may be required to accom-
8 plish such instruction.

He shall have the power to order all or any part of the
10 National Guard to participate in any encampment, maneu-
11 vers, and field instruction of any part of the Regular Army
12 at or near any military post or camp or lake or seacoast
13 defenses of the United States, whenever such participation
14 shall have been provided for by the Secretary of War; and
15 he shall, during the year next preceding each annual allot-
16 ment in accordance with section sixteen hundred and sixty-
17 one of the Revised Statutes of the United States, as amended,
18 require every company, troop, and battery in the National
19 Guard, to participate in practice marches or go into camps
20 of instruction at least five consecutive days, and to assem-
21 ble for drill and instruction at company, battalion, or regi-
22 mental armories or rendezvous or for target practice not

23 less than twenty-four times, and shall also during the same
24 period require an inspection of each such company, troop,
25 and battery to be made by an officer of such National Guard
26 or an officer of the Regular Army. No parade or drill of
27 the active militia shall be ordered on any day during which
28 any election shall be held, except in cases of riot, inva-
29 sion or insurrection, or imminent danger thereof, or of pub-
30 lic danger resulting from flood, conflagration, or tempest.

Sect. 77. *Civil officers may call on commanding officer for aid.*—In case of a tumult, riot, mob, or body of men acting together by force with intent to commit felony or to offer violence to persons or property, or by force and violence to break and resist the laws of the State or the United States, or of imminent danger thereof, a justice of the Supreme Judicial Court in term time or vacation or the sheriff of a county, may call for aid upon a commanding officer of the National Guard or Naval Reserve, and such call shall be in writing. The commanding officer upon whom the call is made shall order out in aid of the civil authorities the military or naval force or any part thereof under his command, and shall make an immediate report of the case to the adjacent general and to his immediate commanding officer. He shall receive only general directions from the civil authority requesting the aid, and shall remain strictly responsible to his military superior for the manner in which the troops shall be used to accomplish the desired end.

Sect. 78. *In case of public disaster command may be or-*

2 *dered out.*—In the event of public danger resulting from
3 flood, conflagration, or tempest, the senior officer of a com-
4 mand may, upon request of the mayor of a city or the select-
5 men of a town, order out for the defence or protection of the
6 community the forces under his command, or any part there-
7 of, and immediately report his action and the circumstances
8 of the case to the adjutant general and to his immediate com-
9 manding officer.

Sect. 79. *Commanding officer may close certain places
2 and prohibit certain sales.*—Whenever any part of the active
3 militia is on active duty, pursuant to the order of the gover-
4 nor or call of civil authority, to aid in the enforcement of the
5 laws, the commanding officer of such troops may order the
6 closing of any place where intoxicating liquors, arms, am-
7 munition, dynamite or other explosives are sold, and forbid
8 the selling, bartering, lending, or giving away any of said
9 articles so long as any of the troops remain on duty in such
10 places, or in the vicinity thereof, whether any civil officer
11 has forbidden the same or not.

Sect. 80. *Notices for duty.*—Notices for duty at encamp-
2 ments, maneuvers and field instruction shall be given at
3 least ten days prior thereto, and for other duty at such time
4 as the officer issuing the order shall prescribe. Such notices
5 may be given orally or by written or printed notice in hand
6 sent by mail or left at the last and usual place of abode, pro-
7 vided that the posting of the copy of an order in a conspic-
8 uous place in the drill or business room of the company, at

9 a regular meeting held not less than four days before the
10 time fixed in such order for the performance of any duty
11 shall be sufficient notice to all members of the company pres-
12 ent at such meeting; and provided that when the days upon
13 which the stated drills provided by law, orders, or regulation
14 are to be held have been fixed, no further notice thereof shall
15 be required to the members of the company.

Sect. 81. *Decorations and prizes for small arms practice.*

2 —To encourage marksmanship the governor is authorized
3 to offer annually a State decoration to those who shall excel
4 in small arms practice, and prizes for competition among the
5 organizations and corps of the National Guard and Naval
6 Reserve armed with rifle and carbine. He may also in his
7 discretion provide suitable decorations and prizes for pro-
8 ficiency in practice with light and heavy guns. All such
9 prizes shall be competed for under regulations prescribed by
10 the inspector of small arms practice, approved by the adju-
11 tant general. Members of any staff corps or department as-
12 signed to duty with any command shall be considered a part
13 of such command for the purposes of the competition herein
14 authorized.

Sect. 82. *The service medal.*—Every officer and soldier
2 who has rendered honorable service for nine years in the
3 active militia of the State shall receive a service medal there-
4 for and an additional bar or clasp for each additional three
5 years service.

Sect. 83. *Medal for Perfect Attendance.*—Every officer or

2 enlisted man of a company or corps, who has a perfect rec-
3 ord of attendance at every military duty for one calendar
4 year, shall receive a suitable medal therefor, and a bar or
5 clasp for each additional calendar year of perfect attend-
6 ance, either continuous or otherwise.

Sect. 84. *Pay for drills.*—There shall be designated by
2 the commanding officer, for each company of the National
3 Guard, for the Naval Reserve, and for each detachment of
4 the Hospital Corps, authorized by the adjutant general,
5 twenty-four regular drill periods in each calendar year, and
6 each officer and enlisted man belonging to such company,
7 Naval Reserve, or detachment, and each officer and enlisted
8 man attached thereto for purposes of instruction, who at-
9 tends and performs his full duty at each such designated
10 drill, shall receive the following pay: Provided, that within
11 twenty-four hours after the close of each designated drill,
12 a return signed by each officer and enlisted man present, shall
13 be forwarded direct to the office of the adjutant general:

Major or captain medical corps, commanding detachment,
15 and captain, two dollars; first lieutenant, one dollar and
16 twenty-five cents; second lieutenant, one dollar; first ser-
17 geants and all other enlisted men, who, according to the rate
18 of pay obtaining in the regular army, receive the pay of first
19 sergeant, or more, seventy-five cents; sergeants of infantry
20 and artillery and all other enlisted men who, according to
21 the rate of pay obtaining in the regular army, receive the
22 pay of sergeants of infantry and artillery, or more, and not

23 included in the preceding class, forty-five cents; corporal of
24 infantry and artillery, and all other enlisted men who, ac-
25 cording to the rate of pay obtaining in the regular army,
26 receive the pay of corporal of infantry or artillery, or more,
27 and not included in the preceding two classes, thirty-five
28 cents; all other enlisted men, twenty-five cents; such amounts
29 to be due and payable semi-annually, and shall be allowed
30 and paid by the adjutant general out of the military fund:
31 Provided, that not less than one hour and a half actual in-
32 struction be considered a drill; and provided, that if any
33 officer or enlisted man belonging to and not on furlough
34 from such company, Naval Reserve, or detachment, or any
35 officer or enlisted man attached thereto for purposes of in-
36 struction, and not being on furlough, shall fail, except when
37 prevented by sickness evidenced by a surgeon's certificate,
38 to repair at the fixed time to the place appointed for such
39 drill, or goes from the same without leave from his com-
40 manding officer before he is dismissed or relieved, he shall
41 for each such delinquency have stopped against any amount
42 due or to become due him an amount equal to the pay herein
43 provided for attendance; provided also, that nothing con-
44 tained in this section shall bar or affect any trial had under
45 the thirty-third article for the government of the military
46 forces of this State.

The operation of the provisions of this section may be dis-
48 continued at any time by order of the Commander-in-Chief,

49 when in his opinion the state of the military fund will not
50 warrant the expenditure.

Sect. 85. *Duty Pay.*—Each officer and enlisted man or-
2 dered for duty by the commander-in-chief, or under his
3 authority, shall receive for every day actually on duty, the
4 following pay: Brigadier general, six dollars; colonel, five
5 dollars; lieutenant colonel, four dollars and fifty cents; ma-
6 jor, four dollars; captain, three dollars and fifty cents; first
7 lieutenant, three dollars; second lieutenant, two dollars and
8 fifty cents; first class sergeant Hospital Corps, regimental
9 sergeant major, quartermaster sergeant, commissary ser-
10 geant, and first sergeant, two dollars; battalion sergeant
11 major, one dollar and ninety cents; color sergeant, one dol-
12 lar and eighty-five cents; company quartermaster sergeant,
13 sergeant, cook, one dollar and seventy-five cents; corporal,
14 one dollar and fifty cents; first class private Hospital Corps,
15 one dollar and forty cents; private Hospital Corps, one
16 dollar and thirty cents; private, one dollar and twenty-five
17 cents; members of the band, three dollars; and in addition
18 thereto, there shall be allowed the necessary transportation
19 and subsistence: Provided that no pay or compensation
20 shall be allowed when ordered for inspection or muster,
21 small arms practice, drill, parade, review, field service, or
22 practice marches, unless expressly authorized in the order
23 for such duties, and provided further, that when ordered
24 for encampment, maneuvers, field exercise, or small arms'

25 competitions, or when called forth in aid of the civil au-
26 thority, commissioned officers of whatsoever grade, shall
27 receive the pay proper of officers of the same grade in the
28 regular army, and enlisted men shall receive the pay set
29 forth in this section.

Should the active militia, or any part of it, be ordered
31 on duty for more than ten days, officers and men shall re-
32 ceive the same pay and allowances as the regular troops
33 of the United States, but if when ordered the length of
34 service is not given, they shall be paid for the first ten days
35 as specified in this section, and after ten days, shall receive
36 the same pay and allowances as the regular troops of the
37 United States.

When the active militia, or any portion thereof, shall be
39 called forth in aid of the civil authority, or assembled in
40 obedience to such call, as provided for in sections seventy-
41 seven and seventy-eight, all officers and men thereof shall
42 receive the pay set forth in this section; and such compen-
43 sation and the necessary expenses incurred in quartering,
44 caring for, transporting, and subsisting the troops as well
45 as the expense incurred for pay, care, and subsistence of
46 officers and enlisted men temporarily disabled in the line
47 of duty, while on such duty, shall be paid by the county
48 where such service is rendered. The treasurer of such
49 county shall, upon presentation to him of vouchers and
50 pay rolls for such expenses and compensation, certified by

51 the commanding officer of the organization or corps on
52 duty in aid of the civil authority in such county or coun-
53 ties, and approved by the adjutant general, forthwith exe-
54 cute in behalf of and in the name of such county a certifi-
55 cate or certificates of indebtedness for the money required
56 to pay such vouchers and pay rolls; such certificates shall
57 bear interest at the rate of not to exceed six per centum
58 per annum, and shall be made payable on the first day of
59 January following the expiration of two months from their
60 issue, and the amount thereof shall be raised in the next
61 tax budget of said county succeeding their issue, and ap-
62 plied to the payment of such certificates. Said county treas-
63 urer shall sell such certificates at public and private sale,
64 and apply the proceeds thereof to the payment of such ex-
65 penses and compensation. Any county treasurer or public
66 officer, who shall neglect or refuse to perform any of the
67 duties required by this section, shall be personally charged
68 with the costs and all necessary disbursements of any action
69 or proceeding brought to compel such performance, together
70 with a reasonable additional allowance to the plaintiff or
71 relator in such action or proceeding, to be fixed by the court.

Sect. 86. *Additional Pay and Allowances.*—In addition
2 to all other pay and allowances herein provided, there shall
3 be allowed, subject to such regulations as the commander-
4 in-chief may prescribe, to an adjutant general on the staff
5 of a brigade commander, to a regimental adjutant, to the

6 senior officer of the medical department, to the senior officer
7 of the ordnance department, each, a sum not exceeding
8 one hundred dollars per annum. To the senior officer of
9 the subsistence department, not exceeding fifty dollars per
10 annum. To each company commander, for care and respon-
11 sibility of military property, not exceeding fifty dollars per
12 annum; to each company clerk, and to each company quar-
13 termaster sergeant, not exceeding twenty-five dollars per
14 annum.

To all officers ordered to make inspection or other journeys
16 necessary in the military service, there shall be allowed all
17 actual and necessary expenses incident to the performance
18 of said service, including such incidental expenditures as
19 are allowed by law and regulations to officers of the regular
20 army when inspecting the organized militia.

Whenever deemed necessary, the adjutant general may
22 authorize the computation of rations for enlisted men, which
23 shall be at the rates fixed by the regulations of the United
24 States in force at the time.

The adjutant general whenever necessary, and in such man-
26 ner as he may deem best, shall provide suitable mounts for
27 all officers and enlisted men required to perform mounted
28 duty. He shall also approve all other just and reasonable
29 claims, payments, and expenditures, legally made in behalf
30 of the military service of the State.

Sect. 87. *Payment of military accounts.*—All military accounts, unless otherwise specially provided by law, shall be approved by the person authorized to contract the same and transmitted to the adjutant general for his examination and approval. They shall then be presented to the governor and council, and if found correct shall be certified to the paymaster general for payment, and a warrant shall be drawn for the amount thereof on the State treasurer in favor of the paymaster general; accounts so allowed shall be paid by him to the persons to whom they are severally due, or to their order; provided that no payment whatever shall be made or allowed except for duty actually performed or services actually rendered; and provided that no payment of any sum authorized by this chapter shall be made to any person until there shall have been first deducted therefrom all amounts due by him to the State on any military account whatsoever.

Sect. 88. *The military fund.*—For the purpose of raising revenue to defray the current expenses of the active militia there shall be assessed and collected as other State taxes are, a tax of one-tenth of one mill upon all property in the State subject to taxation, for the present fiscal year and for each fiscal year thereafter. There shall also be appropriated annually from any money in the treasury not otherwise appropriated, to defray the current expenses of the Naval Reserve of the State of Maine, the sum of eight

10 thousand dollars. The revenue thus raised shall be paid
11 into the State treasury and be converted into a special and
12 continuous military fund. From which special fund only,
13 except where herein otherwise specified, shall be paid the
14 expenses authorized by this act; and so much thereof as
15 may be necessary is hereby appropriated to carry out the
16 provisions of this article, to be paid upon vouchers approved
17 as provided in section eighty-seven.

Sect. 89. *Pay and care when injured or disabled in service.*

2 —Any member of the active militia who shall, when on duty
3 or assembled therefor, in case of riot, tumult, breach of the
4 peace, insurrection or invasion, or whenever called into
5 active service of the State by order of the governor, or
6 called in aid of the civil authorities, or when participating
7 by order of the governor in any encampment, maneuvers,
8 and field instruction of any part of the regular army at or
9 near any military post or camp or lake or sea coast defenses
10 of the United States, or when participating by order of
11 the governor in practice marches or camps of instruction
12 for at least five consecutive days, receive any injury, or
13 incur or contract any disability or disease, by reason of
14 such duty or assembly therefor, or who shall without fault
15 or negligence on his part receive any wound or injury inci-
16 dent to and while performing any lawfully ordered duty,
17 which shall temporarily incapacitate him from his usual
18 business or occupation, shall during the period of such in-

19 capacity, receive the pay provided by section eighty-five
20 and actual and necessary expenses for care and medical
21 attendance. No claim shall be allowed under this section
22 unless the claimant within thirty days after receiving the
23 injury or contracting the disease or disability upon which
24 the claim is based, notifies in writing the adjutant general
25 of his intention to make such claim. Under this section
26 no disability shall be considered temporary which continues
27 more than ninety days after the date of receiving the injury
28 or of contracting or incurring the disease or disability, and
29 pay and expenses for care and medical attendance for more
30 than the said ninety days shall not be allowed. Where a
31 claim is made under this section, the claimant shall, within
32 thirty days after receiving the injury or contracting the
33 disease or disability upon which the claim is made, or such
34 further time as the adjutant general shall grant, submit to the
35 adjutant general his proof by affidavit or otherwise as the
36 adjutant general may direct. On examination thereof the
37 adjutant general may allow or disallow the whole or any part
38 of said claim, or he may refer the same to a medical exam-
39 iner or to a board of three officers, at least one being a medi-
40 cal officer, to be appointed by the adjutant general, and such
41 medical examiner or board shall have the same power to take
42 evidence, administer oaths, issue subpoenas and compel wit-
43 nesses to attend and testify and produce books and papers,
44 and punish their failure to do so, as is possessed by a general

45 court-martial. The finding of the medical examiner or board
46 shall be subject to the approval of the adjutant general, who
47 may approve the whole or any part thereof, or he may return
48 the proceedings for revision or for taking further testimony.
49 The adjutant general may cause the examination of the
50 claimant to be made from time to time by a medical officer or
51 officers designated for the purpose, and may direct the re-
52 moval of a claimant to, and his treatment in, any hospital
53 designated by the adjutant general, and if the claimant re-
54 fuse to permit any examination herein provided for, or if he
55 refuse to go to such hospital, or to follow the advice given
56 or treatment prescribed for him therein, he shall thereby
57 forfeit and be barred from all right to any claim or allow-
58 ance under this section.

The amount found due such member by the adjutant gen-
60 eral, either on his own investigation or on the report of a
61 medical examiner or board to the extent approved by him,
62 shall be a charge against and be paid in the manner pro-
63 vided in section eighty-five by the county in which such
64 duty was rendered, in every case where a county is by said
65 section made liable to pay for the performance of military
66 duty; and in all other cases such sums shall be a claim
67 against the State of Maine, and the adjutant general shall
68 so certify to the governor and council who will cause their
69 warrant to be drawn for the amount so certified, and the
70 treasurer of the State shall pay said amount to the claim-

71 ant from any moneys in the treasury not otherwise appro-
72 priated.

Sect. 90. *Duty of municipal officers to provide and main-
2 tain armories.*—It shall be the duty of municipal officers to
3 provide and maintain for each company of the active militia
4 located within the limits of their respective towns a suitable
5 drill-room, offices, and armory, or place of deposit of all mili-
6 tary equipment, and for the headquarters of each separate
7 battalion, corps, regiment, and brigade established within
8 such municipal limits suitable headquarters offices; and the
9 suitability for the necessary military purposes, of such drill-
10 rooms, armories, and headquarters offices, shall be deter-
11 mined by the armory commission. A reasonable compensa-
12 tion to be fixed by the armory commission, after hearing and
13 consulting with the responsible municipal officers, not to ex-
14 ceed three hundred dollars per annum for each company,
15 other organization, band, or separate headquarters shall be
16 allowed as rent for such suitable building or buildings to the
17 municipality providing and maintaining them, and paid by
18 the State out of the military fund.

Sect. 91. *Duty of municipal officers to provide and main-
2 tain target ranges.*—It shall be the duty of municipal officers
3 to provide for each company of the active militia located
4 within the limits of their respective towns a suitable target
5 range, except where such range shall be provided out of the
6 military fund appropriated by the Congress of the United

7 States and apportioned to the State for that purpose; and it
8 shall be the duty of such municipal officers to maintain and
9 keep in good repair such target range for the use of the com-
10 pany or companies located within the limits of their municipi-
11 pality, irrespective of the method in which such range may
12 have been obtained. The suitability of such target range
13 for the necessary military purposes shall be as determined by
14 the inspector of small arms practice of the National Guard
15 and approved by the adjutant general. All ranges shall be
16 open for the use of members of the National Guard at any
17 time.

Sect. 92. *Any municipal officer who fails, refuses, or
2 neglects to perform his duty as prescribed in the two pre-
3 ceding sections guilty of a misdemeanor.*—Any municipal
4 officer who fails, refuses, or neglects to take effective meas-
5 ures for providing and maintaining such suitable drill-rooms,
6 offices, armories, or headquarters as prescribed in section
7 one hundred and seven, and any municipal officer who fails,
8 refuses, or neglects to take effect measures for providing
9 and maintaining a suitable target range as prescribed in
10 section one hundred and eight, shall be guilty of a misde-
11 meanor, prosecuted by complaint or indictment before a
12 court of competent jurisdiction, and upon conviction shall be
13 fined not less than one hundred dollars nor more than four
14 hundred dollars, or imprisoned for not less than three
15 months nor more than six months, or shall suffer both such

16 fine and imprisonment, which fine shall be paid into the
17 State treasury and credited to the military fund.

Sect. 93. *Necessary authority granted to municipalities.*—

2 All municipalities in this State are hereby given power and
3 authority to build or acquire by purchase, lease, gift, or
4 otherwise, suitable armories, drill-rooms, headquarters of-
5 fices, and the land necessary therefor and for target ranges
6 for such organizations of the active militia as may be sta-
7 tioned or located therein, and to provide for the main-
8 tenance and repair of the same; and all municipalities are
9 hereby authorized, and it shall be the duty of the officers
10 thereof, to raise money by taxation or otherwise for the pur-
11 pose of providing suitable armories, drill-rooms, headquar-
12 ters offices and target ranges for such organizations of the
13 active militia as may be stationed and located therein, in
14 such manner as is by law provided for the erection and
15 maintenance of all municipal public buildings and improve-
16 ments.

Sect. 94. *Armories and target ranges exempt from taxa-*
2 *tion.*—All armories, drill-rooms, offices, headquarters offices,
3 and target ranges, owned by the State or by any municipal-
4 ity, or by any organization of the active militia, and all
5 buildings and lands leased by the State, or by any municipal-
6 ity, or by any officer or organization of the active militia, to
7 be used as an armory, drill-room, headquarters office, target
8 range, or for other military purposes shall be exempt from

9 taxation for all purposes during the period of such owner-
10 ship, lease, and use.

Sect. 95. *Armory commission.*—The adjutant general, to-
2 gether with two officers of the line of the active militia of or
3 above the grade of captain and two civilians appointed by
4 the governor for a term of four years unless sooner relieved
5 by proper authority and eligible to reappointment for a like
6 period, shall constitute an armory commission of which the
7 adjutant general shall be the chairman, whose duty it shall
8 be to exercise general supervision and control over all
9 armories, drill-rooms, and headquarters offices, to consult
10 and co-operate with the municipal authorities and to devise
11 effective means of obtaining and maintaining such armories,
12 and to fix, subject to the approval of the governor, the com-
13 pensation to be allowed to the municipalities as rent for
14 them; they shall have the power, after consulting and hear-
15 ing the responsible municipal officers, to determine the ad-
16 ministrative question of military suitability and adequate
17 maintenance of all armories, drill-rooms, offices, and head-
18 quarters offices; and it shall be their duty to notify the re-
19 sponsible municipal officers of all deficiencies in these re-
20 spects, and should such officers fail, refuse, or neglect to take
21 effect measures for providing such suitable buildings and
22 their maintenance, the chairman of the commission shall
23 initiate the prosecution prescribed by section ninety-two.

Sect. 96. *Armories for exclusive use of the active militia, except when otherwise authorized.*—All armories, drill-rooms, offices, and headquarters offices, shall be subject always to the provisions of law and the regulations prescribed by proper authority; and said armories, drill-rooms, offices, and headquarters offices, shall be held for the exclusive use of the active militia unless otherwise authorized by the general regulations for the government of armories prescribed by the armory commission, or by special authority of the chairman of said commission after application in special cases by the municipal authorities in writing. Should any municipal officer use such buildings without authority, or abuse the authority or privilege so granted, they and each of them shall, in each such case, be deemed guilty of a misdemeanor and shall be punished as prescribed in section ninety-two.

Sect. 97. *Governor may accept donations of lands and buildings for military use.*—The governor is authorized to accept in the name of the State donations of lands and buildings to be used for military purposes by the organized militia under such conditions as the donors may nominate; lands and buildings so donated shall be subject to the rules and regulations prescribed by the governor.

Sect. 98. *State may erect armories.*—Whenever the military fund shall be sufficient to warrant such expenditures, the armory commission may, with the approval and by direc-

4 tion of the governor, erect, upon lands donated to the State
5 for the purpose either by municipalities, corporations or in-
6 dividuals, armories, drill-rooms, headquarters offices or other
7 buildings for military purposes; provided, that should such
8 buildings cease to be held, used, or occupied for military
9 purposes the buildings and improvements, thereon erected
10 out of the military fund shall revert to the original donor, or
11 donors, his or their successors, heirs, and assigns.

Sect. 99. *Rules of evidence.*—The rules of evidence in all
2 courts-martial shall follow in general, so far as apposite, the
3 common law rules of evidence as observed by the courts of
4 this State in criminal cases, but a certain latitude in the in-
5 troduction of evidence and the examination of witnesses by
6 an avoidance of restrictive rules is permissible when it is in
7 the interest of the administration of military justice. The
8 accused shall, at his own request but not otherwise, be a
9 competent witness; and his failure to make such request
10 shall not create any presumption against him.

Sect. 100. *Rights of the accused.*—In all trials before
2 courts-martial the accused shall have the right to demand the
3 nature and cause of the accusation against him, and to be
4 presented with a copy of the charges. He shall have the
5 right of being heard by himself or counsel or both; and shall
6 have compulsory process for obtaining witnesses in his favor.
7 The officer ordering a general, regimental, or garrison court-
8 martial will, at the request of any prisoner who is to be

9 arraigned, detail as his counsel a suitable officer who shall
10 perform such duties as devolve upon counsel for defendant
11 before civil courts in criminal cases.

Sect. 101. *Power of judge-advocate to issue necessary*
2 *process.*—The judge-advocate of any court-martial, and any
3 summary court, will summon the necessary witnesses for
4 the trial, and for that purpose shall have authority to issue
5 in the name of the State the necessary subpoenas; and
6 every judge-advocate of a court-martial shall have power
7 to issue the like process to compel witnesses to appear and
8 testify which courts of criminal jurisdiction within this
9 State may lawfully issue. Such writs and process may be
10 served and executed by a military person or persons desig-
11 nated to do so by the judge-advocate, or they may be di-
12 rected to any sheriff, constables, or other officer, whose duty
13 it shall be to serve or execute the same in the same manner
14 in which like writs and process are served and executed
15 when issued by the civil courts of criminal jurisdiction in
16 this State.

The attendance of witnesses in the military service of the
18 State may be procured by the service of formal subpoena.
19 or by the order of competent military authority; and every
20 person in the military service of the State who being duly
21 subpoenaed or ordered to appear as a witness before a
22 court-martial wilfully neglects or refuses to appear, or re-
23 fuses to qualify as a witness, or to testify or produce docu-

24 mentary evidence, shall be deemed guilty of disobedience
25 of orders and punished by a court-martial accordingly; and
26 every person not belonging to the military service of the
27 State who being duly subpoenaed to appear as a witness
28 before a court-martial wilfully neglects or refuses to appear
29 or refuses so to qualify, testify, or produce documentary
30 evidence, shall be deemed guilty of a misdemeanor, and
31 prosecuted like other misdemeanants in any court of com-
32 petent jurisdiction and punished by a fine not exceeding
33 one hundred dollars; provided that such witness may plead
34 as a defense that he was not tendered one day's fee and
35 mileage for the journey to and from the place of trial; and
36 provided that all witnesses shall receive the fees prescribed
37 in the supreme judicial court, such amounts to be paid by
38 the adjutant general; and provided that no witness shall
39 be compelled to incriminate himself or to answer any ques-
40 tion which may tend to incriminate or degrade him.

Sect. 102. *Subpoenas and other process to extend through-*
2 *out the State.*—Subpoenas and all other writs and process
3 when issued by general courts-martial shall extend to every
4 part of the State, but when issued by other military courts
5 cannot be executed in any county other than the one in
6 which issued, except they be indorsed by the governor, or
7 an officer authorized to order a general court-martial, in
8 which case they can be executed anywhere in this State.
9 The indorsement shall be, in substance, "Let this process

10 be executed in any county of the State of Maine," and shall
11 be dated and signed by the officer making it.

Sect. 103. *Maximum limits of punishment.*—Whenever
2 by any of the articles of section one hundred thirty-two, the
3 punishment on conviction of any military offense is left
4 to the discretion of the court-martial, the punishment shall
5 not exceed, in the case of officers, dismissal from the ser-
6 vice, a forfeiture of all pay and allowances, and a fine of
7 two hundred dollars and costs of witnesses, and, in the
8 case of enlisted men, thirty days confinements, dishonorable
9 discharge, forfeiture of all pay and allowances, and a fine
10 of fifty dollars and costs of witnesses. Within such max-
11 imum limit the governor may prescribe in the case of en-
12 listed men a lesser limit which a court-martial shall not
13 exceed, and if no such limit be prescribed any fine awarded
14 shall not exceed the amount of forfeiture prescribed in the
15 executive order establishing maximum limits of punishment
16 for enlisted men in the regular army. But confinement shall
17 in no case be awarded as a punishment except for an offense
18 committed when on duty in any encampment, maneuvers,
19 and field instruction ordered for at least five consecutive
20 days, or when called out by the governor in case of insur-
21 rection, invasion, tumult, riot, mob, resistance to the laws
22 of the State, or of imminent danger thereof, or when called
23 out in aid of the civil power.

Sect. 104. *Warrants of commitment.*—When the sentence
2 of a court-martial adjudges a fine and costs against any
3 person, and such fine and cost has not been fully paid with-
4 in thirty days after the confirmation thereof, or whenever
5 a person in the military service is ordered confined to await
6 trial or is sentenced to confinement by a court-martial, or
7 whenever any person is ordered into confinement under the
8 eighty-sixth article, at a place or station not provided with
9 a guard-house or military prison, the governor, the court
10 or officer ordering the court, or the officer commanding for
11 the time being, as the case may be, shall issue a warrant
12 of commitment directed to the sheriff of the county in
13 which the court-martial was held, directing him to take the
14 body of the person so convicted and confine him in the
15 county jail; and it shall be the duty of the sheriff to take
16 the body of the person convicted and confine him in the
17 county jail for the time specified in the sentence, or for
18 one day for any fine not exceeding one dollar, and one
19 additional day for every dollar above that sum, and one
20 additional day for each dollar of cost.

Sect. 105. *Jurisdiction presumed; immunity of court.*—
2 The jurisdiction of the courts and boards established by
3 this act shall be presumed, and the burden of proof shall
4 rest on any person seeking to oust such courts or boards
5 of jurisdiction in any action or proceeding.

No action or proceeding shall be prosecuted or maintained
7 against a member of the military forces of this State or
8 officer or person acting under its authority or reviewing its
9 proceedings on account of the approval or imposition or
10 execution of any sentence, or the imposition or collection
11 of any fine or penalty, or the execution of any warrant,
12 writ, execution, process, or mandate of a military court.

Sect. 106. *Judge advocates may administer oaths in mili-*
2 *tary administration.*—Officers of the judge advocate gen-
3 eral's department, judge advocates of courts-martial, and
4 the trial officers of summary courts, are hereby authorized
5 to administer oaths for the purpose of military adminis-
6 tration, and shall charge no fee for the same.

Sect. 107. *Report of trials.*—Each summary court and the
2 judge advocate of each regimental and each garrison court
3 shall, at the end of each month, make a report to the adju-
4 tant general of the cases tried, setting forth the offense
5 committed and penalty awarded, which reports may be
6 destroyed when no longer of use.

Sect. 108. *Naval Reserve.*—The provisions of this article
2 shall apply, so far as apposite, to the Naval Reserve.

Sect. 109. *Exemption from arrest.*—Every person belong-
2 ing to the active militia of the State shall in all cases, except
3 felony and breach of the peace, be privileged from arrest
4 while going to, remaining at, or returning from any place

5 at which he may be required to attend for the election of
6 officers or other military duty.

Sect. 110. *Exemption from jury duty.*—Every member
2 of the active militia, every retired officer, and every enlisted
3 man holding the certificate of merit shall be exempt from
4 all jury duty; production of a certificate from the claimant's
5 commanding officer showing that the holder is a member
6 of the active militia, or of a certificate of retirement, or
7 of a certificate of merit, or the sworn statement of the
8 claimant that he is such member, retired officer, or holder
9 of a certificate of merit, shall be prima facie proof that the
10 claimant is entitled to the exemption.

Sect. 111. *No voluntary service allowed.*—No organiza-
2 tion of the active militia shall perform any voluntary mili-
3 tary service except as authorized by this act or by the
4 express orders of the governor.

Sect. 112. *Military organizations not to leave or enter
2 the State except by permission of the governor.*—No organ-
3 ization of the active militia shall leave the State, and no
4 military organization of another State, unless acting under
5 the authority of the United States, shall enter the State,
6 except in each case by permission of the commander-in-
7 chief.

Sect. 113. *Military parades by unauthorized bodies pro-
2 hibited.*—No body of men, other than the active militia and
3 troops of the United States, shall associate themselves

4 together as a military company or organization, or parade
5 in public with firearms in any city or town of this State;
6 nor shall any city or town raise or appropriate any money
7 toward arming, equipping, uniforming or in any other way
8 supporting, sustaining or providing drill-rooms or armories
9 for any such body of men; but associations wholly com-
10 posed of soldiers and soldiers honorably discharged from
11 the service of the United States and the order known as
12 the Sons of Veterans may parade at any time in public with
13 firearms, having first obtained the written permission of the
14 city or municipal officers of the town or city in which they
15 reside to parade, and students in educational institutions
16 where military science is taught as a prescribed part of the
17 course of instruction, may, with the consent of the gov-
18 ernor, drill and parade with firearms in public under the
19 superintendence of their military instructors. Any person
20 violating any provision of this section shall be deemed guilty
21 of a misdemeanor and punished by a fine not exceeding ten
22 dollars, or by imprisonment not exceeding six months, or
23 by both such fine and imprisonment.

Sect. 114. *Uniform.*—The uniform, arms, and equipment
2 of the active militia shall be the same as those of the reg-
3 ular army and navy of the United States, except that on
4 articles of uniform and equipment the distinguishing letters
5 “Me.” may be substituted for the letters “U. S.”; each or-
6 ganization of the National Guard and every enlisted man

7 thereof shall be uniformed, armed, and equipped by the
8 State, as is or may hereafter be prescribed or provided by
9 the laws and regulations of the United States for the organ-
10 ized militia, and no member or organization of the active
11 militia, shall adopt, use or wear in the military service of
12 the State any other uniform, arms, or equipment.

All commissioned officers shall provide themselves with
14 such uniforms, arms, and equipment as are required of
15 commissioned officers of the regular army; and the adju-
16 tant general may purchase and issue as State property on
17 memorandum receipt to commissioned officers such articles
18 of arms and equipment as he may deem necessary.

The clothes, arms, military outfit, and accoutrements fur-
20 nished by or through the State to a member of the active
21 militia, and the uniforms, arms, and equipment required of
22 commissioned officers shall not be subject to any suit, dis-
23 tress, execution, or sale for debt or payment of taxes.

Sect. 115. *Unlawful wearing of the uniform.*—Every per-
2 son, other than an officer or enlisted man of the active militia
3 of this State, or of any other state, or of the United States
4 Army, Navy, Marine Corps, or Revenue or Forest Service,
5 or a member of any service of the United States for whom
6 such uniform has been prescribed by proper authority, or
7 inmate of any veterans' or soldiers' home, or a member of
8 the Grand Army of the Republic, who at any time wears
9 the uniform of the United States Army or Navy or active

10 militia of this State, or any part of such uniform, or a
11 uniform or a part of a uniform similar thereto, within the
12 limits of this State, shall be guilty of a misdemeanor, and
13 shall upon conviction be punished by a fine not exceeding
14 one hundred dollars, or by imprisonment in the county jail
15 not exceeding thirty days, or by both such fine and impris-
16 onment; provided, that nothing in this act shall be con-
17 strued as prohibiting persons of the theatrical profession
18 from wearing such uniform in any playhouse or theatre
19 while actually engaged in following said profession, and
20 provided, that nothing in this act shall be construed as pro-
21 hibiting the uniform rank of civic societies parading or
22 traveling in a body or assembling in a lodge room; and
23 provided further, that whenever the active militia, or any
24 part thereof is in active service, or is called into active
25 service, no civic organization or member thereof shall parade
26 or appear in uniform in the locality where said active militia
27 is in service.

Sect. 116. *Member of active militia to suffer no injury
2 in his employment because of being such member.*—Any
3 person who, either by himself or with another, wilfully
4 deprives a member of the National Guard or Naval Reserve
5 of his employment, or prevents his being employed by him-
6 self or another, or obstructs or annoys said member of said
7 National Guard or Naval Reserve or his employer in respect
8 of his trade, business, or employment, because said mem-
9 ber of said National Guard or Naval Reserve is such mem-

10 ber, or dissuades any person from enlisting in the said
11 National Guard or Naval Reserve by threat of injury to
12 him in case he shall so enlist, in respect of his employment,
13 trade, or business, shall be deemed guilty of a misdemeanor
14 and upon conviction thereof shall be punished by a fine not
15 exceeding five hundred dollars, or by imprisonment not
16 exceeding six months, or by both such fine and imprison-
17 ment.

Sect. 117. *No association or organization to discriminate
2 in its eligibility rules for membership against a member of
3 the active militia.*—No association or corporation, consti-
4 tuted or organized for the purpose of promoting the suc-
5 cess of the trade, employment, or business of the members
6 thereof, shall by any constitution, rule, by-law, resolution,
7 vote, or regulation, discriminate against any member of the
8 National Guard or Naval Reserve because of such mem-
9 bership, in respect of the eligibility of such member of the
10 National Guard or Naval Reserve to membership in such
11 association or corporation, or in respect to his rights to
12 retain said last mentioned membership; and any person
13 who aids in enforcing any such provisions against a mem-
14 ber of the said National Guard or Naval Reserve with in-
15 tent to discriminate against him because of such member-
16 ship, shall be guilty of a misdemeanor and upon conviction
17 thereof shall be punished by a fine not exceeding five hun-
18 dred dollars, or by imprisonment not exceeding six months,
19 or by both such fine and imprisonment.

Sect. 118. *Member of active militia in the performance*
2 *of his duty not to be molested, insulted or abused.*—Who-
3 ever shall unlawfully molest, insult, or abuse any member
4 of the National Guard or Naval Reserve, while in the per-
5 formance of his military duty, shall be deemed guilty of
6 a misdemeanor and on conviction thereof, shall be punished
7 by a fine not to exceed five hundred dollars, or by imprison-
8 ment not exceeding six months, or by both such fine and
9 imprisonment.

Sect. 119. *Military equipment not to be disposed of.*—
2 The clothes, arms, military outfits, and accoutrements fur-
3 nished by or through the State to any member of the active
4 militia shall not be sold, bartered, exchanged, pledged,
5 loaned, or given away; and no person not a member of the
6 military forces of this State or of the United States, or
7 duly authorized officer or agent of the State or of the
8 United States, who has possession of any such clothes, arms,
9 military outfits, or accoutrements, so furnished, and which
10 have been the subject of any such unlawful disposition,
11 shall have any right, title, or interest therein; but the same
12 shall be seized and taken wherever found by any officer
13 of the State, civil or military, and shall thereupon be de-
14 livered to any commanding officer or other officer author-
15 ized to receive the same, who shall make an immediate
16 report to the adjutant general. The possession of any such
17 clothes, arms, military outfits, or accoutrements by any per-
18 son not a member of the military forces of the State or of

19 the United States shall be presumptive evidence of such
20 sale, barter, exchange, pledge, loan, or gift.

Sect. 120. *Unlawful disposition of military equipment.*—

2 Any person who shall sell, or offer for sale, barter, ex-
3 change, pledge, loan, or give away, secrete or retain after
4 demand made by any officer of the State, civil or military,
5 any clothes, arms, military outfits, or accoutrements fur-
6 nished by or through the State to a member of the active
7 militia, or who shall receive by purchase, barter, exchange,
8 pledge, loan, or gift, any such clothes, arms, military out-
9 fits, or accoutrements, shall be guilty of a misdemeanor
10 and punished by a fine not exceeding one hundred dollars
11 or by imprisonment not exceeding six months, or by both
12 such fine and imprisonment.

Sect. 121. *Repair and renovation of military property.*—

2 The adjutant general shall, whenever it may be necessary,
3 make arrangements for the repair, cleansing, and renova-
4 tion of all clothes, arms, military outfits, or accoutrements
5 on hand or issued to any organization of the active militia;
6 and when the necessity of such repair, cleansing, or renova-
7 tion is due to the fault or negligence of any member of the
8 active militia, the cost thereof shall be charged against any
9 pay due or to become due such member or recovered in the
10 same manner as a fine, forfeiture, or penalty, as prescribed
11 by this chapter.

Sect. 122. *Sales of condemned military property.*—The

2 inspector general or such other officer as the adjutant gen-

3 eral may designate, shall inspect and condemn public mili-
4 tary property which has become unfit for use; no property
5 shall be sold until it has been so inspected and condemned,
6 and such condemnation approved by the governor; and the
7 proceeds of sales of condemned material, stores, supplies,
8 or other public military property of every kind shall be de-
9 posited with the adjutant general, paid into the State treas-
10 ury, and credited to the military fund.

Sect. 123. *Property responsibility and accountability.*—

2 All property furnished by the State shall remain and con-
3 tinue to be the property of the State, to be used for military
4 purposes only, and when not so in use shall be kept in the
5 armories or designated places of deposit. Every officer re-
6 ceiving public property for military use shall be held re-
7 sponsible for the safe-keeping and return of the same when
8 called for; he shall account for and make such returns there-
9 of as may be prescribed whenever called upon so to do by the
10 governor or other proper authority, and every such officer
11 shall, when requied by the governor, give bond payable to
12 the adjutant general of the State in such sum as he may di-
13 rect, with good and sufficient sureties, conditioned to ac-
14 count for, safely keep, and return all military property of
15 the State and the United States for which such officer may
16 be accountable and responsible.

Any officer, enlisted man or other person, who shall wil-
18 fully or maliciously destroy, injure or deface any article of
19 military property belonging to the State, or shall use it for

20 other than military purposes, or shall have or retain the
21 same in violation of law or regulations shall be punished by
22 a fine not exceeding fifty dollars. And in case any officer
23 or enlisted man of the National Guard who has at any time
24 through carelessness or inattention lost, destroyed, or suf-
25 fered to be lost or destroyed, any State or government prop-
26 erty which has been issued for his use, the paymaster gen-
27 eral shall retain out of the pay or allowances or moneys due
28 such officer or enlisted man for any military services what-
29 soever, an amount of money equal to the value of the prop-
30 erty so lost or destroyed, and money so retained shall be
31 credited to the account of such officer of the National Guard
32 as may be accountable to the State for said property. Such
33 portion of said money as shall be for State property shall be
34 turned in to the treasurer of the State, to be credited to the
35 militia fund, and such portion as may be for United States
36 property shall be turned in to the United States treasury to
37 be credited to the State on its property returns.

Sect. 124. *Right of way.*—The commanding officer of any
2 portion of the active militia parading or performing any
3 military duty in any street or highway, may require any or
4 all persons in such street or highway, to yield the right of
5 way to such militia, provided the carriage of the United
6 States mail, the legitimate functions of the police and the
7 progress and operations of the hospital ambulances, fire
8 engines and fire departments, and apparatus of the insur-
9 ance patrol shall not be interfered with thereby. All others

10 who shall hinder, delay, or obstruct any portion of the active
11 militia wherever parading or performing any military duty,
12 or who shall attempt so to do, shall be guilty of a misde-
13 meanor.

Sect. 125. *Authority of commanding officer over camp, armory and place of parade.*—Every commanding officer, when on duty as such, may fix necessary bounds and limits to his camp, or parade, not including a road so as to prevent passing. Whoever intrudes within the limits of the parade, camp, or armory, after being forbidden, or resists a sentinel who attempts to put him or keep him out of such limits, or in any manner interrupts or molests the orderly discharge of duty by those under arms, or disturbs, hinders, or prevents the passage of troops going to or returning from any duty, may, at the discretion of the commanding officer, be confined under guard not exceeding twenty-four hours. Such authority of an officer commanding a camp may be extended by order of the Commander-in-Chief, to a distance not exceeding one-half mile around such camp; provided, that the owner or owners of the external space within such distance of the camp, and their agents or servants, shall not be hindered or prevented from entering upon such space for the purpose of using, occupying, and improving the same, in the same manner in which they used, occupied, and improved the same at the time when the camp was established. The commanding officer of any camp or armory shall prohibit the introduction or sale of, or dealing in, beer, wine, or any

24 intoxicating liquor, within the limits or extended limits of
25 the camp or within the armory, and he may abate as common
26 nuisances all such sales and introductions.

Sect. 126. *Penalty for neglect or refusal of civil officer.*—

2 Civil officers named in this chapter, neglecting or refusing
3 to obey its provisions, shall be guilty of misdemeanor.

Sect. 127. *Offenses against this chapter punishable crim-*
2 *inally when not otherwise provided for.*—Offenses against
3 the provisions of this chapter, except when they are purely
4 military and committed by a person subject to military juris-
5 diction, may, unless a different remedy is specially provided,
6 be prosecuted by complaint or indictment before a court of
7 competent criminal jurisdiction; and all fines and forfeitures
8 collected under the provisions of this chapter, the disposition
9 whereof is not otherwise specially provided for, shall be paid
10 into the State treasury and credited to the military fund.

Sect. 128. *Company by-laws.*—Companies of the active
2 militia may make by-laws, subject to the written approval of
3 the adjutant general, not repugnant to law, orders, or regu-
4 lations, and fix a sum to be paid by any member of such com-
5 pany for noncompliance therewith not exceeding five dollars.
6 Any member who fails to pay such sum so fixed, within thirty
7 days after notification that the same is due, shall be deemed
8 guilty of conduct to the prejudice of good order and mili-
9 tary discipline, and punished by a court-martial accordingly;
10 and all forfeitures resulting therefrom shall be paid into the
11 company treasury.

Sect. 129. *The National Guard Association.* The commissioned officers of the active militia may organize themselves into an association the name of which shall be "The National Guard Association of the State of Maine." Such association may adopt a constitution and by-laws not repugnant to law, orders, or regulations, and alter and amend the same, and may take and hold such real and personal property as may be necessary for the purposes of the association.

Sect. 130. *Rules and regulations.*—The governor is hereby authorized to make such rules and regulations as he may deem expedient, but such rules and regulations shall conform to this chapter, and, as nearly as practicable, to those governing the United States army and navy, and when promulgated, shall have the same force and effect as the provisions of this chapter. The rules and regulations in force at the time of the passage of this chapter, and not inconsistent herewith, shall remain in force until new regulations are approved and promulgated.

Sect. 131. *Articles of war of the United States to be in force in time of war.*—Whenever any portion of the militia not being in the service of the United States shall be on duty or ordered to assemble for duty by the governor in time of actual war, insurrection, invasion or rebellion, the articles of war governing the army of the United States, the articles for the government of the United States navy, and the regulations prescribed for the army and navy of the United States, so far as consistent with this chapter and the regula-

10 tions issued thereunder, shall be in force and regarded as a
11 part of this chapter until said forces shall duly be relieved
12 from such duty during such state of actual war, insurrection,
13 invasion, or rebellion; but no punishment under such rules
14 and articles which shall extend to the taking of life, shall in
15 any case be inflicted until the approval by the governor of
16 the sentence inflicting such punishment.

Sect. 132. *Articles for the government of the military
2 forces in time of peace.*—Whenever any portion of the mili-
3 tia shall be on duty or ordered to assemble for duty in the
4 service of this State in accordance with this chapter, except
5 as provided in the preceding section, the following rules and
6 articles, being modifications of the corresponding rules and
7 articles of war of the United States, shall govern:

Article 2. Enlistment in the active militia of this State
9 shall be voluntary, and every person who enlists therein shall
10 take and subscribe an oath (or affirmation) in the following
11 form:

I, _____, do solemnly swear (or affirm) that I
13 will bear true faith and allegiance to the State of Maine and
14 to the United States of America; that I will serve them hon-
15 estly and faithfully against all their enemies whomsoever,
16 and that I will obey the orders of the Governor of Maine
17 and the orders of the officers appointed over me, according
18 to the laws, rules and articles for the government of the mili-
19 tary forces of the State of Maine.

Article 3. Every officer who knowingly enlists or mis-
21 ters into the military service of this State any minor over

22 the age of eighteen years without the written consent of his
23 parents or guardian, or any minor under the age of eighteen
24 years, or any insane or intoxicated person, or any deserter
25 from the military service of this State or of the United
26 States, or any person who has been convicted of any in-
27 famous crime, shall suffer such punishment as a court-mar-
28 tial may direct.

Article 4. No enlisted man, duly sworn, shall be dis-
30 charged from service without a discharge in writing, signed
31 by a field officer of the regiment to which he belongs, or by
32 the commanding officer when no field officer is present; and
33 no discharge shall be given to any enlisted man before his
34 term of service has expired except by order of the Governor,
35 the Adjutant General or by sentence of a general court-
36 martial.

Article 5. Any officer who knowingly musters as a soldier
38 a person who is not a soldier shall be deemed guilty of
39 knowingly making a false muster and punished as a court-
40 martial may direct.

Article 6. Any officer who takes money or other thing,
42 by way of gratification, on mustering any regiment, or com-
43 pany, or on signing muster rolls, shall be dismissed from
44 the service, and shall thereby be disabled to hold any office or
45 employment, civil or military, in the service of the State of
46 Maine, or suffer such other punishment as a court-martial
47 may direct.

Article 7. Every commanding officer shall, in the begin-
49 ning of December and June of each year, and oftener if re-

50 quired by the governor, transmit to the adjutant general
51 an exact return of the troops under his command, specify-
52 ing the names of the officers absent from their posts, with
53 the reasons for and the time of their absence. And any
54 such officer who, through neglect or design, omits to send
55 such return, shall be punished as a court-martial may direct.

Article 8. Every officer who knowingly makes a false re-
57 turn to the Adjutant General or to any of his superior of-
58 ficers authorized to call for such returns, of the state of the
59 regiment or company under his command; or of any arms,
60 ammunition, clothing or other stores thereunto belonging,
61 shall be punished as a court-martial may direct.

Article 10. Every officer commanding a troop, battery,
63 or company, is charged with the arms, accoutrements, am-
64 munition, clothing, or other military stores belonging to
65 his command, and is accountable to the Adjutant General
66 in case of their being lost, spoiled or damaged otherwise
67 than by unavoidable accident, or on actual service.

Article 13. Every officer who signs a false certificate re-
69 lating to the absence or pay of any officer or soldier shall
70 be dismissed from the service or suffer such other punish-
71 ment as a court-martial may direct.

Article 14. Any officer who knowingly makes a false
73 muster of man or horse, or who signs, or directs, or al-
74 lows the signing of any muster roll, knowing the same to
75 contain a false muster, shall, upon proof thereof, by two wit-
76 nesses, before a court-martial, be dismissed from the service,

77 and shall thereby be disabled to hold any office or employ-
78 ment, civil or military, in the service of the State of Maine.

Article 15. Any officer who, wilfully or through neglect,
80 suffers to be lost, damaged or spoiled any military stores or
81 supplies belonging to this State or to the United States
82 which have been received for use of the military forces of
83 this State, shall make good the loss or damage and suffer
84 such punishment as a court-martial may direct.

Article 16. Any soldier who sells, or wilfully or through
86 neglect wastes the ammunition delivered out to him, shall
87 make good the loss and suffer such punishment as a court-
88 martial may direct.

Article 17. Any soldier who sells or through neglect loses
90 or spoils his horse, arms, clothing, or accoutrements or any
91 other military stores or supplies issued to him for his use
92 or in his charge, shall make good the loss or damage, and
93 suffer such punishment as a court-martial may direct.

Article 20. Any officer or soldier who behaves himself
95 with disrespect toward his superior officers shall be pun-
96 ished as a court-martial may direct.

Article 21. Any officer or soldier who, on any pretense
98 whatsoever, strikes his superior officer, or draws or lifts
99 up any weapon, or offers any violence against him, being
100 in the execution of his office, or disobeys any lawful com-
101 mand of his superior officer, shall suffer such punishment
102 as a court-martial may direct.

Article 22. Any officer or soldier who begins, excites,
104 causes, or joins in any mutiny or sedition in any troop,

105 battery, company, party, post, detachment, or guard, shall
106 suffer such punishment as a court-martial may direct.

Article 23. Any officer or soldier who, being present at
108 any mutiny or sedition, does not use his utmost endeavor
109 to suppress the same, or having knowledge of any intend-
110 ed mutiny or sedition, does not, without delay, give in-
111 formation thereof to his commanding officer shall suffer
112 such punishment as a court-martial may direct.

Article 24. All officers, of what condition soever, have
114 power to part and quell all quarrels, frays and disorders,
115 whether among persons belonging to his own or to an-
116 other corps, regiment, troop, battery, or company, and
117 to order officers into arrest, and non-commissioned officers
118 and soldiers into confinement, who take part in the same,
119 until their proper superior officer is acquainted therewith.
120 And whosoever, being so ordered, refuses to obey such
121 officer or non-commissioned officer or draws a weapon
122 upon him, shall be punished as a court-martial may direct.

Article 26. No officer or soldier shall send a challenge to
124 another officer or soldier to fight a duel, or accept a chal-
125 lenge so sent. Any officer who so offends shall be dis-
126 missed from the service. Any soldier who so offends shall
127 suffer such punishment as a court-martial may direct.

Article 32. Any soldier who absents himself from his
129 troop, battery, company, or detachment, without leave from
130 his commanding officer, shall be punished as a court-mar-
131 tial may direct.

Article 33. Any officer or soldier who fails, except when
133 prevented by sickness or other necessity, to repair, at the
134 fixed time, to the place of parade, exercise or other rendez-
135 vous appointed by his commanding officer, or goes from the
136 same, without leave from his commanding officer, before
137 he is dismissed or relieved, shall be punished as a court-
138 martial may direct.

Article 34. Any soldier who is found one mile from
140 camp, without leave in writing from his commanding offi-
141 cer, shall be punished as a court-martial may direct.

Article 36. No soldier belonging to any regiment, troop,
143 battery, or company shall hire another to do his duty for
144 him, or be excused from duty, except in cases of sickness,
145 disability, or leave of absence. Every such soldier found
146 guilty of hiring his duty and the person so hired to do an-
147 other's duty, shall be punished as a court-martial may direct.

Article 37. Every non-commissioned officer who connives
149 at such hiring of duty shall be reduced. Every officer
150 who knows and allows such practice shall be punished as a
151 court-martial may direct.

Article 38. Any officer who is found drunk on his guard,
153 party, or other duty, shall be dismissed from the service.
154 Any soldier who so offends shall suffer such punishment
155 as a court-martial may direct.

Article 39. Any sentinel who is found sleeping upon his
157 post, or who leaves it before he is regularly relieved, shall
158 suffer such punishment as a court-martial may direct.

Article 40. Any officer or soldier who quits his guard,
160 platoon, or division, without leave from his superior offi-
161 cer, except in case of urgent necessity, shall be punished
162 as a court-martial may direct.

Article 41. Any officer who, by any means whatsoever,
164 occasions false alarms in camp, command or quarters shall
165 suffer such punishment as a court-martial may direct.

Article 42. Any officer or soldier who misbehaves him-
167 self before the enemy, runs away, or shamefully abandons
168 any place, post or guard, which is commanded to de-
160 fend, or speaks words inducing others to do the like, or
170 casts away his arms or ammunition, or quits his post or
171 colors to plunder or pillage, shall suffer such punishment as
172 a court-martial may direct.

Article 47. Any officer or soldier who, having been duly
174 enlisted or drafted in the military service of this State,
175 deserts the same, shall suffer such punishment as a court-
176 martial may direct.

Article 48. Every soldier who deserts the military service
178 of this State shall be liable to serve for such period as shall,
179 with the time he may have served previous to his desertion,
180 amount to the full term of his enlistment; and such
181 soldier shall be tried by a court-martial and punished, al-
182 though the term of his enlistment may have elapsed previ-
183 ous to his being apprehended and tried.

Article 49. Any officer who, having tendered his resigna-
185 tion, quits his post or proper duties without leave and

186 with intent to remain permanently absent therefrom, prior
187 to due notice of the acceptance of the same, shall be deemed
188 and punished as a deserter.

Article 50. No soldier shall enlist himself in any other
190 regiment or company, without a regular discharge from
191 the regiment or company in which he last served, on a
192 penalty of being reputed a deserter and suffering accord-
193 ingly. And in case any officer shall knowingly receive
194 and entertain such soldier, or shall not, after his being dis-
195 covered to be a deserter, immediately give notice thereof
196 to the command in which he last served, the said officer
197 shall, by court-martial, be dismissed.

Article 59. When any officer or soldier is accused of a
199 capital crime, or of any offense against the person or prop-
200 erty of any citizen of this State, which is punishable by
201 the laws of this State, the commanding officer and the
202 officers of the regiment, company, or detachment, to which
203 the person so accused belongs are required, except in time
204 of war, upon application duly made by or in behalf of the
205 party injured, to use their utmost endeavors to deliver him
206 over to the civil magistrate, and to aid the officers of
207 justice in apprehending and securing him, in order to
208 bring him to trial. If, upon such application, any of-
209 ficer refuses or wilfully neglects, except in time of war,
210 to deliver over such accused person to the civil magis-
211 trates, or to aid the officers of justice in apprehending
212 him, he shall be dismissed from the service.

Article 60. Any person in the military service of this
214 State who makes or causes to be made any claim against
215 this State or the United States, or any officer thereof, know-
216 ing such claim to be false or fraudulent; or

Who presents or causes to be presented to any person in
218 the civil or military service thereof, for approval or pay-
219 ment, any claim against this State or the United States,
220 or any officer thereof, knowing such claim to be false or
221 fraudulent; or

Who enters into any agreement or conspiracy to defraud
223 this State or the United States by obtaining, or aiding oth-
224 ers to obtain, the allowance or payment of any false or
225 fraudulent claim; or

Who, for the purpose of obtaining, or aiding others to
227 obtain, the approval, allowance, or payment of any claim
228 against this State or the United States, or against any
229 officer thereof, makes or uses or procures or advises the
230 making or use of any writing, or other papers, knowing
231 the same to contain any false or fraudulent statement; or

Who, for the purpose of obtaining, or aiding others to
233 obtain, the approval, allowance, or payment of any claim
234 against this State or the United States or any officers
235 thereof, makes or procures or advises the making of, any
236 oath to any fact or to any writing or other paper, knowing
237 such oath to be false; or

Who for the purpose of obtaining, or aiding others to ob-
239 tain, the approval, allowance, or payment of any claim

240 against this State or the United States or any officer
241 thereof, forges or counterfeits, or procures or advises the
242 forging or counterfeiting of, any signatures upon any
243 writing or other paper, or uses, or procures or advises
244 the use of, any such signature, knowing the same to be
245 forged or counterfeited; or

Who, having charge, possession custody, or control of
247 any money or other property of this State or the United
248 States, furnished or intended for the military service of
249 this State, knowingly delivers, or causes to be delivered,
250 to any person having authority to receive the same, any
251 amount thereof less than that for which he receives a
252 certificate, or receipt; or

Who, being authorized to make or deliver any papers
254 certifying the receipt of any property of this State or the
255 United States, furnished or intended for the military ser-
256 vice of this State, makes or delivers to any person such
257 writing without having full knowledge of the truth of the
258 statements therein contained, or with intent to defraud
259 this State or the United States; or

Who steals, embezzles, knowingly and willfully misappro-
261 priates, applies to his own use, or benefit, or wrongfully
262 or knowingly sells or disposes of any ordnance, arms, equip-
263 ments, ammunition, clothing, subsistence, stores, money,
264 or other property of this State or the United States, fur-
265 nished or intended for the military service of this State;
266 or

Who knowingly purchases, or receives in pledge for any
268 obligation or indebtedness, from any soldier, officer or
269 other person who is a part of or employed in said forces
270 or service, any ordnance, arms, equipments, ammunition,
271 clothing, subsistence stores or other property of this State
272 or of the United States, such soldier or officer or other
273 person not having lawful right to sell or pledge the same
274 shall, on conviction thereof, be punished by fine or im-
275 prisonment or by such other punishment as a court-mar-
276 tial may adjudge; or by any or all of said penalties. And
277 if any person, being guilty of any of the offenses afore-
278 said, while in the military service of this State receives
279 his discharge, or is dismissed from the service, he shall
280 continue to be liable to be arrested and held for trial and
281 sentenced by a court-martial, in the same manner and to
282 the same extent as if he had not received such discharge or
283 been dismissed.

Article 61. Any officer who is convicted of conduct un-
285 becoming an officer and a gentleman shall be dismissed
286 from the service.

Article 62. All crimes not capital, and all disorders and
288 neglects, which officers and soldiers may be guilty of, to
289 the prejudice of good order and military discipline, though
290 not mentioned in the foregoing articles, are to be taken
291 cognizance of by a general, or a regimental, garrison, or
292 summary court-martial, according to the nature and de-

293 gree of the offense, and punished at the discretion of such
294 court.

Article 63. All retainers to the camp, and all persons
296 serving with the military forces of this State in the field,
297 though not enlisted soldiers, shall be subject to these rules
298 and articles in the same manner as enlisted men.

Article 64. The officers and soldiers of any troops, wheth-
300 er active or reserve militia of this State or otherwise, ap-
301 pointed, enlisted, mustered or drafted into the military
302 forces of this State, shall, at all times, and in all places,
303 be governed by these articles, and shall be subject to be
304 tried by courts-martial.

Article 65. Officers charged with crime may be arrested
306 and confined in their quarters or tents, or other place, and
307 shall be deprived of their swords and command by the
308 commanding officer. And any officer who leaves his con-
309 finement before he is set at liberty by his commanding
310 officer shall be dismissed from the service, or suffer such
311 other punishment as a court-martial may direct.

Article 66. Soldiers charged with crime may be confined
313 until tried by courts-martial or released by proper author-
314 ity.

Article 67. Any provost marshal or any officer command-
316 ing a guard who shall refuse to receive or keep any prison-
317 er committed to his charge by an officer belonging to the
318 military forces of the State, shall suffer such punishment
319 as a court-martial may direct; provided the officer com-

320 mitting shall, at the same time, deliver a statement in
321 writing, signed by himself, of the crime charged against
322 the prisoner.

Article 68. Every officer to whose charge a prisoner is
324 committed shall, within twenty-four hours after such com-
325 mitment, or as soon as he is relieved from his guard, re-
326 port in writing, to the commanding officer, the name of
327 such prisoner, the crime charged against him, and the
328 name of the officer committing him; and if he fails to make
329 such report, he shall be punished as a court-martial may
330 direct.

Article 69. Any officer who presumes, without proper au-
332 thority, to release a prisoner committed to his charge, or
333 suffers any prisoner so committed to escape, shall be pun-
334 ished as a court-martial may direct.

Article 70. No officer or soldier put in arrest shall be
336 continued in confinement more than five days, or until such
337 time as a court-martial can be assembled.

Article 71. When an officer is put in arrest for the pur-
339 pose of trial, except at remote stations, the officer by whose
340 order he is arrested shall see that a copy of the charges
341 on which he is to be tried is served upon him within five
342 days after his arrest, and that he is brought to trial with-
343 in ten days thereafter, unless the necessities of the service
344 prevent such trial; and then he shall be brought to trial
345 within thirty days after the expiration of said ten days.
346 If a copy of the charges be not served, or the arrested

347 officer be not brought to trial, as herein required, the arrest
348 shall cease.

Article 72. The Commander-in-Chief may appoint general
350 courts-martial whenever necessary; and its proceedings
351 and sentence shall be sent directly to the Adjutant Gen-
352 eral, by whom they shall be laid before the Governor for
353 his approval or orders in the case.

Article 74. Officers who may appoint a court-martial, ex-
355 cepting summary courts, shall be competent to appoint a
356 judge advocate for the same.

Article 75. General courts-martial may consist of any
358 number of officers from five to thirteen inclusive.

Article 79. Officers shall be tried only by general courts-
360 martial; and no officer shall, when it can be avoided, be
361 tried by officers inferior to him in rank.

Article 80. The commanding officer of each camp, sta-
363 tion, or other place, regiment or corps, detached battalion,
364 or company, or other detachment in the military forces of
365 this State, shall have power to appoint for such place,
366 command, or station, a summary court to consist of one of-
367 ficer to be designated by him, before whom enlisted men
368 who are to be tried, shall be brought to trial within twen-
369 ty-four hours of the time of the arrest, or as soon there-
370 after as practicable, except when the accused is to be
371 tried by general court-martial; but such summary court
372 may be appointed and the officer designated by superior
373 authority when by him deemed desirable; and the officer

374 holding the summary court shall have power to adminis-
375 ter oaths and to hear and determine such cases, and when
376 satisfied of the guilt of the accused adjudge the punish-
377 ment to be inflicted, which said punishment shall not ex-
378 ceed ten days confinement, forfeiture of ten dollars pay,
379 or a fine of ten dollars, or any or all of such confinement,
380 forfeiture of pay and fine, and, in the case of non-com-
381 missioned officers, reduction to the ranks in addition there-
382 to; that there shall be a summary court record kept at the
383 headquarters of the proper command in the field, each regi-
384 ment, or corps, detached battalion, or company at its home
385 station, in which shall be entered a record of all cases
386 heard and determined and the action had thereon; and no
387 sentence adjudged by said summary court shall be executed
388 until it shall have been approved by the officer appointing
389 the court, or by the officer commanding for the time be-
390 ing: Provided, That when but one commissioned officer
391 is present with a command he shall hear and finally deter-
392 mine such cases: And provided further, That non-com-
393 missioned officers shall not, if they object thereto, be
394 brought to trial before summary courts without the au-
395 thority of the officer competent to order their trial by gen-
396 eral court-martial, but shall in such cases be brought to
397 trial before garrison, regimental, or general courts-mar-
398 tial, as the case may be.

Article 83. Regimental and garrison courts-martial and
400 summary courts shall not have power to try commissioned

401 officers, but shall have power to award punishment not
402 to exceed confinement for a month, forfeiture of thirty
403 dollars pay, or a fine of thirty dollars, or any or all of
404 such confinement, forfeiture or pay and fine, and in addi-
405 tion thereto, in the case of non-commissioned officers, re-
406 duction to the ranks, and in the case of first class privates
407 reduction to second class privates: Provided, That a sum-
408 mary court shall not adjudge confinement, forfeiture, or
409 fine in excess of ten days confinement, forfeiture of ten
410 dollars pay, or a fine of ten dollars, or any or all of such
411 confinement, forfeiture, and fine unless the accused shall
412 before trial consent in writing to trial by said court; but
413 in any case of refusal to so consent the trial may be had
414 either by general, regimental, or garrison court-martial, or
415 by said summary court, but in case of trial by said sum-
416 mary court without consent as aforesaid the court shall
417 not adjudge more than ten days confinement, forfeiture
418 of ten dollars pay, or a fine of ten dollars, or any or all
419 of such confinement, forfeiture and pay.

Article 84. The judge advocate shall administer to each
421 member of the court, before they proceed upon trial, the
422 following oath (or affirmation) which shall also be tak-
423 en by all members of regimental and garrison courts-mar-
424 tial: "You A. B., do swear (or affirm) that you will
425 well and truly try and determine according to evidence,
426 the matter now before you, between the State of Maine
427 and the prisoner to be tried, and that you will duly ad-

428 minister justice, without partiality, favor, or affection, ac-
429 cording to the provisions of the rules and articles for the
430 government of the military forces of this State, and if
431 any doubt should arise, not explained by said articles,
432 then according to your conscience, the best of your un-
433 derstanding, and the customs of war in like cases, and
434 you do further swear (or affirm) that you will not divulge
435 the sentence of the court until it shall be published by
436 the proper authority, except to the judge advocate; neith-
437 er will you disclose or discover the vote or opinion of any
438 particular member of the court-martial, unless required
439 to give evidence thereof, as a witness, by a court of jus-
440 tice in due course of law. So help you God.”

Article 85. When the oath (or affirmation) has been ad-
442 ministered to the members of a court-martial the presi-
443 dent of the court shall administer to the judge advocate, or
444 person officiating as such, an oath (or affirmation) in the
445 following form: “You, A. B., do swear (or affirm) that
446 you will not disclose or discover the vote or opinion of
447 any particular member of the court-martial, unless re-
448 quired to give evidence thereof as a witness by a court
449 of justice in due course of law; nor divulge the sentence
450 of the court to any but the proper authority, until it shall
451 be duly disclosed by the same. So help you God.”

Article 86. A court-martial may punish, at discretion,
453 any person who uses any menacing words, signs, or ges-

454 tures in its presence, or who disturbs its proceedings by any
455 riot or disorder.

Article 87. All members of a court-martial are to behave
457 with decency and calmness.

Article 88. Members of a court-martial may be challenged
459 by a prisoner, but only for causes stated to the court. The
460 court shall determine the relevancy and validity thereof,
461 and shall not receive a challenge to more than one mem-
462 ber at a time.

Article 89. When a prisoner, arraigned before a court-
464 martial, from obstinacy, and deliberate design, stands mute
465 or answers foreign to the purpose, the court may proceed
466 to trial and judgment as if the prisoner had pleaded not
467 guilty.

Article 90. The judge advocate or some person deputed
469 by him, or by the Governor, or general, or officer com-
470 manding the division, brigade, camp or other place, regi-
471 ment, separate squadron or battery shall prosecute in the
472 name of the State of Maine, but when the prisoner has
473 made his plea he shall so far consider himself counsel
474 for the prisoner as to object to any leading question to
475 any of the witnesses and to any question to the prisoner
476 the answer to which might tend to criminate himself.

Article 91. The depositions of witnesses residing beyond
478 the limits of this State, may be taken and read in evidence
479 as provided by the laws of this State.

Article 92. All persons who give evidence before a court-
481 martial shall be examined on oath, or affirmation, which
482 shall be administered by the judge advocate in the follow-
483 ing form: "You swear (or affirm) that the evidence
484 you shall give in the case now in hearing shall be the
485 truth, the whole truth, and nothing but the truth. So
486 help you God."

Article 93. A court-martial shall, for reasonable cause,
488 grant a continuance to either party for such time and as
489 often as may appear to be just; provided, that if the prison-
490 er be in close confinement the trial shall not be delayed for
491 a period longer than thirty days.

Article 95. Members of a court-martial, in giving their
493 votes, shall begin with the youngest in commission.

Article 99. No officer shall be discharged or dismissed
495 from the service except by order of the Governor or by
496 sentence of a general court-martial.

Article 100. When an officer is dismissed from the ser-
498 vice for cowardice or fraud, the sentence shall direct that
499 the crime, punishment, name and place of abode of the
500 delinquent shall be published in the newspapers in and
501 about the State and in the county in which the offender
502 lives or where he usually resides; and after such publica-
503 tion it shall be scandalous for an officer to associate with
504 him.

Article 101. When a court-martial suspends an officer

506 from command, it may also suspend his pay and emolu-
507 ments for the same time, according to the nature of his of-
508 fense.

Article 102. No person shall be tried a second time for
510 the same offense.

Article 103. No person shall be liable to be tried and pun-
512 ished by a general court-martial for any offense which ap-
513 pears to have been committed more than one year before
514 the issuing of the order for such trial, unless, by reason
515 of having absented himself, or of some other manifest im-
516 pediment, he shall not have been amenable to justice within
517 that period.

No person shall be tried or punished by a court-martial for
519 desertion in time of peace and not in the face of an enemy,
520 committed more than one year before the arraignment of
521 such person for such offense, unless he shall meanwhile
522 have absented himself from the State, in which case the
523 time of his absence shall be excluded in computing the
524 period of the limitation: Provided, That said limitation
525 shall not begin until the end of the term for which said
526 person was mustered into the service.

Article 104. No sentence of a court-martial shall be car-
528 ried into execution until the same shall have been approved
529 by the officer ordering the court, or by the officer command-
530 ing for the time being.

Article 106. No sentence of a court-martial respecting

532 a general officer, and no sentence of a court-martial di-
533 recting the dismissal of any officer, shall be carried into
534 execution until it shall have been confirmed by the Gover-
535 nor.

Article 109. All sentences of a court-martial may be con-
537 firmed and carried into execution by the officer ordering
538 the court, or by the officer commanding for the time be-
539 ing, where confirmation by the Governor is not required
540 by these articles.

Article 112. Any officer who is authorized to confirm and
542 carry into execution the sentence of a court-martial shall
543 have power to pardon or mitigate any punishment adjudged
544 by it, except the punishment of dismissal of an officer; and
545 the Governor shall have power to pardon or mitigate any
546 punishment adjudged by any court-martial.

Article 115. A court of inquiry to examine into the na-
548 ture of any transaction of, or accusation or imputation
549 against any officer or soldier may be ordered by the Com-
550 mander-in-Chief; but such courts of inquiry shall never be
551 ordered by any commanding officer except upon a demand
552 by the officer or soldier whose conduct is to be inquired
553 of.

Article 116. A court of inquiry shall consist of one or
555 more officers, not exceeding three, and a recorder to re-
556 duce the proceedings to writing.

Article 117. The recorder of a court of inquiry shall ad-

558 minister to the members the following oath: "You shall
559 well and truly examine and inquire, according to the evi-
560 dence, into the matter now before you, without partiality,
561 favor, affection, prejudice or hope of reward. So help
562 you God." After which the president of the court shall
563 administer to the recorder the following oath: "You, A.
564 B., do swear that you will, according to your best abilities,
565 accurately and impartially record the proceedings of the
566 court and the evidence to be given in the case in hear-
567 ing. So help you God."

Article 118. A court of inquiry and the recorder thereof
569 shall have the same power to summon and examine wit-
570 nesses as is given to courts-martial and the judge advocate
571 thereof. Such witnesses shall take the same oath which
572 is taken by witnesses before courts-martial, and the par-
573 ty accused shall be permitted to examine and cross-ex-
574 amine them so as fully to investigate the circumstances in
575 question.

Article 119. A court of inquiry shall not give an opinion
577 on the merits of the case inquired of unless specially or-
578 dered to do so.

Article 120. The proceedings of a court of inquiry must
580 be authenticated by the signature of the recorder and the
581 president thereof, and delivered to the Adjutant General.

Article 121. The proceedings of a court of inquiry may
583 be admitted as evidence by a court-martial in cases not

584 extending to the dismissal of an officer ; provided, that the
 585 circumstances are such that oral testimony can not be ob-
 586 tained.

Article 128. The foregoing articles shall be read once in
 588 every twelve months to every company in the military ser-
 589 vice of this State, and shall be duly observed and obeyed
 590 by all officers and soldiers in said service.

Sect. 133. *Customs and usage of the United States army
 2 and navy.*—All matters relating to the organization, dis-
 3 cipline and government of the National Guard and Naval
 4 Militia, not otherwise provided for in this chapter or in the
 5 general regulations, shall be decided by the custom and usage
 6 of the United States Army and Navy respectively.

Sect. 134. *Laws repealed.*—Of the laws enumerated in the
 2 following schedule, those portions specified in the last column
 3 are repealed :

| Acts of | Chapter | Sections |
|---------|-------------------|---------------------------------|
| 1893 | 266 | all, and all amendments thereto |
| 1899 | 46 | all, and all amendments thereto |
| 1901 | 159, 167, and 233 | all, and all amendments thereto |

The repeal of the law or any part of a law specified in the
 9 foregoing schedule shall not revive any law or part of a law
 10 thereby repealed, nor shall such repeal affect any act done
 11 or offense committed, or penalty, forfeiture, or punishment
 12 incurred or accrued prior to the time when this act takes

13 effect, but the same may be enforced, prosecuted and in-
14 flicted as fully as if such act had not been repealed, and all
15 proceedings, commenced under or by virtue of any law so
16 repealed, may be continued and prosecuted to final effect as
17 fully as they might be under the laws then existing.

Sect. 135. *Name of this chapter.*—This chapter shall be
2 known as the military law.



STATE OF MAINE.

IN SENATE,

March 22, 1909.

Reported by Mr. BAXTER from Committee on Military Affairs and laid on table to be printed under joint rules.

F. G. FARRINGTON, *Secretary*.