

MAINE STATE LEGISLATURE

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PUBLIC ACTS

OF THE

STATE OF MAINE,

PASSED BY THE

FIFTH LEGISLATURE

AT ITS SESSION, HELD IN JANUARY, 1825.

PUBLISHED AGREEABLY TO THE RESOLVE OF THE 28TH OF JUNE, 1820.

Portland :

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1825.

CHAPTER CCCXVIII.

AN ACT in addition to " An Act to secure rent to lessors of house lots and mill privileges, and for other purposes."

BE it enacted by the Senate and House of Representatives, in Legislature assembled, That, from and after the passing of this act, whenever any lessor shall attach any building, or buildings, for the purpose of securing his rent, as provided by the first section of the act, to which this is additional, and shall afterwards levy his execution upon such building or buildings, for the satisfaction of the same, such execution shall be levied in the same manner, and the same proceedings shall be had, as are provided by law, in cases of attaching and selling any other personal estate : Provided, That the debtor, shall have one year to redeem the same, by paying to the purchaser the amount by him paid therefor, and interest ; and so much of the second section of the said act, as provides that " such lessor shall levy his execution in the same manner," and that " the same proceedings shall be had, as are provided by law, in cases of attaching and selling on equity of redemption," is hereby repealed.

[*This Act passed February 28, 1825.*]

CHAPTER CCCXIX.

AN ACT in addition to the several acts now in force, to organize, govern and discipline the Militia of this State.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in Legislature assembled, That the time for the inspection of the Militia of this State shall hereafter be on the Tuesday following the second Monday of September annually, instead of the first Tuesday of May ; and all the provisions of the several acts to which this is in addition, applicable to the said inspection on the first Tuesday of May annually, shall have force and be applicable to the said inspection to be had on the Tuesday*

Execution how levied.

Inspection the Tuesday following the second Monday of September.

following the second Monday of September annually : And if any non-commissioned officer or private shall neglect to attend any company inspection and drill provided for in this act, he shall forfeit the sum of four dollars ; for neglect to attend any brigade, regimental or battalion review, or any company training provided for in this act, he shall forfeit the sum of three dollars ; and for being deficient in the arms and equipments or any part thereof required by law, he shall forfeit and pay double the amount provided for such deficiency, in the acts to which this is in addition, to be recovered and applied as therein provided.

Penalties for non-appearance, and for deficiency of arms; &c.

SECT. 2. *Be it further enacted*, That every commanding officer of a company shall parade his company on the Tuesday following the second Monday of September annually, at one of the clock in the afternoon for inspection and drill, and on one other day in the afternoon for company discipline, between said day of inspection and the review herein provided for ; and the troops of each division shall also be paraded for review in Brigades, Regiments or Battalions on some day between the third Monday of September and the twentieth day of October annually : *Provided*, That no person shall be obliged to do military duty after sunset. But no non-commissioned officer or private shall be compelled to perform any other military duty, or attend any other training, inspection or review, than is herein provided for, except the duty of attending the election of company officers : *Provided, however*, That on the approach of any public danger, when in the opinion of the Commander in Chief, any of the exigencies are likely to happen upon which the Militia could, by the Constitution of the United States, be called into actual service, he shall have power to order such other and further training and disciplining the Militia, or any part thereof, as he may deem necessary : *And provided also*, That companies raised at large by voluntary enlistment, may establish by-laws and regulations not repugnant to the laws of the State, for perfecting themselves in military discipline, in which they

Times and manner of inspection, discipline and review.

In case of public danger, the Commander in Chief may order further training, &c.

Companies raised at large may establish by-laws, &c.

may determine what number of company trainings, not to exceed six, they will have in each year, and may establish penalties and forfeitures to enforce the observance thereof; which by-laws and regulations shall be binding on such of the members thereof as subscribe their names to the same.

Excuses, how to be made.

Prosecutions, when to be commenced.

Towns neglecting to furnish arms, &c. shall pay a fine.

Prosecutions to be brought before a Justice of the Peace, in the town where the company parades.

Returns how and when made.

SECT. 3. *Be it further enacted,* That all excuses of non-commissioned officers and privates for neglect of duty, shall be made to the commanding officer of the company within twenty days after such neglect; and all prosecutions for the recovery of any fine or forfeiture, shall be commenced within forty days from the time the forfeiture accrued; and no clerk shall be compelled to commence a prosecution against any delinquent who in the opinion of the major part of the commissioned officers of the company is unable to pay the fine or forfeiture incurred by him. And if any town shall neglect to furnish arms and equipments to such privates as are unable to equip themselves in the manner prescribed by law, such town shall forfeit and pay not less than twenty dollars, nor more than fifty dollars, to be recovered by indictment, to the use of the State.

SECT. 4. *Be it further enacted,* That all prosecutions before any Justice of the Peace, by virtue of this act, shall be commenced before some Justice of the Peace living in the town or plantation where the company to which the delinquent belongs usually parades,

SECT. 5. *Be it further enacted,* That the captain or commanding officer of each company shall cause the clerk of his company to make a return of the state of his company on the day of the annual inspection to the commanding officer of his Regiment or Battalion, on or before the first day of October annually, and the commanding officer of each Regiment or Battalion, shall cause his Adjutant to record an abstract of the returns made to him, in a book to be kept for that purpose, and to transmit a copy thereof to the commanding officer of the Brigade on or before the first day of November annually; and the commanding officer of each Brigade

shall cause his Brigade Inspector to transmit the Brigade returns to the office of the Adjutant General; also to transmit abstracts thereof to the Major General and to the Division Inspector of his Division, in the month of November annually; and the Major General shall cause the Division Inspector to transmit an aggregate abstract of such Brigade returns to the office of the Adjutant General, in the month of December annually.

SECT. 6. *Be it further enacted*, That when an officer, by any casualty, shall lose his commission, upon his affidavit thereof before any Justice of the Peace for the county in which he resides, and on filing in the office of the Adjutant General such affidavit, he shall be entitled to receive a new commission of the same tenor and date, as the one lost as aforesaid.

Officer losing his commission, on filing affidavit, may receive a new one.

SECT. 7. *Be it further enacted*, That no election for the choice of Brigadier General or field officer shall be valid, unless a majority of all the electors qualified by law to vote in such choice, (counting all existing vacancies in the offices of such electors) shall be present at such election.

No election valid unless a majority of electors shall be present.

SECT. 8. *Be it further enacted*, That from and after the passing of this act, no staff officer shall be detailed to serve as a member of courts martial, or courts of inquiry: *Provided, however*, That any staff officer may serve as marshal. And so much of the thirty seventh section of the act to which this is additional, as provides that "the commanding officers of Divisions, Brigades and Regiments shall furnish the officers next below them in grade, with a certified copy of the rosters of the staff officers respectively," be, and the same is hereby repealed.

Staff officers shall not serve as members of courts martial.

SECT. 9. *Be it further enacted*, That no arrest of any officer to be tried by a court martial shall be legal, (except for offences committed on parade in presence of the troops) until the Commander in Chief or Major General (as the case may be) shall have ordered the officer arrested to be tried by a court martial, and shall have directed such arrest to be made; and no arrest for offences committed on parade shall be legal, unless made by order of the

Arrests to be legal, how made.

commanding officer present in writing ; and unless such commanding officer shall within fifteen days exhibit to the competent authority his complaint in writing, setting forth the cause of such arrest.

Governor may organize battalions of Infantry in certain cases.

Regiments of cavalry or artillery, when reduced to 3 companies, shall still constitute a regiment.

SECT. 10. *Be it further enacted*, That the Governor, with advice and consent of Council, be, and he hereby is authorized to organize independent battalions of Infantry, with a battalion staff, where the local situation of the troops is such that they cannot be conveniently connected to a Regiment. And where by the division of any corps, a new Division or Brigade shall be so formed as to leave but three companies of any Regiment of Cavalry or Artillery, or where by the disbanding of any company, such Regiment of Cavalry or Artillery shall be reduced to three companies, such three companies shall still constitute a Regiment, and all the officers thereof shall retain their command and rank, the same as though said corps had not been reduced.

Compensation to certain officers.

SECT. 11. *Be it further enacted*, That the several officers herein named shall receive the following compensation annually, in full of the services by them performed : Division Inspectors, the sum of ten dollars ; the orderly Aids-de-camp of Major Generals, Brigade Inspectors, and Aids-de-camp of Brigadier Generals, thirty dollars each.

Part of former acts repealed.

SECT. 12. *Be it further enacted*, That all acts and parts of acts, so far as the same are inconsistent with the provisions of this act, and so much of said acts as prohibits the commanding officers of companies from receiving any excuses from their men, for deficiency of equipments, and so much of said acts, as require Selectmen of towns and assessors of plantations to furnish blank cartridges to be used at the muster or review, be, and the same are hereby repealed : *Provided*, That nothing contained in this act shall be construed to repeal or in any way affect the twenty-sixth section of an act entitled " an act providing for the government of the State Prison and for the punishment of convicts," passed the twenty-fifth day of February, in the year of our Lord one thousand eight hundred and twenty four.

[*This Act passed February 23, 1825.*]