

MAINE STATE LEGISLATURE

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PUBLIC ACTS

OF THE

STATE OF MAINE,

PASSED BY THE

TWELFTH LEGISLATURE,

AT ITS SESSION, HELD IN JANUARY, 1832.

PUBLISHED AGREEABLY TO THE RESOLVE OF JUNE 28, 1820.

AUGUSTA:

I. BERRY & CO., PRINTERS TO THE STATE.

1832.

Chapter 44.

AN ACT relative to the powers of Sheriffs and their Deputies, Coroners and Constables.

Authority of Sheriffs, Deputy Sheriffs, Coroners and Constables.

Be it enacted by the Senate and House of Representatives, in Legislature assembled, That whenever any Sheriff or Deputy Sheriff, Coroner or Constable shall have arrested any person or persons in any County, by virtue of any precept from competent authority, for the purpose of committing said person or persons to the prison of said County, it shall be and hereby is declared to be lawful for said Sheriff, or Deputy Sheriff, Coroner or Constable to convey said person or persons to said prison by the most convenient and suitable road or route, notwithstanding said road or route may pass through a part of one or more Counties other than that in which said prison is situated.

[Approved by the Governor, March 9, 1832.]

Chapter 45.

AN ADDITIONAL ACT for organizing and governing the Militia.

Time for annual Inspection of Militia changed.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled, That the Captain, or Commanding officer of every company of the Militia of this State, shall notify his company to appear for inspection, on the second Thursday of September annually, at one o'clock in the afternoon, instead of the time now fixed by law for that purpose.*

Treasurer of towns shall supply, at the expense of the State, companies of Infantry, Cavalry and Riflemen, with gun powder.

SECT. 2. *Be it further enacted, That the Treasurer of every Town and Plantation shall supply, at the expense of the State, or cause the commanding officer of each company of Infantry, Light Infantry, Cavalry, and Riflemen, to be supplied with one quarter of a pound of good gun powder made into suitable blank cartridges for each and*

every non-commissioned officer and private borne on the company roll of such commanding officer, exclusive of conditional exempts, whenever such commanding officer's company is ordered to parade for review: *Provided*, such commanding officer ^{Proviso.} makes a written application therefor four days previous to such review, stating the number of men to be supplied; and each commanding officer of such company shall return to, or account with said Treasurer, for all powder he may receive over and above one quarter of a pound for each man actually on parade at the muster, for which such powder was drawn; and the Treasurer aforesaid, shall annually present his account for the expense of such powder to the Legislature for allowance.

SECT. 3. *Be it further enacted*, That in every case in which it is made the duty of any Clerk to prosecute for any fines incurred by virtue of this Act, or the Act to which this is additional, if said Clerk shall unreasonably refuse to prosecute for the same, he shall pay a fine of five dollars for each and every such neglect, to be recovered by complaint before any Justice of the Peace for the County in which said Clerk resides, for the use of the company. And if there be no Clerk to prosecute, as aforesaid, the Captain, or commanding officer of the company shall prosecute for said fines, for the use of the company, and upon neglect so to do, shall be subjected to trial by a court-martial; and if found guilty, shall be removed from office: *Provided*, ^{Penalty for neglect of duty.} *however*, That such complaint may be made before the Judge of the Municipal Court when the cause of complaint shall arise in the town of Portland.

SECT. 4. *Be it further enacted*, That the commission of Captain, or Commanding officer of any company shall, in all actions for the recovery of fines, or forfeitures, under this Act or the Act, to which this is additional, be deemed sufficient evidence of the organization of such company. ^{Duty of Clerk to prosecute for fines.} ^{Penalty for neglect.} ^{Proviso.} ^{If there be no Clerk, Commanding officer shall prosecute for said fines.} ^{Commission of Commanding officers shall be considered evidence of the organization of Companies.}

SECT. 5. *Be it further enacted*, That if any company shall refuse to, or neglect to choose officers, ^{Companies refusing to choose officers, or neg-}

lecting to do duty shall be disbanded, &c.

when thereto required, or refuse, or neglect to do duty as prescribed by law, the Colonel or Commanding officer of the Regiment to which said company belongs, shall report the fact to the Commander in Chief, who shall immediately disband said company, and order the non-commissioned officers, musicians and privates thereof to be enrolled in the oldest adjoining standing company, and they shall be held to do therein all the duties required by law.

Commanding officer of Regiments shall call out for instruction all officers, non-commissioned officers, &c. belonging thereto.

SECT. 6. *Be it further enacted,* That it shall be the duty of the Commanding officer of each Regiment to call out, on the day previous to the annual review of each Regiment, at some convenient place, by him designated, within the limits of said Regiment, all the officers and non-commissioned officers, including staff officers, of said Regiment, for the purpose of instructing them in Military duty and exercises. And they shall be equipped as privates in the Infantry, or corps to which they belong. And when they are so assembled, the Commanding officer of said Regiment, or some person by him appointed, shall devote six hours at least, in instructing and improving them in Military tactics. Said meeting shall be convened at nine o'clock in the morning, and each of said officers and non-commissioned officers shall be notified of the time and place thereof, by the Adjutant of the Regiment, by verbal information or by a written or printed notice delivered to him in hand, or left at the last and usual place of his abode, four days at least, prior to such meeting. And any such officer, or non-commissioned officer, who shall unnecessarily neglect to attend said drill, shall be forthwith removed from office.

They shall be equipped.

Time to be devoted to instruction.

Duty of Adjutants.

Officers who shall neglect to attend said drill shall be removed from office.

Courts-martial—how formed.

Senior officer to be President.

Marshal and orderly officer to be appointed by President.

SECT. 7. *Be it further enacted,* That all courts-martial shall consist of three members, to be detailed by the Commander in Chief, from the Division to which the officer to be tried belongs. The senior of said officers to be the President. To every such court there shall be a marshal and orderly officer, appointed by the President. The members of said court and the witnesses shall receive the pay

provided by the law establishing circuit courts-martial. Pay.

SECT. 8. *Be it further enacted,* That any commissioned officer, who shall, upon trial, be found guilty by a court-martial, of the charge or charges alleged against him, shall forfeit and pay a fine, to be inflicted by said court, not less than twenty-five dollars, nor more than one hundred dollars; to be sued for, and recovered by an action of debt, by and in the name of the Division Advocate, who served on said court, for the use of the State. Commissioned officer found guilty of charges shall pay a fine, &c. How recovered.

SECT. 9. *Be it further enacted,* That the Selectmen of each town and the Assessors of each plantation shall define the limits of every company of infantry in their respective towns and plantations, and cause the same to be recorded by the respective Clerks of said towns and plantations, and shall furnish the commanding officer of said company with a copy of their said doings before the first day of June next, and shall receive therefor such compensation as said town or plantation shall direct. And the copy aforesaid shall be recorded in the orderly book of the Company. Selectmen of towns and Assessors of Plantations shall define the limits of Companies of Infantry, &c. Their compensation. Copies shall be recorded.

SECT. 10. *Be it further enacted,* That any person, who may be elected to any office in any company of the Militia, shall have one hour after notice of his election in which to accept or refuse the same; and if he shall not signify his acceptance of said office within said time of one hour he shall be considered by the presiding officer as having declined the same. Persons elected to office, shall have one hour, to consider whether they will accept or refuse the same, &c.

SECT. 11. *Be it further enacted,* That the exemption allowed to persons between the ages of forty and forty five years by the third section of an Act entitled an Act to organize, govern and discipline the Militia of this State, passed the twenty first day of March one thousand eight hundred and twenty-one, be and hereby are extended to all persons between the ages of thirty-five and forty-five years, they being held subject to all the duties and restrictions, in said section specified. Exempts.

SECT. 12. *Be it further enacted,* That Companies of Cavalry, Artillery, Light Infantry, Grenadiers or Riflemen may be raised at large, when the standing companies shall not be thereby reduced to a less number than forty effective privates.

New companies may be raised when, &c.

SECT. 13. *Be it further enacted,* That all Acts, and parts of Acts, inconsistent with the provisions of this Act, be and the same are hereby repealed.

Acts repealed.

[Approved by the Governor, March 9, 1832.]

Chapter 46.

AN ACT ADDITIONAL to "An Act granting a Lottery to encourage Steam Navigation in this State," and for other purposes.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That it appearing the Cumberland and Oxford Canal Corporation and their assignees have raised the full sum of fifty thousand dollars, as contemplated by the Act granting a Lottery, it is hereby declared, that any sales of tickets, under or by virtue of said Act, from and after the tenth day of March instant, shall be deemed and taken to be unauthorized and unlawful; and thenceforth the managers of said Lottery are prohibited and restrained from advertising or drawing any scheme in the same.

Sales of tickets unlawful.

SECT. 2. *Be it further enacted,* That the Managers appointed, or that may hereafter be appointed, by virtue of the Act to which this is additional, are hereby prohibited and restrained from drawing any scheme in the Lottery authorized by said Act from and after the first day of April next; and on conviction by indictment of violating the provisions of this Act, such Manager shall forfeit and pay one thousand dollars to the use of the State.

Managers restrained from drawing any scheme, after the first day of April 1832.

Forfeiture for violation of the act.