

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

EXTRA SESSION OF THE THIRTY-SECOND LEGISLATURE, 1853,

AND THE

THIRTY-THIRD LEGISLATURE

OF THE

STATE OF MAINE,

1854.

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Published by the Secretary of State, agreeably to Resolves of June 28, 1820,  
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1854.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1854.

Chapter 96.

CHAP. 96.

An act for arming and equipping companies of volunteer militia, and for other purposes.

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

SECT. 1. Each company of uniformed volunteer militia, raised at large, shall, whenever the state may have on hand the same for distribution, be furnished with arms and equipments suitable to its corps of service. Each company so raised shall also be provided with the requisite books of tactics, and musical instruments, and with such tents and other articles of camp equipage as the commander-in-chief may direct.

Arms, equipments, &c., to be furnished to military companies.

SECT. 2. The commissioned officers of every company receiving arms, equipments or other military property, in virtue of this act, shall, from the time of their qualification, be held jointly and severally responsible for the safe keeping and return thereof to the state.

—commissioned officers responsible for.

SECT. 3. Suitable armories shall be provided in advance, by companies making requisition for arms and equipments, or by the city, town or plantation within the limits of which said companies shall have been chiefly raised, or shall have voted to establish said armories; and all arms, equipments and camp equipage furnished to said companies, shall be regularly deposited in said armories, subject to withdrawal for the military uses and purposes only of said companies, in body, and under the proper officer or officers. The evidence that the armories named in this section have been duly provided for, shall be the certificate to the acting quartermaster-general, of the mayor, or two or more aldermen, selectmen or assessors (as the case may be) of the locality in which such armories shall have been established.

Armories to be provided.

SECT. 4. Any person who shall willfully mar or injure any of the arms, equipments or other military property issued to any company of volunteer militia, or the armory, or any portion thereof, or of its fixtures, provided for the deposit of said arms, equipments or other military property, shall be subject to a fine of not less than one nor more than fifty dollars; said fine to be recovered in any court of competent jurisdiction, in the name of the clerk or commanding officer of the company legally in charge or possession, and to be passed into the treasury of said company, for appropriation to its military purposes, by a vote of the commissioned officers.

Penalty for willfully injuring arms, &c.

—how recovered.

CHAP. 96.

Responsibility
for arms, &c.,
how discharged.

SECT. 5. No resignation of any officer of a company of volunteers shall be accepted, nor shall such officer be by any form of discharge relieved from his responsibility for arms, equipments or other articles of military property, furnished to said company, until it shall have been made to appear by certificate of the officers thereof, not less than two, that the said arms, equipments and other articles of military property, are, at the time of date of such certificate, undiminished in quantity, and unimpaired in value, reasonable use and wear and losses by fire excepted.

Commissioned
officers.

SECT. 6. The number of commissioned officers to each company of light infantry or riflemen, raised within the cities of Bath, Portland, Bangor and Calais, and within the towns of Newcastle, Damariscotta and Saco, shall be as follows: one captain, one first lieutenant, one second lieutenant, one third lieutenant, and one fourth lieutenant.

Certain statutes
repealed.

SECT. 7. Section first of the act entitled "An act in addition to the sixteenth chapter of the revised statutes," approved August tenth, eighteen hundred and forty-eight, providing for the enrollment and return of militia by civil officers, and sections second, third, fifth, sixth, eighth and ninth of said act shall be so altered and amended as to read as follows:

"Un-uniformed Militia.

Un-uniformed
militia, how
constituted.

SECT. 1. All able-bodied, white male citizens resident within this state, between the ages of eighteen and forty-five years, excepting persons enlisted into companies of volunteers, persons already exempt from military duty by the sixteenth chapter of the revised statutes, idiots, lunatics, common drunkards, vagabonds, paupers, and persons convicted of infamous crime, shall constitute the un-uniformed militia.

—duties and
government of

SECT. 2. The un-uniformed militia thus constituted, shall be subjected to no active duty whatever, except in case of insurrection, war, invasion, or to prevent invasion; in such case the governor and commander-in-chief is hereby authorized and required to order out from time to time, by draft or otherwise, as many of the militia as the necessity of the case may demand. The militia, when called into active service, shall be governed and trained according to the laws of the United States and of this state.

—how called
out, &c.

SECT. 3. If necessary, the order of the commander-in-chief, calling out the un-uniformed militia, may be made and directed

to the mayor and aldermen of any city, the selectmen of any town, or the assessors of any plantation within the state. And it shall be the duty of the mayor and aldermen, the selectmen or assessors aforesaid, to appoint a time and place of parade for the un-uniformed militia in each city, town or plantation, and to order them to appear at the time and place, either by leaving a written notice, or orally, and then and there proceed to draft as many thereof, or to accept as many volunteers as may be required by the order of the commander-in-chief; and the mayor and aldermen, or selectmen, shall notify the commander-in-chief forthwith, that they have performed the duty aforesaid, by returning to the commander-in-chief an alphabetical list of those drafted or volunteered; and whenever any person thus ordered out, detached or drafted, or any volunteer, shall neglect or refuse to appear at the time and place designated by the mayor and aldermen, selectmen or assessors aforesaid, and shall not within twenty-four hours after he shall have been notified, pay to the mayor and aldermen, selectmen or assessors, the sum of fifty dollars, or procure an able-bodied, white male person in his stead, such person, on being ordered to march to the place of rendezvous, shall be considered a soldier belonging to the detachment, and shall be dealt with accordingly.

—penalty for neglect of duty.

Volunteer Militia.

SECT. 5. The uniformed or active militia of this state shall consist and be composed of volunteers, or companies raised at large; and shall, in all cases, be first ordered into service, to suppress riots, to repel invasions, or to aid civil officers in the execution of the laws of the state.

Volunteer militia, how raised, &c.

SECT. 6. The whole number of volunteers shall not exceed ten thousand men, and shall be apportioned to the several divisions of the militia throughout the state, as follows: to the first division, twenty-six companies; to the second division, twenty-two companies; to the third division, fifteen companies; to the fourth division, twenty-four companies; to the fifth division twenty-six companies; to the sixth division, twenty-two companies; to the seventh division, eighteen companies; to the eighth division, twenty-one companies; and to the ninth division, twenty-six companies.

Volunteers, how apportioned.

Organization.

SECT. 8. The commander-in-chief, with the advice of the council, may grant petitions for raising companies at large, not

Organization—companies, how raised, &c.

CHAP. 97.

to exceed the total number stated in the sixth section of this act, for all the divisions, inclusive of companies now raised and organized.

Officers,
election of.

SECT. 9. Whenever forty-eight men shall have been enlisted according to the provisions of this act, an election of officers may be ordered upon notification being given by one or more of the petitioners, attested by the mayor of any city, the selectmen of any town, or the assessors of any plantation within the state, to the commander-in-chief; and in case there be no officer of the volunteer corps conveniently located to preside at such election, the major-general, or other officer, whose duty it shall be to cause an election to take place, may authorize the members enlisted as above to choose some suitable person to preside at said election, and to make return thereof to the major general, or other officer commanding the division."

Quartermaster
general, com-
pensation for
services.

SECT. 8. For his services in issuing arms, equipments, and other military property, under the provisions of this act, the acting quarter-master-general shall be annually allowed and paid, in quarterly payments, the sum of one hundred dollars.

SECT. 9. This act shall take effect from and after its approval by the governor; and all acts, or parts of acts, inconsistent with the provisions of this act, are hereby repealed.

[Approved April 19, 1854.]

Chapter 97.

An act relating to petitions for partition.

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

Petitions for
partition shall
not abate by
death of parties.

SECT. 1. In all cases of petitions for partition, which may hereafter be commenced in any court of competent jurisdiction to try the same, the death of any party thereto shall not abate the same; but the court may, if they shall think proper so to do, cite in the heirs at law, or the executor or administrator of such deceased party, and cause such notice to be served upon the person or persons, so cited, as may be deemed proper; and such person or persons shall thereupon be made parties to said process, and the court shall have power to render such judgment in any such case as the law and facts may require, and such judgment as to costs as they shall think just and proper.

[Approved April 19, 1854.]