

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

112

PASSED BY THE

FORTIETH LEGISLATURE

OF THE

STATE OF MAINE.

1861.

Published by the Secretary of State, agreeably to Resolves of June 23, 1820,
February 26, 1840, and March 16, 1842.

AUGUSTA:
STEVENS & SAYWARD, PRINTERS TO THE STATE.
1861.

PUBLIC LAWS

OF THE

STATE OF MAINE.

EXTRA SESSION, 1861.

chief, by the president of the United States, by virtue of the constitution and acts of congress.

SECT. 3. When it shall become necessary to form companies and regiments from the militia or volunteers by draft or otherwise, elections for officers may be upon such notice to the electors less than ten days as the officer ordering the election may direct.

Officers, election of.

SECT. 4. The governor is hereby authorized to accept the services of volunteers over forty-five years of age to be employed in defence of the state, to be enrolled, organized and disciplined under the direction of the governor, and to be paid the same compensation while in active service as is now provided for similar service by volunteers.

Governor authorized to accept services of volunteers over 45 years of age, &c.

SECT. 5. So much of section one of the act to which this act is additional, as exempts engine men and officers who have held military or naval commissions and who have been regularly discharged, or have in accordance with military or naval usage without fault on their part been discharged or ceased to act as such, from liability to do military duty, is hereby repealed.

Sec. 1, ch. 10, R. S., part of relating to certain exemptions, repealed.

SECT. 6. This act shall take effect when approved by the governor.

[Approved April 25, 1861.]

Chapter 63.

An act to authorize the raising of ten regiments, to aid the president of the United States in enforcing the laws and maintaining the government thereof, and to protect the same against its enemies, and in defence of the state.

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

SECT. 1. The governor is hereby authorized and empowered to accept the services, and cause to be enlisted, enrolled and mustered into the service of the state, for two years, unless sooner discharged by the governor and council, ten regiments of volunteers, not exceeding one thousand men to each regiment, to be officered, organized and equipped in such manner as the governor may order and direct, and in accordance with the constitution, and without regard to existing military districts. Elections for officers may be ordered and presided over by any major general in the volunteer militia of this state, or by any officer detailed by him, at such times and places, and upon such notice to the electors, less than ten days, as the officer ordering the election may direct; the said force, hereby authorized, being in addition to the present military organization of the state, and a part of the militia thereof; the

Volunteers, governor authorized to cause to be enlisted, &c., ten regiments, not to exceed one thousand in each regiment. —how officered, &c.

Officers, election of.

Volunteers to form part of the militia of the state.

CHAP. 63.

Officers to continue in office, &c.

Compensation of officers and men until ordered into service of the United States.

Provision for widow in case soldier shall die in the service.

—If widow die or marry, pension shall go to minor child or children.

Troops liable to be turned over to service of United States upon requisition.

Bounty to be paid by the state.

Monthly returns to be made to colonels by captains.

—Colonels to make returns to adjutant general.

Adjutant general to provide blanks. Paymasters to give bond to state.

Volunteers to be subject to rules, &c., as troops in service of United States. Appropriation.

officers of any company now organized, which may volunteer and be accepted under this act, shall continue in office under their present commissions.

SECT. 2. The officers and men of said force shall be paid only for the time actually spent in drilling and instruction under the order and directions of the governor, and until ordered into actual service under the state or national government, and shall receive the same pay and rations, while in service under the provisions of this act, as the officers and men of the same rank and arm of the service in the army of the United States; and in case any soldier shall die in the service, leaving a widow and minor children or a minor child under the age of fourteen years, the mother of such minor or minors shall receive eight dollars per month from this state, for the term of five years, unless all such minors shall, before the expiration of said five years, be of the age of fourteen years, or unless she or they receive a pension from the United States. If such widow die or marry before the expiration of said five years, such pension, from the time of such death or marriage, shall go to the support of such minor child or children as are then living. And such troops shall be liable at all times to be turned over to the service of the United States, on the order of the governor, as a part of the militia of this state, upon the requisition of the president of the United States, and there shall be paid from the treasury of the state a bounty of two months' pay to each non-commissioned officer, musician, artificer and private, or his order, when actually mustered into the service of the United States.

SECT. 3. The captains of the respective companies, organized by virtue of this act, shall make monthly returns of the services performed by all the members thereof in behalf of the state to the colonel of the regiment, and said colonel shall make like returns of the services of the regiment, based upon said company returns, and services of regimental officers, to the adjutant general, who shall provide the proper blanks therefor; the paymasters of the respective regiments, before entering upon the duties of their offices, shall enter into bonds to the state in such sum as the governor and council shall direct, and with such sureties as they shall approve, conditioned for the faithful application according to law of all moneys they shall receive by virtue of their office, which bonds shall be filed in the office of the treasurer of state.

SECT. 4. The force hereby created, when called into service, shall be subject to all the rules and articles applicable to troops in the service of the United States.

SECT. 5. The sum of one million of dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury, not otherwise appropriated, to defray the expenditures authorized by this act, or any other expenses of mustering

the militia of the state, or any part thereof, into the service of the United States or for the defence of this state. All expenditures for arms, supplies, equipments, transportation and all other expenses, including those of the extra session of the legislature, necessary for said force or for the defence of the state, shall be made under the direction of the governor and council; and the governor with the advice of the council shall draw his warrants upon the treasurer for all expenditures hereby authorized.

Expenditure shall be made under the direction of the governor and council.

SECT. 6. Whereas many of our citizens who have families are ready, at the call of the country, to volunteer their services in its defence, and it is not only the duty but the pleasure of their fellow citizens who are left at home, as a suitable compensation for their patriotic services, to provide for the support of their families in their absence, therefore, cities and towns are hereby authorized and empowered to make proper provision for the support of the families of any persons, having their residence in such cities or towns, who may enlist by virtue of this act, during their absence from the state, and whose families may stand in need of assistance. No disabilities of any kind, whatever, shall be created by reason of aid so furnished and received.

Cities and towns authorized to provide for families of enlisted soldiers.

SECT. 7. In actions of contract now pending, no trial shall be had and no execution shall issue, whenever the defendant is or shall be mustered into the service of the United States or of this state, as a volunteer under the provisions of this act; and all such actions and all actions on contracts hereafter commenced against such person, shall, at his request, be continued without cost to the defendant until his term of service shall expire. Personal property to the amount of one thousand dollars, in addition to that already exempted by law, shall be exempt from attachment or seizure upon execution, in any action to be brought or upon any execution outstanding, after the time such volunteer shall enlist in the army and during his term of service, to be designated by the debtor or his agent or attorney; or, in case they fail to make such selection, the same shall be made by the sheriff of the county or his deputy, and it shall be appraised by three disinterested men, appointed in the same manner as appraisers of personal property sold on mesne process.

Execution not to issue against volunteer while in service of the state, &c.

Certain personal property exempt from attachment and execution to the amount of \$1,000.

—how designated.

SECT. 8. All recruiting officers, or persons authorized to raise men for service under the provisions of this bill, shall be entitled to receive such compensation as the governor and council may determine.

Recruiting officers, compensation how determined.

SECT. 9. This act shall take effect on its approval by the governor.