

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ACTS AND RESOLVES

PASSED BY THE

FORTY-FIRST LEGISLATURE

OF THE

STATE OF MAINE.

1862.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
February 26, 1840, and March 16, 1842.

AUGUSTA:
STEVENS & SAYWARD, PRINTERS TO THE STATE.
1862.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1862.

Chapter 134.

CHAP. 134.

An act to enroll the militia of the State of Maine.

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

ENROLMENT.

SECT. 1. Every able-bodied white male citizen resident within this state, of the age of eighteen years and under the age of forty-five years, excepting persons hereinafter exempted, shall be enrolled in the militia; and in cases of doubt respecting the age of any person enrolled, the burden of proof shall be upon such person.

Able bodied white male citizens between ages of 18 and 45 years to be enrolled.

SECT. 2. Aldermen of cities, selectmen of towns and assessors of plantations shall annually in April make and deposit with the clerks of their respective places a list of persons residing within their respective limits, liable to enrolment, which said list shall contain the name of each person aforesaid, written in full, together with his age in years, the month and day of the month on which said person was born, and a designation by the civil officers aforesaid of the limits of the companies in their respective cities, towns and plantations. The clerks aforesaid shall endorse on said lists the time when the same were deposited, and file said lists and record the limits of said companies.

Municipal officers to make list of persons liable to enrolment.

SECT. 3. Keepers of taverns or boarding houses and masters and mistresses of dwelling houses shall, upon request of the persons herein authorized to make lists and enroll, give information of the names of persons residing in their houses liable to enrolment or to do military duty; and every such person shall upon like application, give his name and age, and if such keeper, master, mistress or person refuses to give such information, or knowingly gives false information in the premises, such keeper, master or mistress shall forfeit and pay twenty dollars, and such person shall forfeit and pay ten dollars, to be recovered in any court of competent jurisdiction, on complaint of the person who rightfully made the application.

Clerks to endorse, file and record lists and limits.

Penalty for refusal, &c.

—how recovered.

SECT. 4. Within ten days after said lists shall have been received by said clerks, they shall annually transmit certified copies of the same, one to the adjutant general, and one to the major general of the division. The first lists transmitted by each clerk by virtue of this section, shall contain a copy of the several company limits within their respective places. And if the clerks aforesaid fail to return the list as above provided annually on or before the first day of June, it shall be the duty of the adjutant general to appoint some person who shall perform all the duties prescribed in this section, and such person may recover of such city or town in

Clerks to transmit certified copies of limits of companies.

Proceedings in case of failure.

CHAP. 134.

an action of debt the sum of ten cents for each person by him returned as aforesaid.

Major general to designate orderly sergeants.

SECT. 5. On or before the first day of June next, the major generals shall designate and appoint some suitable person within the limits of the respective companies embraced within their respective divisions, orderly sergeants of the companies upon whose lists such person's names are borne, who shall receive at the time of their said appointment a warrant in due form, signed by the major general making the appointment. Said sergeants shall *ex officio* be clerks of said companies, and shall proceed forthwith to enroll upon proper blanks, all persons whose names are borne upon the lists of their companies, together with such others as are liable to enrolment within their limits. Said sergeants shall thenceforth be the acting commanding officers of their respective companies, and have and exercise all the powers incident thereto, until one or more commissioned officers shall have been duly commissioned and qualified.

Their commissions.

—duties of.

Certified copies of rolls to be returned to adjutant general.

SECT. 6. On or before the tenth day of June, said sergeants shall transmit to the adjutant general a certified copy of their respective rolls, and if properly made, the adjutant general shall acknowledge their receipt by transmitting to the respective sergeants a written or printed acknowledgment of the fact, which shall be a voucher to entitle them to the pay mentioned in the succeeding section. If any of such rolls are not properly made, they shall be forthwith returned and corrected. And no sergeant shall be entitled to receive the pay mentioned unless they shall produce to the treasurers of their respective cities, towns and plantations, the voucher aforesaid.

If not properly made to be returned.

Terms upon which payment is made.

SECT. 7. The treasurers of the several cities, towns and plantations, shall upon presentation of the voucher aforesaid, pay to the sergeants within their respective limits five cents for each and every person's name contained on their respective rolls, and said sergeants shall receipt for the money thus paid, upon the back of said vouchers, and deliver the same to said treasurers, which shall be conclusive evidence of such payment.

Duties of company officers.

SECT. 8. The commanding officers of companies, assisted by the clerks thereof, shall enroll all persons liable to do any military duty within the limits of their respective companies, so soon as their said liability shall come to the knowledge of such officers, and shall cause such persons to be notified of their enrolment. And the city, town and plantation clerks shall upon request of any commanding officer of any company of militia within their respective places, furnish said commanding officer with a certified copy of the record of the limits of his company, without expense to such commanding officer.

Clerks to furnish copy of record of limits of companies.

SECT. 9. Whenever it shall appear to the commanding officer of a regiment that any company within his command is without a commissioned officer, he shall order the clerk of such company to enroll all persons liable to do military duty therein and to return a certified copy of the roll thereof to him forthwith. If there be no clerk, such commanding officer shall require, in writing, the aldermen of cities, selectmen of towns, and the assessors of plantations in which said company is situated, to return to him within ten days, the list required in section two, and thereupon he shall appoint a sergeant in such company who shall enroll said company and make the same returns as are mentioned in section six. If such clerk, aldermen or assessors fail to comply with any of the provisions of this or the preceding sections, they shall forfeit and pay not less than twenty nor more than one hundred dollars, to be recovered in an action of debt, by any person whatever, one-half to the use of the state, and the remainder to the use of the prosecutor.

Return to colonel.

By whom to be made.

Penalty for non-compliance.

—how recovered.

EXEMPTIONS.

SECT. 10. In addition to the following persons, absolutely exempted from enrolment in the militia by the laws of the United States, viz., the vice president of the United States; the officers judicial and executive, of the United States; the members of both houses of congress and their respective officers; custom house officers and their clerks; inspectors of exports; pilots, and mariners employed in the sea service of any citizen or merchant within the United States, post masters, assistant post masters, and their clerks, post officers, post riders, and stage drivers in the care and conveyance of the mail of the United States, ferrymen employed at any ferry on the post road; artificers and workmen in United States arsenals; the persons hereinafter mentioned shall be absolutely exempted from military duty, viz., persons of the denominations of quakers and shakers; justices of the supreme judicial court, ministers of the gospel regularly ordained according to the usages of their denominations, so long as such relation continues, and officers of the militia who have been honorably discharged.

Persons exempted from military duty.

[Approved March 19, 1862.]