

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

FORTY-FOURTH LEGISLATURE

OF THE

STATE OF MAINE.

1865.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
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1865.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1865.

herein referred to, he shall be liable to pay a fine of fifty dollars for each and every refusal or neglect, to be recovered by indictment, one half to the use of the complainant and one half to the use of the county. CHAP. 306.

SECT. 2. This act shall take effect upon its approval.

Approved February 22, 1865.

Chapter 306.

An act to change the time of holding the county commissioners' court for Kennebec county.

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

SECT. 1. The terms of the county commissioners' court of the county of Kennebec, which are now required to be held on the last Tuesday of April, and on the second Tuesday of August, in each year, shall hereafter be held on the third Tuesday of April and on the third Tuesday of August, of each year. Terms of co. commissioners' court changed.

SECT. 2. This act shall take effect on the first day of June next.

Approved February 23, 1865.

Chapter 307.

An act concerning the militia.

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

Enrolment, exemption, etc.

SECT. 1. Every able-bodied male citizen, resident within this state, of the age of eighteen years and under the age of forty-five years, shall be enrolled in the militia. Persons to be enrolled.

SECT. 2. The following persons shall be enrolled, but exempted from military duty, in the militia, viz:—the vice-president of the United States; the officers, judicial and executive, of the government of the United States; the members of both houses of congress and their respective officers; all custom-house officers; pilots and mariners employed in the sea service of any citizen or merchant within the United States; soldiers in the army and seamen in the navy of the United States; all post-masters, post-officers, post-riders, and stage-drivers employed in the care and conveyance of the mail of the post-office of the United States; all ferrymen employed at any ferry on the post-road. Also all justices of courts Exempt from military duty.

sergeant appointed for each, and a record thereof made in the office of the adjutant general. And the commander-in-chief shall issue orders for the election of captains in the several companies into which he shall have so divided the state whenever he deems proper, on or after the first Wednesday of January, eighteen hundred sixty-six; *provided however*, that in case of insurrection or war with any foreign power the commander-in-chief shall forthwith proceed to organize the militia in accordance with the provisions of this act.

SECT. 5. The order to notify and preside at the meeting to be held for such election of officers may be issued to the orderly sergeant of the company; and such sergeant shall at once proceed to notify such meeting, by posting written or printed notices of the time and place appointed for the same in three or more public places within the bounds of said company, ten days before the time appointed for the same. The compensation of said sergeant for notifying the meeting and presiding thereat, and for keeping the records and making the return prescribed in section six, shall be three dollars. No person shall be allowed to vote for captain until his name shall have been checked by the presiding officer on the assessors' list, or for other officers until his name shall have been checked on the captain's enrolment list.

Election of officers, how called, notified, held, &c.

SECT. 6. The presiding officers at all such meetings shall keep records of all the proceedings thereat, and make return thereof to the adjutant general within three days from the holding of the meetings.

Presiding officer to keep records, &c.

SECT. 7. As soon as the captains of the several companies shall have been commissioned and qualified, they, or the acting officer in case there is no captain, shall, without delay, proceed to enroll in the militia, in such form as shall be prescribed by the commander-in-chief, all persons resident within the bounds of their respective companies, and liable to enrolment. And all such persons as shall be under the age of twenty-four years, and liable to military duty, shall be enrolled in one roll, and constitute the active militia; and all such as shall be above the age of twenty-four years, together with all such persons as it is provided in section second, shall be exempt from military duty, or only liable to do military duty in case of war, invasion, the prevention of invasion, insurrection, the suppression of riots, and to aid civil officers in the execution of the laws, shall be enrolled on another roll, and constitute the reserved militia. And the said commanding officers shall forthwith expose copies of such rolls to view, by posting the same in three or more public places within the bounds of their respective companies for at least fourteen days. And the posting of the rolls shall be deemed legal notice to all persons named therein of the fact of their enrolment.

Captains to enroll persons in their districts in two classes.

Active militia.

Reserved militia.

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Correction of
enrolment.

Rolls to be
returned to
clerk and adj.
general.

Regulations
may be made
by commander-
in-chief.

Roll to be
added to annu-
ally; names
posted and
copies of
returns made
to adjutant
general.

What facts to
be set in the
rolls.

Commanders of
volunteer com-
panies to return
rolls of compa-
nies to adjutant
general
annually.

SECT. 8. All persons so enrolled who claim to be exempt from enrolment, or have been incorrectly enrolled, shall present their claims to the commanding officer of the company in which they have been enrolled, within said fourteen days from the first posting of the rolls of said company, and it shall be the duty of such officer to strike from the rolls the names of all such persons as shall be found not liable to enrolment, and to add thereto the names of any other persons liable to enrolment who may have been omitted in said rolls, or may have become liable to such duty since the making thereof, and to make such further corrections in his rolls as may be required by transfers between the active and reserved rolls. And each commanding officer shall, within thirty days from his qualification, return to the clerk of the city, town or plantation in which he resides, the corrected roll of his company, of which the said clerk shall make record in the records of such city, town or plantation; and each commanding officer shall also at the same time transmit a copy of such corrected roll to the adjutant general.

SECT. 9. The commander-in-chief may make all further rules and regulations necessary for the complete enrolment of the militia, under the provisions of this act, and in accordance with the laws of the United States.

SECT. 10. Each commanding officer shall, from time to time, add to the rolls of his company the name of each citizen resident within its bounds, who shall arrive at the age of eighteen years, or come to reside within said bounds, or who, without being exempted, shall cease to be holden to duty elsewhere, and the commanding officer shall notify such citizen of his enrolment without delay. And each commanding officer shall, annually, in the month of May in each year, cause copies of the rolls of his company to be exposed to view in the manner and for the period prescribed in section seven, and having revised and corrected said rolls in the manner prescribed in section eight, return copies of the same to the clerks of their respective cities, towns or plantations to be recorded, and to the adjutant general, on or before the first day of June in each year. And such posting of said rolls as hereinbefore prescribed, shall be legal notice to all persons named therein of the fact of their enrolment.

The roll of each company shall state the name, age, rank, occupation and birthplace of each man enrolled in said company.

The commanding officer of each volunteer company shall transmit to the adjutant general, annually, on or before the first day of June, a complete roll of his company, with the name, age, residence and date of enlistment of each member thereof, and of each man discharged therefrom during the preceding year, together with the date of such discharge.

SECT. 11. The commander-in-chief may from time to time make such alterations as may by him be deemed expedient, in the bounds of the several companies, and issue such orders as may be thereby rendered necessary for the enrolment of the militia in such companies, or any of them, or in any new companies thus created.

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Bounds of companies may be altered by commander-in-chief.

Reserved and active militia.

SECT. 12. The reserved militia shall be subject to no active duty except in case of war, invasion, the prevention of invasion, insurrection, or the suppression of riots, or when required to aid civil officers in the execution of the laws of the state or of the United States, in which cases the commander-in-chief may order a draft, as provided in section one hundred twenty-seven.

Reserved militia, duty of.

SECT. 13. When the reserve militia, or any portion thereof, are ordered out for actual service, and while engaged in the same, they shall be organized by the commander-in-chief in companies and regiments, which shall be officered, governed and trained, according to the laws of the United States and of this State, and attached to brigades and divisions of the active militia, or formed into separate brigades and divisions, as the commander-in-chief shall deem expedient.

—when in actual service, how organized, trained, &c.

SECT. 14. The companies of the active militia shall be formed by the commander-in-chief into regiments, brigades and divisions, and organized in conformity with the laws of the United States, and the commander-in-chief may make such changes in the formation of regiments, brigades and divisions, from time to time, as may become necessary.

Active militia; companies of to be formed into regiments.

SECT. 15. The commander-in-chief may authorize the recruitment at large, in each division, of so many companies of cavalry, batteries of light artillery, and companies of engineers, as he may deem proper.

Cavalry; artillery, and engineers, authorized.

Volunteer militia.

SECT. 16. The commander-in-chief may authorize the continuance or formation of volunteer companies, formed of members of the active or of the reserve militia, who shall be liable to all the duties of the active militia, but shall be excused from duty in the standing company in which they are enrolled, so long as they shall continue members of such volunteer companies.

Volunteer militia companies may be formed, &c.

SECT. 17. The volunteer companies shall be formed into separate regiments, or attached to such regiments of the active militia as the commander-in-chief shall deem proper, and he may retain any existing companies of the volunteer militia.

—may be formed into separate regiments.

SECT. 18. The non-commissioned officers and privates of each volunteer company, and all recruits admitted into the same, shall sign their names in a book of enlistment to be kept by the company

—members of, how enlisted, how long to serve, &c.

CHAP. 307. for the purpose, in such form as shall be prescribed by the commander-in-chief; which signing shall be a legal enlistment, by virtue whereof they shall be held to do duty in said company for six years, unless they shall become incapacitated by subsequent disability, or be regularly discharged therefrom by the proper officer.

Companies of cavalry, artillery and engineers may be unattached to any regiment, &c., or may be attached to divisions.

SECT. 19. Companies of cavalry, artillery and engineers may remain unattached to any regiment or brigade, if the good of the service in the opinion of the commander-in-chief shall require it, or may be attached to divisions at the pleasure of the commander-in-chief. In such case, such companies shall be subject to the immediate orders of the commanders of such divisions or brigades as the commander-in-chief shall designate; who shall receive the reports, returns and orders, have the authority and discharge the duties, with regard to such companies, which are prescribed for the commanders of regiments with regard to other companies.

Volunteer companies, how organized.
—when such companies may be organized, &c.

Election of officers not to be ordered, unless, &c.

SECT. 20. All volunteer companies shall be organized in all respects like the companies of the same arm of the active militia; but no new volunteer company shall be organized unless such new company shall have on its rolls at least the maximum number of enlisted men; and no election of officers shall be ordered at any time in any company of the volunteer militia, unless at the time of such order the said company shall have at least the minimum number of enlisted men on its rolls.

Volunteer companies may be disbanded for not uniforming, &c.

SECT. 21. If it appears to the commander-in-chief on the representation of the adjutant general, inspector general, or officer commanding a division or brigade, that a volunteer company has failed to comply with the requisitions of the law in matters of uniform, equipment or discipline, so that it is incapacitated to discharge the duties required of it, such company may be disbanded by the commander-in-chief.

—for not filling vacancies, having too few numbers, &c.

SECT. 22. If a volunteer company is without commissioned officers, and having been twice ordered to fill such vacancies, neglects or refuses to fill them, or is reduced to a less number than the minimum number of non-commissioned officers and privates provided for a company of its arm, and so remains for six consecutive months, or appears from any return made to the adjutant general to have been reduced below such minimum number of non-commissioned officers and privates present and doing duty at the time for which such return is made, such company may be forthwith disbanded by the commander-in-chief.

Officers and soldiers, how discharged.

SECT. 23. The commander of a regiment may, upon the written application of the commander of a volunteer company in his regiment, accompanied by a request in writing, signed by a non-commissioned officer or private, discharge such non-commissioned officer or private from the company; and the commander of a

company unattached, may, upon an application in writing, signed by a member thereof, discharge such member; and commanding officers of regiments or detached companies may discharge non-commissioned officers or privates of volunteer companies, upon the request by vote of a majority of the active members of the company, but no such discharge shall operate to discharge such non-commissioned officer or private from military service under this act, and the officer granting the same shall forthwith give notice thereof to the commanding officer of the company of militia in which such non-commissioned officer or private is liable to perform military duty.

SECT. 24. The commander of a brigade may raise, by voluntary enlistment and warrant, and organize within the limits of his command, a band, to be under his direction and command, whenever his brigade parades or the said band is ordered to parade with any portion of said brigade by the commander-in-chief; a band of musicians, not to exceed, including a master and deputy-master, sixteen for a brigade. The master, and in his absence, the deputy-master, shall teach and command the band, and issue all orders directed by such commander. Each member of the band shall keep himself provided with such uniform as may be directed by the commander-in-chief, and such instrument as the commander of his brigade prescribes, under penalty for each neglect or deficiency, or for misconduct, of dismissal from the band by such commander, and of not less than ten, nor more than twenty dollars to be recovered, on complaint, by the brigade inspector, to the use of the state.

Brigade bands;
how raised,
commanded,
&c.

Organization of militia.

SECT. 25. The militia, under the command-in-chief of the governor of the state, shall be organized and officered as follows:

The staff of the commander-in-chief shall consist of an adjutant general, who shall be the chief of the staff, quartermaster general, inspector general, surgeon general, commissary general, and judge advocate general, each with the rank of brigadier general.

Four aides-de-camp with the rank of lieutenant colonel. A military secretary with the rank of major, and such additional officers of the general staff as the public service may require, with such rank as the commander-in-chief may designate.

Divisions. To each division there shall be one major general, one division inspector with the rank of lieutenant colonel, one assistant adjutant general, one quartermaster, one commissary of subsistence, one judge advocate and one aide-de-camp, each with the rank of major, and two aides-de-camp, each with the rank of captain.

Militia, how
organized and
officered.
Officers of staff
of commander-
in-chief.

Officers of
divisions.

Brigades. To each brigade there shall be one brigadier general, —of brigades.

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one brigade inspector, with the rank of major, one assistant adjutant general, one quartermaster, one commissary of subsistence, one paymaster and one aide-de-camp, each with the rank of captain, and one aide-de-camp with the rank of first lieutenant.

—of infantry
regiments.

Infantry. To each regiment of infantry there shall be one colonel, one lieutenant colonel, and one major, one adjutant and one quartermaster, each with the rank of first lieutenant, one surgeon with the rank of major, two assistant surgeons, each with the rank of first lieutenant, one chaplain, one sergeant major, one quartermaster sergeant, one commissary sergeant, one hospital steward, and two principal musicians, and ten companies; each company to consist of one captain, one first lieutenant, one second lieutenant, one first sergeant, four sergeants, eight corporals, two musicians, one wagoner, and not less than sixty-four nor more than eighty-two privates.

—of companies.

—of cavalry
regiments.

Cavalry. To each regiment of cavalry there shall be one colonel, one lieutenant colonel, three majors, one surgeon with the rank of major, two assistant surgeons, with the rank of first lieutenant, one veterinary surgeon with the rank of sergeant major, one adjutant, one quartermaster, one commissary of subsistence, each with the rank of first lieutenant, one chaplain, one sergeant major, one quartermaster sergeant, one commissary sergeant, two hospital stewards, one saddler sergeant, one chief trumpeter, and twelve companies or troops; each company to consist of one captain, one first lieutenant, one second lieutenant, one first sergeant, one quartermaster sergeant, one commissary sergeant, five sergeants, eight corporals, two trumpeters, two farriers or blacksmiths, one saddler, one wagoner, and not less than sixty nor more than seventy-eight privates.

—companies.

Artillery
regiments.

Artillery. To each regiment of artillery there shall be one colonel, one lieutenant colonel, one major to every four companies or batteries, one adjutant and one quartermaster, each with the rank of first lieutenant, but not to be extra lieutenants, one chaplain, one sergeant major, one quartermaster sergeant, one commissary sergeant, one hospital steward, and two principal musicians.

—batteries and
companies.

To each battery of light artillery, or company of heavy artillery, there shall be one captain, two first lieutenants, two second lieutenants, one first sergeant, one quartermaster sergeant, six sergeants, twelve corporals, two musicians, two artificers, one wagoner, and one hundred and twenty-two privates.

—companies of
engineers.

Engineers. To each company of engineers there shall be one captain, two first lieutenants, one second lieutenant, ten sergeants, ten corporals, two musicians, sixty-four artificers, and sixty-four privates.

Officers of the line.

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SECT. 26. The officers of the line shall be elected as follows :

Officers of line,
how elected.

Major generals by the senate and house of representatives, each having a negative upon the other.

Brigadier generals, by the written votes of the field officers of the respective brigades.

Field officers of regiments, by the written votes of the captains and subalterns of the companies of the respective regiments.

Captains and subalterns of companies, by the written votes of the non-commissioned officers and privates of the respective companies.

In the first election of captains of companies to be held under this law, every man whose name is borne on the roll of the company, as made out by the assessors, and who is not exempt from military duty, shall be entitled to vote. But after the enrolment by the commanding officer so elected, and division of the militia into the active and reserve militia, no member of the reserve militia shall be entitled to vote at any election of officers of any company of the active militia.

Election of
captains of
active militia.

Staff officers.

SECT. 27. The staff officers of the militia shall be appointed in manner following :

Staff officers of
the militia,
appointed.

The adjutant general and quartermaster shall be chosen as provided by the constitution. The inspector general, judge advocate general, commissary general, surgeon general, aides-de-camp and military secretary to the commander-in-chief, with such additional officers of the general staff as the commander-in-chief may deem necessary, by the commander-in-chief.

The major generals and brigadier generals shall appoint their respective staffs. All other staff officers of division and brigade staffs shall be appointed by the commander-in-chief upon the nomination of the generals commanding the respective divisions and brigades, and shall hold their offices for one year and until their successors are appointed and qualified, but may be removed at any time by the commander-in-chief.

Staff officers of
the militia.

Adjutants, quartermasters, commissaries and chaplains of regiments shall be appointed by their respective colonels.

Surgeons and assistant surgeons, by the commander-in-chief, upon the nomination of their respective colonels, after they shall have passed an examination before a board of surgeons to be appointed by the commander-in-chief.

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Eligibility and qualifications of officers.

Officers; who eligible; not to be commissioned unless qualified.

Military board for examination.

SECT. 28. Members of the reserved militia shall be eligible to office in the active militia; but no commission shall issue to an officer elected or appointed unless he appears to be qualified by education and ability to discharge the duties of his office. And the commander-in-chief may in his discretion cause an examination to be had, by a military board which he is authorized to appoint, into the qualifications of all persons, below the rank of major generals, claiming commissions under this act. If upon such examinations the board finds the candidate qualified within the meaning of this section, the commission shall issue.

Disqualification to office, and removal therefor.

SECT. 29. No idiot, lunatic, vagabond, pauper, nor person convicted of an infamous crime, shall be eligible to any military office, and the habitual use of intoxicating liquors as a beverage shall disqualify any person from holding any commission under this act. When it appears to the commander-in-chief that a person thus ineligible has received a majority of the votes cast at an election of officers, he shall not commission him, but shall declare such election null and void, and appoint some person to fill the vacancy.

Commander-in-chief may fill vacancy.

SECT. 30. When the electors neglect or refuse to elect to fill a vacancy, the commander-in-chief shall appoint a suitable person.

When office vacant, &c., senior officer next in rank to command.

SECT. 31. When the office of major general, brigadier general, colonel, or captain, is vacant, or such officer is sick or absent, the officer next in rank shall command the division, brigade, regiment or company, until the vacancy is supplied. The senior non-commissioned officer of a company without commissioned officers, shall command the same, until some commissioned officer is detailed to command it, as provided in section thirty-three.

Regimental commander may order company election in certain cases.

SECT. 32. When a company is newly enrolled, or from any cause is without commissioned officers, the commander of the regiment may, without an order from the commander of the division, order an election of officers as soon as may be.

When company neglects, &c., to elect any officer, regimental commander to detail staff officer, &c., to command.

SECT. 33. When a company is first enrolled, or from any cause is without officers, and an election of officers is ordered, if such company neglects or refuses to elect any officer, or if the persons elected shall not accept, the commander of the regiment to which it belongs, shall detail some officer of the staff or line of the regiment to train and discipline said company, until some officer is elected or appointed by the commander-in-chief. Such officer shall have the same power, and be subject to the same liabilities, as if he were captain of such company; shall keep the records of the company, and prosecute for all fines and forfeitures, in like manner as a clerk might do, under section one hundred and sixty-one; and all meetings of such company shall be notified as provided in section ninety-one.

SECT. 34. The non-commissioned staff officers of regiments shall be appointed by the colonels of their respective regiments. Non-commissioned officers of companies shall be appointed by their respective captains, who shall forthwith make a return, in writing, of such appointments, to the officer commanding the regiment. To every company there shall be a clerk who shall be one of the sergeants, to be appointed by the commanding officer of the company.

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Non-commissioned officers, how appointed.

SECT. 35. Whenever the clerk of a company is absent, sick, or unable to discharge the duties of his office, the commander of the company may appoint a clerk pro tempore. In all cases of a vacancy he may order a non-commissioned officer or private to perform the duties of a clerk until another is appointed; and any non-commissioned officer or private refusing or neglecting to perform such duty when so ordered, shall forfeit to the use of the company not less than twenty nor more than fifty dollars, to be recovered on complaint by the commander. In such cases the records of the company shall be kept by the commander thereof, as long as such vacancy, absence, sickness, or inability continues, and records so kept shall be competent evidence of such orders and temporary appointments, as well as of all matters of which they would be evidence if kept by the clerk.

Clerk pro tem.

Company records.

General provisions respecting officers.

SECT. 36. When a company has neither commissioned nor non-commissioned officers, the commander of the regiment to which it belongs, shall appoint suitable persons within said company to be non-commissioned officers thereof; and shall appoint one of the non-commissioned officers to be clerk, endorse the appointment on his warrant, administer the oath to him, and certify the same, as required by section fifty-two.

When company is without officers, clerk, &c., how appointed.

SECT. 37. All commissioned officers shall be commissioned by the commander-in-chief according to the respective offices and grades to which they may be elected or appointed, except as herein otherwise expressly provided.

Commissioned officers to be commissioned by commander-in-chief.

Every non-commissioned officer's warrant shall be given and signed by the commanding officer of the regiment.

Clerks shall have their appointments certified on the back of their warrants by the commanding officers of their respective companies.

See sec. 52.

SECT. 38. Commissioned officers shall take rank according to the date of their commissions. When two of the same grade bear an even date, their rank shall be determined by lot drawn before the commander of the division, brigade, regiment, company, or detachment, or president of a court-martial, as the case may be.

Commissioned officers, how to rank, &c.

The day of the appointment or election of an officer shall be expressed in his commission, and considered as the date thereof. When he is transferred to another corps or station of the same

Day of election to be date of commission.

CHAP. 307. grade, the date of the original appointment shall be expressed and considered the date of his commission.

Duplicate
commission in
case of loss.

SECT. 39. When an officer shall lose his commission, upon affidavit made before a justice of the peace and produced to the adjutant general, a duplicate commission shall issue of the same tenor and date.

Major generals
to be notified
of election and
to accept
within thirty
days.

SECT. 40. Major generals shall be notified of their elections by the secretary of state, and, unless within fifteen days after such notice, they signify to the secretary their acceptance of office, shall be taken to have refused the same.

—to order
elections, &c.

SECT. 41. Major generals shall order elections to fill all vacancies which occur in their respective divisions, in the office of brigadier general, field officer, captain or subaltern. Such elections shall be held at the places most convenient for the majority of the electors, and shall be ordered throughout each division, at least once in each year; the elections of company officers first, and those of field officers next.

Election of officers and oaths.

Elections;
notification of,
penalty for
absence from.

SECT. 42. Electors shall be notified of elections at least four days previously thereto. A non-commissioned officer or private unnecessarily absent from company election, shall forfeit two dollars, to be recovered on complaint of the clerk, to the use of the company.

—who may
preside.

SECT. 43. Officers ordering elections may preside, or detail some officer of suitable rank to preside.

—same subject.

SECT. 44. A captain or staff officer of the rank of captain, may preside at the election of an officer of equal or inferior grade within the limits of his regiment; but no candidate for the vacancy shall preside at the election, except to adjourn the meeting if no proper officer appear to preside.

Record of
proceedings.

At all elections such presiding officer shall keep a record of the proceedings, and make return thereof to the commanding officer of the regiment, brigade or division, as may be proper.

Votes necessary
to elect; person
to be notified.

SECT. 45. The person who has a majority of the written votes of the electors present at a meeting duly notified, shall be deemed elected, and the presiding officer shall forthwith notify him of his election, and make return thereof, or of neglect or refusal to elect, to the commander of the division. Every person so elected and notified, shall accept, if a brigadier general or field officer, within ten days, or, if a company officer, forthwith; otherwise he shall be taken to have refused. If before the meeting for the election of any officer is dissolved, the person chosen signifies to the presiding officer his refusal to accept, the same shall be recorded and made part of the return, and the electors shall proceed to another election. Elections may be adjourned not exceeding twice, and each

adjournment for a period not exceeding two days ; but no company election shall be legal unless it be notified in the manner prescribed in section forty-two.

The original roster of the brigade, or regiment, or original roll of the company, as the case may be, shall be produced at such elections, by the person having the legal custody thereof.

Roster, &c., to be produced.

The commanding officer of the division shall return all elections, and refusals or neglects to elect, to the commander-in-chief, and unless he is notified by the commander-in-chief of his intention to make an appointment, he may in such case of refusal or neglect to elect, order a new election.

—returns of elections.

SECT. 46. When an officer holding a military commission, is elected to another office in the militia, and accepts the same, such acceptance shall constitute a part of the return of the presiding officer, and shall vacate the office previously held.

Officer to hold but one commission.

SECT. 47. Commissions shall be transmitted to the commanding officers of divisions, and by them through the proper officers, to the officers elect.

Commissions; how transmitted.

SECT. 48. When a person elected or appointed to an office refuses to accept his commission or qualify at the time of acceptance, the officer commanding the division shall certify the fact on the back thereof, and return it to the adjutant general ; and if the office is elective, a new election shall be ordered.

—not accepted, to be returned.

SECT. 49. No person whatsoever shall, pending or after an election, treat with intoxicating liquors the persons attending thereat, nor shall any person, on days of military duty, so treat persons performing such duty, under a penalty of ten dollars for each offence.

Persons attending elections, not to be treated with liquors.

SECT. 50. No officer or soldier shall be arrested on civil process, while going to, remaining at, or returning from a place where he is ordered to attend for election of officers or military duty.

—not to be arrested in going or returning.

SECT. 51. Every commissioned officer, before he enters on the duties of his office, or exercises any command, shall take and subscribe before a justice of the peace, or general or field officer who has previously taken and subscribed them himself, the following oaths and declarations :

Oath of commissioned officers.

“I, A B, do solemnly swear, that I will bear true faith and allegiance to the State of Maine, and will support the constitution thereof. So help me God.”

“I, A B, do solemnly swear and affirm, that I will faithfully and impartially discharge and perform all the duties incumbent on me as ———, according to the best of my abilities and understanding, agreeably to the rules and regulations of the constitution, and the laws of this state. So help me God.”

“I, A B, do solemnly swear, that I will support the constitution of the United States.”

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Certificate of
oath.

And on the back of every commission the following certificate shall be written or printed, and signed by the person before whom such officer is qualified :

This may certify that A B, commissioned as within on this ——— day of ——— A. D. ——— personally appeared, and took and subscribed the oaths, required by the constitution and laws of this state and a law of the United States, to qualify him to discharge the duties of his office.

Before me, _____.

Oath of clerk
of company.

SECT. 52. Every clerk of a company, before he enters upon his duties, shall take the following oath, before the commanding officer of the company to which he belongs, viz :

“ I, A B, do solemnly swear, that I will faithfully and impartially perform all the duties incumbent on me, as clerk of the company to which I belong, according to the best of my abilities and understanding. So help me God.”

See sects.
36, 37.

The commander of such company shall, at the time of administering the oath, certify on the back of the warrant of the sergeant appointed to be clerk, that he was duly qualified, by taking the oath required by law.

Discharge of officers.

Officers may be
discharged.

SECT. 53. When an officer requests in writing his discharge from office, with the approval of the commanders of the regiment, brigade and division to which he belongs, the commander-in-chief may so discharge him.

—not between
certain dates,
nor till he
turns over all
rolls, rosters,
&c.

See sec. 73.

SECT. 54. No commanding officer shall approve a resignation under the preceding section, if the same is offered between the first day of May and the first day of November, unless the reasons for such resignation are urgent and proved to his satisfaction. No officer shall be discharged until he has turned over to the officers entitled to receive the same, all rolls, books, rosters and documents, and all arms, accoutrements, uniforms, equipments, equipages, ammunition, and other public property issued to him, or in his custody, or for which he is responsible or accountable, and filed with the quartermaster-general the certificates hereinafter prescribed in sections seventy-seven and eighty-three.

—how dis-
charged, when
an officer
refuses to
approve.

SECT. 55. If an officer unreasonably refuses to approve an application for discharge, and it is so made to appear to the commanders above him, they may approve the same, and the commander-in-chief may discharge the applicant.

—when may be
discharged
without their
own request.

SECT. 56. No other officer than a staff officer appointed by the commander-in-chief shall be discharged by the commander-in-chief, unless upon his own request, except as follows :

When it appears to the commander-in-chief, by the report of a board of military examiners, as provided in section fifty-seven, that

he has become unable or unfit to discharge the duties of his office, CHAP. 307.
or to exercise proper authority over his inferior officers and soldiers,
or that he has been convicted of an infamous crime.

When the commander of his division certifies that he has, either
before or after receiving his commission, removed his residence
out of the state, or out of the bounds of his command to so great a
distance, that in the opinion of such commanding officer it is incon-
venient to exercise his command.

When such commander certifies that he has been absent from
his command more than one year without leave.

Upon address of both houses of the legislature to the governor.

Upon sentence of court martial, after trial according to law.

When the corps to which he belongs is disbanded.

And upon petition of two or more superior officers.

In which cases he may be so discharged. Every officer, except
when under arrest, shall perform the duties of his office until he is
discharged.

SECT. 57. The commander-in-chief may, from time to time, and
at any time, appoint a military board of examiners, of not less than
three nor more than five officers, whose duty it shall be to examine
the capacity, qualification, propriety of conduct, and efficiency of
any commissioned officer of the militia below the rank of major
general, who may be reported to them as a fit subject for such
examination, and upon the report of such commission, if adverse
to such officer, and if approved by the commander-in-chief, the
commission of such officer shall be vacated; *provided always*, that,
if practicable, two members at least of such board shall be of mili-
tary rank at least equal to that of the officer to be examined.

Board of
examiners to
examine
commissioned
officers, &c.
See sec. 28.

SECT. 58. When an officer accepts an appointment in the regu-
lar army of the United States, or any corps of United States volun-
teers, his office shall thereby become vacant; and if, after accepting
such appointment, he exercises any of the powers and authority of
such office, he shall forfeit not exceeding one hundred dollars.

Officers
accepting
appointment
in U. S. service
office, &c.

SECT. 59. The commissions of staff officers appointed by any
other officer than the commander-in-chief, shall expire as soon as
the successor of such appointing officer is commissioned.

Staff officers;
when commis-
sions of, expire.

The commissary general, judge advocate, surgeon general, and
all other staff officers appointed by the commander-in-chief shall
hold their offices for one year and until their successors are ap-
pointed and qualified, but may be removed at any time by the
commander-in-chief.

—may be
removed.

SECT. 60. Officers under arrest shall not resign, but shall be
suspended from exercising the duties of office.

Officers under
arrest, not to
resign, &c.

SECT. 61. A non-commissioned officer or clerk of a company
may resign his office to the commanding officer of his company,

Co. clerks may
resign.

CHAP. 307. and may be discharged therefrom by him, if in his opinion there be sufficient reason therefor.

Adjutant, quartermaster, commissary, surgeon and inspector general.

Adjutant
general, duties
of.

SECT. 62. The adjutant general shall distribute all orders from the commander-in-chief,—attend all public reviews when the commander-in-chief shall review the militia, or any part thereof,—obey all orders from him relative to carrying into execution and perfecting the system of military discipline established by the laws of the state and of the United States,—furnish blank forms of the different returns that may be required, and explain the principles on which they should be made,—distribute all books required to be furnished at the public expense, receive from the several officers of the different corps throughout the state, returns of the militia under their command, reporting the actual situation of their arms, accoutrements, and ammunition, their delinquencies and every other thing which relates to the general advancement of good order and discipline, all of which the several officers of the divisions, brigades, and regiments, are hereby required to make in the usual manner, so that the adjutant general may be furnished therewith, and from all said returns he shall make proper abstracts and lay the same annually before the commander-in-chief; and he shall, annually, on or before the first Monday in January, make a return in duplicate of the militia of the state, with their arms, accoutrements and ammunition, according to such directions as he may receive from the secretary of war of the United States, one copy of which he shall deliver to the commander-in-chief, and the other of which he shall transmit to the president of the United States.

Same subject.

SECT. 63. He shall, within twenty days after the receipt of each company or band pay-roll under sections one hundred and twenty-one and one hundred and twenty-six, after carrying out therein opposite to the name of each man returned, the amount of pay to which he is entitled, and certifying thereon that it contains the names of those persons only who are entitled to pay, transmit the same to the mayor and aldermen, the selectmen or assessors of the city, town or plantation in which the armory or place of assembly of such company or band is situated.

Same subject.

SECT. 64. He shall on or before the twenty-fifth day of January in each year, make out a certified roll of the names of all the general, field and staff officers that appear by the returns made to him under section one hundred and twenty-five, to be entitled to the pay under sections one hundred and thirty-seven and one hundred and thirty-nine, and shall ascertain from the returns made to him under sections one hundred and twenty-one and one hundred and twenty-six, the amount of money necessary to reimburse the sev-

eral cities and towns, and shall submit such roll and result to the auditor, and the governor shall draw his warrant on the treasury for such sums as may be necessary to pay such officers, and reimburse such cities, towns and plantations. CHAP. 307.

SECT. 65. The quartermaster general, under the direction and supervision of the commander-in-chief, shall purchase and issue all ordnance stores, artillery, arms and accoutrements, clothing, camp equipage, and military stores generally, except such as are expressly directed by law to be purchased by other officers. He shall, under the orders of the commander-in-chief, procure and provide means of transport for the militia, and for all its implements, munitions of war and military supplies, and shall be the keeper of the public magazines and of all military property of the state, excepting such as is by law expressly intrusted to the keeping of other officers. He shall give bond to the state in the penal sum of twenty thousand dollars, with two sureties at least, to be approved by the governor and council, conditioned faithfully to discharge the duties of his office; to use all necessary diligence and care in the safe keeping of military stores and property of the state committed to his custody; to account for the same and deliver over to his successor, or to any other person authorized to receive the same, such stores and property. And any other officer to whom any arms, equipments, stores, or other property of the state shall at any time be issued, may be required to give a bond to the satisfaction of the governor and council, with the like condition.

Quartermaster
general, duties
of.

SECT. 66. The commissary general, under the direction and supervision of the commander-in-chief, shall purchase and issue all military subsistence supplies.

Commissary
general.

SECT. 67. The surgeon general, under the direction and supervision of the commander-in-chief, shall purchase and issue all medical, surgical and hospital supplies.

Surgeon
general.

SECT. 68. The adjutant general, quartermaster general, surgeon general and commissary general shall account, as often as may be required by the commander-in-chief, and at least once yearly, to the commander-in-chief, in such manner as he shall prescribe, for all property which shall have passed through their hands, or the hands of the subordinate officers of their respective departments, or that shall be in their care or possession, and for all moneys which they shall expend in discharging their respective duties; and they shall annually, in January, lay before the governor and council, accounts, with vouchers, of their expenditures during the previous year.

Adjutant,
quartermaster,
surgeon, com-
missary general
to account
yearly for all
property, &c.

SECT. 69. Neither the adjutant general, quartermaster general, surgeon general, or commissary general, nor any assistant of either of them, nor any subordinate officer of their departments, shall be concerned, directly or indirectly, in the purchase or sale of any

Neither they
nor assistants,
&c., be con-
cerned in
purchases, &c.

CHAP. 307.

article intended for, making a part of, or appertaining to, their respective departments, except for and on account of the state, nor shall they or either of them take or supply to his or their own use any gain or emolument for negotiating or transacting any business in their respective departments, other than what is or may be allowed by law.

Duty of commissary and inspector general, &c.

SECT. 70. The commander-in-chief may, at his discretion, whenever the office of commissary general or inspector general shall be vacant, assign the duties of such officer to some officer already in commission, until the commander-in-chief shall deem it necessary to fill such office by special appointment.

Arms, equipments, equipage, etc.

Uniforms, &c., to be provided by commissioned officers.

SECT. 71. All commissioned officers shall provide themselves with such uniforms and arms complete, as the commander-in-chief shall prescribe, subject to such restrictions, limitations and alterations as he may order.

—exempt from attachment, &c.

SECT. 72. Every officer and soldier shall hold his uniform, arms, ammunition and accoutrements required by law, free from all suits, distresses, executions or sales, for debt or payment of taxes.

Articles furnished by the state.

Tents, camp equipage, ammunition, &c., to be furnished by state, how kept, &c.
See sec. 54.

SECT. 73. Whenever any corps or detachment of the militia is ordered to perform any duty requiring the use thereof, the quartermaster general shall deliver to the commanding officer of such corps or detachment, such tents, fixtures and other camp equipage, and such ammunition as may be necessary for the discharge of such duty; and each officer to whom such equipage is delivered, shall be responsible for the safe keeping of the same, and shall return the same to the quartermaster general when the duty shall have been performed for which the same was issued, and in case of the discharge or death of such officer, he or his legal representative shall be released from such responsibility upon filing in the office of the quartermaster general a certificate of the officer succeeding him in command, that the articles so furnished are in his custody at the date of his certificate, and in good order and condition, reasonable use and wear thereof excepted, and the officer giving such certificate shall from that time be responsible for such articles as if they had been originally issued to him.

Colors, &c., to be furnished to regiments, and guidon, staff, &c., to each battery, &c.

SECT. 74. Each regiment shall be furnished by the state with the national and state colors, their staffs, belts and sockets; and each battery of light artillery and company of cavalry with its proper guidon, staff, belt and socket; and the commander of such regiment, battery or company, shall be responsible for their safe keeping.

SECT. 75. Each company of the active and volunteer militia, on application by the commander thereof to the adjutant general, and producing satisfactory evidence that a suitable armory or place of deposit is provided therefor agreeably to section eighty-six, shall be furnished by the quartermaster general with such appropriate arms and equipments as shall be determined by the commander-in-chief.

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Arms and
equipment to
companies.

SECT. 76. The commissioned officers of every company of the active and volunteer militia shall, from the time of their being qualified, be responsible for the safe keeping and return of all uniforms, arms, equipment, ammunition and equipage, the property of the state, which have been, or shall hereafter be, issued to their respective companies; and for any loss or damage thereto, compensation may be obtained by an action of contract brought by the quartermaster general against all or any of such officers, which it shall be his duty to bring.

Commissioned
officers of
companies to
be responsible
for uniforms,
&c.

SECT. 77. In case of the discharge or death of such an officer, he or his legal representative shall be relieved from such responsibility, upon filing in the office of the quartermaster general a certificate signed by not less than two commissioned officers of his company, that such articles are, at the date of the certificate, undiminished in quantity and value, reasonable use and wear excepted.

—how relieved
in case of
discharge, &c.
See sec. 54:

SECT. 78. Non-commissioned officers and soldiers shall be responsible for the preservation of the arms, equipments and uniforms furnished to them, and for any injury or damage thereto, caused by them or by their neglect, shall forfeit a sum sufficient to repair or replace the same, which may be recovered on complaint of the clerk of the company, or the commander thereof may return such sum to the quartermaster general with a proper specification, who shall cause the same to be deducted from the pay of the delinquent.

Non-commis-
sioned officers
and privates
responsible for
their uniforms,
&c.

SECT. 79. Upon the disbandment of a volunteer company which has received arms, equipments, or equipage, from the quartermaster general, he shall receive the same on presentation thereof by the officers of the company, or their agents.

Disposition of
arms, &c., on
disbandment of
company.

SECT. 80. Each company of militia shall be furnished with such instruments of music as the commander-in-chief shall order. Each commander of a brigade may draw orders upon the quartermaster general, or officer acting as such, in favor of the commanders of regiments, batteries and companies for colors, guidons and instruments of music. Commanders of companies shall be responsible for the safe keeping of the instruments delivered to them for the use of their companies.

Musical instru-
ments for
companies,
colors, &c.,
how obtained.

SECT. 81. Each battery of light artillery shall be provided by the quartermaster general, with the battery of manœuvre prescribed for that arm by the war department of the United States; with

Batteries of
light artillery,
with what to be
furnished.

CHAP. 307. cassions, harness, implements, laboratory, and ordnance stores, as may, from time to time, be necessary for their complete equipment for the field; and when expedient in the opinion of the commander-in-chief, such quantity of ammunition annually as he may deem necessary to be expended in experimental gunnery. The commissioned officers of each battery shall be accountable for the preservation of the pieces, apparatus and ammunition aforesaid, and for the proper expenditure of the ammunition.

—commissioned officers to be accountable therefor.

—how furnished with horses to draw field pieces, &c.

SECT. 82. When any battery or section of a battery is ordered to march out of the city or town where the gun-house is situated, and on occasions of parade for experimental gunnery, review or camp duty, the commanding officer shall provide horses to draw the field-pieces and caissons, and present his account of the expenses thereof, as provided in section one hundred and forty-seven. On all other occasions when ordered out by an officer of competent authority for camp or salute duty, the charges for horses, powder, and necessary expenses, shall be defrayed by the quartermaster general.

Books to be furnished commissioned officers.

SECT. 83. Every commissioned officer shall be furnished with a manual of the tactics of his arm of the service as adopted by the war department of the United States, and with a copy of the army regulations. All which books shall be considered public property and returned by such officers to the adjutant general before their discharge shall be granted.

Military stores may be sold.

SECT. 84. The commander-in-chief, with the advice and consent of the council, may sell or exchange, from time to time, such military stores belonging to the state as shall be found unserviceable or in a state of decay, or which they think it for the interest of the state to sell or exchange.

Arsenals at Portland and Bangor to be visited by committee of legislature.

SECT. 85. The committee of the legislature on military affairs, shall, annually in January, visit the arsenals in Portland and Bangor, and make a thorough examination into the condition of the same, of the arms and munitions of war, and other property of the state or general government deposited there, and report the condition of the arsenals and property.

Armories.

Mayor and aldermen, &c., furnish armories to companies when necessary. See sec. 75.

SECT. 86. The mayor and aldermen and selectmen shall provide to each company of the active and volunteer militia within the limits of their respective places, a suitable armory or place of deposit for the arms, equipments and equipage, furnished it by the state. When a company is formed from different places, the location of such armory or place of deposit shall be determined by the commanding officer, with the approval of the commander of the regiment, but when it has been once so determined it shall not be again changed without the approval of the quartermaster general.

SECT. 87. Each armory shall be examined and the condition thereof reported once at least in each year to the commander-in-chief, by the inspector general, or a staff officer by him detailed for that duty.

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Armory to be examined, &c.

Orders and notifications.

SECT. 88. Orders from the commander-in-chief shall be distributed by the adjutant general; division and brigade orders, by the respective assistant adjutant generals; regimental orders, by the adjutant; company orders, by the clerk, or by any non-commissioned officer or private, when so required by the commanding officer.

Orders, how distributed.

SECT. 89. When a commander orders out his company for military duty, or for election of officers, he shall order one or more of the non-commissioned officers or privates, to notify the men belonging to the company to appear at the time and place appointed. Such non-commissioned officer or private, shall give notice of such time and place, to every person whom he is ordered to notify; if he fails so to do, he shall forfeit not less than twenty nor more than one hundred dollars, to be recovered on complaint of the clerk, to the use of the company.

Notices when co. ordered out, by whom to be given.

SECT. 90. No notice shall be legal, unless given by such non-commissioned officer or private to each man verbally, or by leaving at his usual place of abode a written or printed order, signed by such officer or private, four days at least previous to the time appointed, for military duty, or for election of officers; but in case of invasion, insurrection, riot, or an unforeseen or sudden occasion, a verbal, written or printed notice, however short, shall be legal. When a company is paraded, the commanding officer may verbally notify the men to appear at a future day, not exceeding thirty days from the time of such parade, which shall be sufficient notice as respects the persons present; and all commanders of companies may, on parade, cause to be read, division, brigade or regimental orders, and notify the soldiers of their several commands to appear as by such order required; which notice shall be a sufficient warning. Notifications may be proved, as is provided in section one hundred and fifty-five.

—how served, given and proved.

SECT. 91. When a company is without commissioned officers, the commander of the regiment to which it belongs, or the officer detailed by him to discipline the same, shall, in writing, order any non-commissioned officers or privates to notify the persons liable to do duty in such company, to appear for duty required by law, at the time and place mentioned in such order; and if a non-commissioned officer or private refuses or neglects so to notify, he shall forfeit and pay to the use of his regiment not less than twenty nor more than one hundred dollars, to be recovered on complaint of the commander thereof.

Who to give order when co. is without commissioned officers. See sec. 33.

CHAP. 307.

Orders and
notifications to
be recorded.

SECT. 92. Clerks of companies shall record, in the orderly book, company orders and notifications; but such record shall not be necessary to the recovery of a penalty.

Discipline, trainings, inspection, and camp duty.

Discipline of
U. S. army
adopted.

SECT. 93. The system of discipline and field exercise ordered to be observed by the army of the United States, in the different corps, or such other system as may hereafter be directed for the militia, by laws of the United States, shall be observed by the militia.

Annual May
parade and
monthly drill,
&c., by active
and volunteer
militia.

SECT. 94. The active militia and volunteers shall parade by companies on the first Wednesday in May for inspection, company drill and manœuvre. They shall also be assembled for drill three hours in each month, from the first day of May to the last day of November, and two hours in each month from the first day of December to the last day of April; and, unless otherwise ordered, the times for such monthly drills shall be fixed by the commanders of companies respectively. If a company is so situated that the soldiers cannot be conveniently assembled at one place for monthly drills, the commander of the regiment may order the same to be drilled in squads not exceeding three to a company; each squad shall, if practicable, be under the command of a commissioned officer. The members of the company shall be notified as provided in sections eighty-nine and ninety. Separate rolls shall be kept for each squad, and the same shall be called under the direction of the commanding officer thereof by a non-commissioned officer appointed for that purpose. The records of fines and forfeitures incurred at such squad drills shall be kept by the officer in command and have the same force and validity as is herein provided in the case of company records. Nothing in this section contained shall be construed to excuse the keeping of company rolls as provided in this act.

Places for
drill to be
provided.

SECT. 95. Mayors and aldermen and selectmen shall provide suitable places for the parade, target practice and drill of the militia belonging to their respective cities and towns.

Annual
encampment
by brigades or
regiments.

SECT. 96. Each commander of division shall annually order an encampment of his division, by brigades or regiments, for four days, at some time between the middle of July and the middle of October. The order shall be promulgated in the brigade thirty days before the time appointed for the encampment; the orders for encampment by regiments shall be promulgated in the regiment twenty days before such time. The place, and if no time be designated by the commander of division, the time of encampment shall be designated by the commander of the troops to be assembled, and regard shall always be had to the convenience, proximity and accommodation of the troops to be assembled; but no ground shall

be occupied for such encampment, in time of peace, without the consent of the selectmen of the town, or mayor and aldermen of the city where the encampment is to be made, unless by order of the commander-in-chief.

SECT. 97. When a company destitute of commissioned officers, parades with other troops, the officer in command shall detail one or more commissioned officers present to command it, unless the officer detailed by the commander of the regiment to command it is present.

Companies without officers at parade, how commanded.

SECT. 98. The division and brigade inspectors shall inspect the arms, ammunition and accoutrements of the regiments in their divisions and brigades, at such annual encampment, and see that their exercises and manœuvres are conducted in accordance with the system of military discipline required by law, and by orders received, from time to time, from the commander-in-chief.

Inspection at encampments by division and brigade inspectors.

SECT. 99. The inspector general shall attend at the encampments provided in this act, and superintend the instruction, drill and manœuvres practiced at the encampments, critically observe the same, and make a written detailed report thereon, independent of the report of the commanding officer. Said report shall state the amount and kind of duty performed by the troops on each day, the manner of its performance, the state and condition of each regiment and company, the degree of order maintained, and the general police of the encampment; and shall also contain such suggestions as are deemed important upon the working and efficiency of the system of instruction, drill and discipline prescribed, and of the necessity of further regulation and legislation in order to perfect the military system of the state, and be transmitted to the commander-in-chief within thirty days from the breaking up of the encampments.

Inspector general to attend encampments, make report, &c., &c.

SECT. 100. Every commanding officer, when on duty, may ascertain and fix necessary bounds and limits to his parade, not including a road so as to prevent passing, within which no spectator shall enter without leave from such commanding officer. Whoever intrudes within the limits of the parade, after being forbidden, may be confined under guard not exceeding twelve hours, at the discretion of the commanding officer; and whoever resists a sentry who attempts to put him or keep him out of such limits, may be arrested by order of the commanding officer, and carried before a court or magistrate, to be examined or tried upon complaint for such assault, or disturbance and breach of the peace.

Bounds of parade may be fixed by commanding officers, &c.

SECT. 101. The authority of the officer in command of any camp may be extended by order of the commander-in-chief to a distance of one-half of a mile around such camp, and upon the external space within such distance from the camp, with the exception of any road or roads within said distance, no person or persons other

Authority of officers in command of camp may be extended half a mile around the camp, &c.

CHAP. 307. than the owners of the same with their servants, for the purpose of occupying and improving the same in the same manner and way in which they occupied and improved the same at the time of the establishment of such camp, shall be allowed to enter, except under such rules as shall be established by the officer commanding such camp, with the approval of the commander-in-chief, or by special permission of the officer in command for the time being, or some officer by him designated; and if any person shall so enter he may be immediately expelled, and before being expelled he may, at the discretion of the officer commanding such camp, be confined under guard for a period not exceeding twenty-four hours.

Officers and soldiers not required to do duty on election days.
Sec sec. 162.

SECT. 102. No officer or soldier shall be holden to perform military duty except in case of invasion, insurrection, riot or tumult made or threatened, or in obedience to the orders of the commander-in-chief, on a day appointed for a meeting in the town in which he resides for the election of governor, senators, electors of president or vice president of the United States, or representatives to congress or the legislature; and an officer parading his company or wilfully ordering it to parade contrary to the provisions of this section, shall, besides being liable to a court martial, forfeit not less than fifty nor more than three hundred dollars.

Militia may be ordered out for drill, &c., by governor.

SECT. 103. The commander-in-chief may order out the active and volunteer militia, or any portion thereof, for encampment, drill, inspection, review, escort or other duty.

Companies may meet for escort duty, &c., and be subject to their by-laws, &c.

SECT. 104. Nothing herein contained shall be construed to prevent any company from meeting for the purpose of drill, funeral, or other escort, or a voluntary service; nor to impair the obligation arising under constitutional articles of agreement adopted by a volunteer company, so far as regards the members who have signed the same, unless they are repugnant to law. All fines, penalties and assessments incurred by officers or soldiers of such company, under such constitutional articles of agreement, signed by them and approved by the commander-in-chief, may in addition to any other remedy thereon, be recovered on complaint of the clerk.

Fines, how recovered.

Penalty if non-commissioned officer neglects to appear for duty when required.

SECT. 105. Every non-commissioned officer and private holden by law to do military duty in any company, and unnecessarily neglecting to appear at the time and place appointed for such duty, shall forfeit and pay for every such neglect the sums hereinafter mentioned.

For unnecessarily neglecting to appear at the inspection on the first Wednesday of May, four dollars.

At any company training, four dollars.

At any encampment or review, five dollars for each day of such encampment or review.

At any company or squad drill, three dollars.

At any meeting for special duty of escort or otherwise where no fine is provided, four dollars. CHAP. 307.

SECT. 106. Every non-commissioned officer or private who appears at a parade or drill required by law, deficient in any arm, equipment or uniform furnished him by the state, or required of him by law or general order, or with such arms, equipments or uniform unserviceable or in bad condition, shall forfeit one dollar, to be recovered on complaint of the clerk, to the use of the company.

—if he appears at parade deficient in arms, &c.

SECT. 107. A soldier who unnecessarily, or without order from a superior officer, comes to any parade with his musket, rifle or pistol loaded with ball, slug or shot, or shall so load the same while on duty, or unnecessarily, or without order from a superior officer, discharges the same when going to, returning from, or upon parade, shall forfeit not less than five nor more than twenty dollars; to be recovered on complaint of the clerk, to the use of the company.

—if soldier comes to parade with musket loaded, &c., or discharges the same without order, &c.

SECT. 108. A soldier behaving with contempt towards an officer, or conducting himself in a disorderly manner, or exciting or joining in a tumult or riot, or being guilty of unmilitary conduct, disobedience of orders, or neglect of duty when under arms or on duty, shall forfeit not less than ten nor more than forty dollars; to be recovered as provided in the preceding section.

—if a soldier behaves with contempt to an officer, &c.

SECT. 109. A soldier, wantonly or without leave, quitting his guard, section, platoon or company, shall forfeit not less than five nor more than twenty dollars; to be recovered, if the offence is committed at a regimental parade, on complaint by the commander of the regiment, to the use of the regiment; if at any other parade, by the clerk, to the use of the company; and shall forfeit his pay for the term of service for which he is then engaged.

—if he quits guard, &c.

SECT. 110. For any offence mentioned in the preceding section the delinquent may be put and kept under guard by the commander of the company, regiment, or of the field, for a time not extending beyond the term of service for which he is ordered out. A non-commissioned officer, for an offence mentioned in this chapter, or for disobedience of orders or unmilitary conduct at a regimental parade, may, besides incurring the fine prescribed, be reduced to the ranks by the commander of his regiment; and for such misconduct at any other parade, by such commander with the advice of his company commander.

Additional punishment.

SECT. 111. Soldiers in companies without officers, when ordered out to be trained and disciplined, shall for absence, deficiency, misconduct or neglect, be liable to the fines prescribed for offences in other companies; to be recovered upon complaint of the officer so detailed, substantially as by clerks under section one hundred and fifty-five; to the use of the regiment.

Soldiers in companies without officers in like manner liable.

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Fines inure to company.

SECT. 112. All fines incurred by a non-commissioned officer or soldier, unless otherwise provided, shall inure to the benefit of said company.

Rosters, orderly books, rolls, and returns.

Rosters and orderly books to be kept.

SECT. 113. The assistant adjutant general of each division and brigade, and the adjutant of each regiment or corps, shall constantly keep a correct roster of the command to which he belongs; and an orderly book in which he shall record orders received and issued.

Name, age, &c., of members of volunteer companies to be furnished commanders of companies of active militia.

SECT. 114. Commanders of the volunteer companies shall transmit on or before the twenty-fifth day of April, annually, to each commander of companies in the active militia, the name, age, and date of enlistment of each member of their company residing within the limits of such companies.

Rolls of companies to be open to inspection.

SECT. 115. The rolls of the several companies shall, at all times, be open to the inspection of any officer of the regiment, brigade or division to which it is attached, or to any assessor of the town wherein the company, or any part thereof, is raised.

—roll of such company with state of arms, &c., furnished by state, to be kept by clerk.

SECT. 116. A fair and exact roll of each company shall be kept by the clerk, under the direction of the commander, with the state of the arms, uniforms and equipments furnished to each man, in the form prescribed for the returns of the militia by the commander-in-chief. Such rolls shall be annually revised in the month of April, and corrected from time to time, as the state of the company and alterations in it may require.

Orderly books.

SECT. 117. An orderly book shall also be kept in each company, by the clerk, under the direction of the commander, and the proceedings of the company, orders received and issued, and exact details of drafts and detachments, shall be recorded therein. Fines and forfeitures, with the time when, and the offence, neglect, default or deficiency, for which they were incurred, money collected by him, with the names of the persons from whom collected, and all delinquencies and deficiencies, shall be recorded in said book, which shall not be alienated from the company, and be always open to the inspection of its officers.

Company returns on each day of encampment.

SECT. 118. At the conclusion of each encampment, and of any duty performed under section one hundred and nine, commanders of companies shall make correct duplicate returns of their several companies for each day of the encampment or review, upon which the commander of the regiment to which the company belongs shall certify whether such company, on each of the days of such encampment or duty, well and faithfully performed the duties required by law, and the number of officers, non-commissioned officers, musicians and privates therein reported as present and doing duty each day, is correct. He shall deliver one of such re-

turns to the brigade inspector, and transmit the other, within ten days after said tour of camp or other duty, to the adjutant general.

SECT. 119. The commander of a company, within ten days after each tour of camp duty, or any duty performed under section ninety-six, shall make a correct alphabetical pay-roll of his company, containing the names of the members who appeared, armed, uniformed and equipped, and performed all the duties required on the days of such encampment, or other duty, and showing the duty done by each member, and transmit the same, certified under his oath to be correct and true, to the adjutant general. Such roll shall not contain the name of a private who has done duty as a musician, and the whole number so returned shall in no case exceed the number allowed to his company by section twenty-five.

—pay roll after camp duty, &c.
See sects. 63, 64, 140.

SECT. 120. A commanding officer of a company who neglects to make the returns required by the two preceding sections, shall forfeit twenty-five dollars, and for making a false return in any case, shall forfeit one hundred dollars to the state, to be prosecuted for by the officer to whom the return should be made.

Penalty for not making returns.

SECT. 121. The master of every brigade band shall, within ten days after a parade thereof, made under order of the commander of the brigade to which such band belongs, make and transmit to the adjutant general an alphabetical list of the men who appeared in uniform and performed duty on such day, the last return to be made on or before the tenth of November; upon which the commanding officer to whom the band was ordered to report for duty, shall certify that the duty was well and faithfully performed. For neglect to make such return, the master shall forfeit twenty-five dollars, and for making a false return one hundred dollars, to be prosecuted for by the officer to whom the return should be made.

Returns by musters of brigade bands.
See sections 63, 64, 140.

SECT. 122. On the last day of each tour of camp duty, or duty performed under section one hundred and nine, commanders of regiments shall make correct certified rolls of the field and staff officers of their several commands on duty for each day, specifying the names, rank and duty done by each officer who appeared armed, uniformed and equipped, on any day, and deliver the same to the brigade inspector. Every officer neglecting to make such returns, shall forfeit for each offence fifty dollars, and for making a false return in any case two hundred dollars, to be prosecuted for by the officer to whom the return should be made.

Regimental roll of officers, &c., on camp duty, &c.

SECT. 123. Brigade inspectors within twenty days after each tour of camp or other duty done by their respective brigades, or the regiments thereof, shall make and transmit to the commander of the brigade a correct return of such brigades, reporting therein the condition of the arms, accoutrements and ammunition of the several corps, with such suggestions relating to the government of the militia, and the advancement of order and discipline as in

Brigade return of camp duty, &c.

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his judgment may be required; and also in like manner make and transmit to the commander of division a certified roll of the names of the general field and staff officers of their several brigades, specifying the rank of and duty done by each one who appeared uniformed and equipped, and performed duty on any day.

For neglect to make either of said returns, each brigade inspector shall forfeit seventy-five dollars, and making a false return in any case, three hundred dollars, to be prosecuted for by the officer to whom the return should be made.

—to be transmitted to division commanders.

SECT. 124. Commanders of brigades shall, within thirty days after each tour of camp or other duty performed by troops under their respective commands, transmit to the commanders of their divisions a correct return of their respective brigades, as furnished by the brigade inspectors under the preceding section.

—and to adjutant general.

Commanders of division shall, within ten days after the receipts of such returns of brigades under their respective commands, transmit to the office of the adjutant general, correct returns of the state of their divisions, as derived from such brigade returns.

Penalty for neglect.

Each officer, for neglect to make the returns required of him under this section, shall forfeit for each offence one hundred dollars, to be prosecuted for by the officer to whom the return should be made.

Division commanders to transmit to adj. general roll of general officers.
See sec. 64.

SECT. 125. Commanders of divisions shall, annually, on or before the first day of November, make and transmit to the office of the adjutant general, a certified roll of the general field and staff officers in their respective divisions, specifying the name, rank, and duty done by each one who has appeared armed, uniformed and equipped, and performed duty, on any day.

Penalty.

For neglect to make such return, such commander shall forfeit one hundred dollars, and for making a false return in any case five hundred dollars, to be prosecuted for by the officer to whom the return should be made.

Calling out the militia in case of war, invasion, insurrection, tumults or riots.

Militia, how called out in case of invasion, &c.

SECT. 126. When an invasion of, or insurrection in, the state shall be made or threatened, the commander-in-chief shall first call upon the active and volunteer militia to repel or surpress the same; and may order out any divisions, brigades, regiments or companies thereof; or may order to be detached any parts thereof, or if required, may order any number of men to be drafted from the reserved militia, and may cause officers to be detailed, sufficient with those attached to the troops, to organize the forces. If such invasion or insurrection, or imminent danger thereof, in any part of the state be so sudden that the commander-in-chief cannot be informed and his orders received and executed in season to resist or

When commander of divisions may order out troops.

suppress the same, any commander of division in such part of the state may order out his division, or any part thereof, as the commander-in-chief might do. CHAP. 307.

SECT. 127. When a draft from the militia is ordered, the drafted men shall be organized by the commander-in-chief, agreeably to section thirteen. Drafted men,
how organized.
See sec. 162.

SECT. 128. If a company of the volunteer or active militia without officers is ordered to march, or a detachment is ordered therefrom, the commander of the regiment shall detail an officer to command, who shall have the same authority to order them to appear, to command them in the field, or to make a detachment therefrom, as the captain of such company would have; and shall be under the same responsibility. If a co. without
officers is called
out, officer to
be detailed.
See sec. 162.

SECT. 129. Every non-commissioned officer or soldier so ordered out, detached or drafted, who shall not appear with such arms and equipments as have been furnished to him, at the appointed time and place, or provide a substitute, shall be taken to be a soldier absent without leave, and forfeit fifty dollars to the use of the state; and each soldier ordered out, detached or drafted, when so ordered shall take with him provisions for not less than three days. Penalty on
non-commissioned
officer
and soldier
neglecting to
appear, &c.
See sec. 162.
Provisions to
be taken.

SECT. 130. The selectmen of a town and the mayor and aldermen of a city to which men so ordered out, detached or drafted, belong, when required in writing by the commander of a regiment or detachment, shall provide transportation to attend them with further supplies of provisions, and to carry necessary baggage, and provide necessary camp equipage and utensils, until notified by the commanding officer to desist; and shall present their accounts, as is provided in section one hundred and fifty-three. For any neglect by mayor and aldermen or selectmen under this section, their city or town shall forfeit not less than twenty nor more than five hundred dollars. The officer, to whom any articles above mentioned are delivered, shall be responsible that care is taken of the same. Selectmen, &c.,
to provide
transportation,
&c., in certain
cases.

SECT. 131. When there is, in any county, a tumult, riot, mob, or a body of men acting together by force with intent to commit a felony, or to offer violence to persons or property, or by force and violence to break and resist the laws of the state, or of the United States, or when such tumult, riot or mob is threatened, and the fact is made to appear to the commander-in-chief, or the mayor of a city, or to a court of record sitting in said county, or, if no such court be sitting therein, then to a justice of such court, or, if no justice is within the county, then to the sheriff thereof, the commander-in-chief may issue his order, or such mayor, court, justice or sheriff, may issue a precept, directed to any commander of a division, brigade, regiment or corps, directing him to order his command, Troops, how
ordered out in
case of riot,
&c.

CHAP. 307. or a part thereof, describing the kind and number of troops, to appear at a time and place therein specified, to aid the civil authority in suppressing such violence and supporting the laws; which precept, if issued by a court, shall be in substance as follows:

STATE OF MAINE.

_____, ss.

[L. s.]

To { insert the } A. B. commanding. { insert his }
 { officer's title. } { command. }

Form of
precept.

Whereas, it has been made to appear to our justices of our _____, now holden at _____, within and for the county of _____, that [here state one or more of the causes above mentioned,] in our county of _____, and that military force is necessary to aid the civil authority in suppressing the same; now, therefore, we command you that you cause, [here state the number and kind of troops required] armed, equipped, and with ammunition, as the law directs, and with proper officers, either attached to the troops, or detailed by you, to parade at _____, on _____, then and there to obey such orders as may be given them, according to law. Hereof fail not at your peril; and have you there this writ, with your doings returned thereon.

Witness, G. T. B., Esq., at _____, on the _____ day of _____, in the year _____. C. D., Clerk.

And if the same be issued by a mayor, justice or sheriff, it shall be under his hand and seal, and otherwise varied to suit the circumstances of the case.

Penalties for
disobedience.
See sec. 162.

SECT. 132. The officer to whom the order of the commander-in-chief or such precept is directed, shall forthwith order the troops therein mentioned to parade at the time and place appointed. If he refuses or neglects to obey such order or precept, or if an officer neglects or refuses to obey an order issued in pursuance thereof, he shall be cashiered and punished by fine or imprisonment not exceeding six months, as a court martial may adjudge. And a non-commissioned officer or a soldier neglecting or refusing to appear at the place of parade to obey an order issued in such case, shall forfeit fifty dollars to the use of the state. And any person advising or attempting to persuade an officer or soldier to refuse or neglect to appear at such place or to obey such order, shall forfeit two hundred dollars to the use of the state, or be imprisoned not exceeding six months.

Troops to
appear armed,
&c.
See sec. 162.

SECT. 133. Such troops shall appear at the time and place appointed, with such arms, equipments and ammunition as has been furnished them, and shall obey and execute such orders as they may then and there receive according to law.

SECT. 134. Requisitions by the president of the United States for militia for active service shall be supplied by the commander-in-chief in the manner following, to wit :

First, the active and volunteer militia.

Second, the reserve militia.

The following persons only shall be exempt from a draft, to wit:—Such as are rejected as physically or mentally unfit for the service, all persons actually in the military or naval service of the United States at the time of the draft, and all persons who have served in the military or naval service two years during the present war, and been honorably discharged therefrom : *provided however*, that no person who has been convicted of any felony shall be enrolled or permitted to serve in said forces.

Drafted men may furnish able-bodied substitutes for themselves who if mustered into the service of the United States shall be received in lieu of their principals for the quota for which the draft is made.

SECT. 135. The commander-in-chief shall issue all necessary orders to fill any requisition for troops made by the United States upon this state and prescribe rules and regulations for carrying into effect the necessary drafts therefor.

SECT. 136. Any person drafted by virtue of the provisions of the two preceding sections shall be considered a soldier in active service, and failing to appear at the place of parade in obedience to any order lawfully issued shall be deemed a soldier absent without leave. And any person, directly or indirectly, advising or in any manner attempting to influence any person to avoid compliance with any order issued in pursuance of the preceding section shall forfeit five hundred dollars or be imprisoned not less than two years.

Compensation.

SECT. 137. General, field and commissioned staff officers shall receive for each day's duty in camp, and according to the returns of the inspecting officers five dollars, and non-commissioned staff officers three dollars a day, to be paid them from the state treasury, upon the warrant of the governor and council, and according to a pay-roll to be made up by the adjutant general.

SECT. 138. Division and brigade inspectors, and adjutants of regiments of volunteer or active militia, shall receive twenty-five dollars annually, in addition to their pay as herein provided.

SECT. 139. Every other officer of the active and volunteer militia, shall receive for each day's duty in camp, two dollars, and each non-commissioned officer and soldier one dollar.

Every member of a brigade band shall receive, for services performed in obedience to an order of his commander, at the rate of one dollar and fifty cents a day while on duty.

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Requisitions by the president for militia for active service, how supplied.

Who exempt from draft.

Substitutes.

Orders to fill requisitions to be issued by commander-in-chief.

Drafted persons liable if they fail to appear.

Penalty for advising any person to avoid.

Pay of general, field and staff officers.
See sec. 64.

—of inspectors and adjutants of regiments.

—of other officers.

—bands, &c.,

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—mounted
companies.

Sums, how
computed.

Warrants to
pay.

Pay forfeited
for deficiency
in returns.

Not to be
received unless
full duty be
performed.

Personal servi-
ces required, to
be entitled to
compensation.
Persons
excused, not
entitled.

Pay for per-
forming special
duty, travel,
&c.

Every member of a mounted company shall receive three dollars per day in addition to the compensation herein before provided, which shall include keeping and forage for horses.

Such sums shall be computed to the adjutant general on the company and band pay-rolls, made out, certified and returned, under sections one hundred and nineteen and one hundred and twenty-one.

After such computation, such pay-rolls shall be transmitted to the mayors and aldermen of the cities and the selectmen of the towns in which such companies and bands are situated, as provided in section sixty-three.

Upon receipt of the same, the mayors and aldermen, and selectmen, shall draw their warrants upon their respective treasurers, directing them to pay the amount due to the persons named in such rolls, and shall annually, on or before the first day of December, under a penalty of thirty dollars for neglect in so doing, remit such rolls to the adjutant general, with a certificate endorsed thereon, setting forth that a warrant has by them been drawn on their respective treasurers, in favor of the several persons whose names are recorded therein.

Thereupon the adjutant general shall lay the same, together with his roll of general, field and staff officers entitled to pay, prepared under section sixty-four, before the governor and council, and the governor may draw his warrant on the treasury for such sums as may be necessary to pay such officers and reimburse such cities and towns.

SECT. 140. The compensation provided in the preceding section shall be forfeited for default in making the returns required by sections one hundred and nineteen and one hundred and twenty-one; and no person shall receive compensation who shall not remain in camp and perform all duties required during the period of encampment; except that a person who shall once appear, and be excused from further duty by reason of sickness, shall be entitled to compensation for the time he is actually engaged in service.

SECT. 141. No officer or soldier in the volunteer militia shall receive the compensation provided in this chapter, unless he personally performs the duties required by law; nor shall excuses granted for absence from or non-performance of military duty entitle the person excused to receive such compensation.

SECT. 142. When a corps or detachment is ordered on special duty, by the commander-in-chief, under section one hundred and three, or under section one hundred and thirty-one, each member shall receive while in the performance of such duty, the same pay as when performing camp duty, and four cents a mile for travel; but this section shall not apply to cases where the term of service exceeds six days.

SECT. 143. Officers obliged to go out of the city or town of their residence to attend a military election, shall be allowed five cents a mile, each way, for travel.

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Travel of officers for attending elections.

SECT. 144. Officers composing courts martial, courts of inquiry and military boards, and witnesses attending before them, shall receive five cents for every mile they necessarily travel, in going to and returning from the place of trial, and the following sums for each day of attendance :

—of members of court martials.

To the president of a court martial, court of inquiry, or military board, three dollars.

—of president.

To the judge advocate of the same, four dollars ; which shall be in full compensation, also, for all services of preparing papers before, and making copies after, any trial, inquiry or investigations.

—of judge advocate.

To the marshal and other members of such court, or board, two dollars.

—of martial and members.

To each witness attending on such court, or board, one dollar and twenty-five cents.

—of witnesses.

Fees for subpoenas and service of them, shall be the same as in civil cases.

Fees for subpoena, &c.

No allowance shall be made for pay or rations for a military guard, unless such guard is ordered by the officer appointing the court ; nor shall the above compensation be made to officers in actual service, and receiving pay.

Pay not allowed to guard, &c.

SECT. 145. Every officer or soldier who is wounded, or otherwise disabled, while doing military duty, and the widow, or children, of every officer or soldier who is killed, or dies of wounds received while doing such duty, shall receive from the legislature just and reasonable relief.

Relief to disabled soldiers and their families.

SECT. 146. The militia, while in actual service, shall receive the same pay and rations as the regular troops of the United States ; and the rations, when commuted, shall be valued at the rate fixed by the regulations of the United States army in force at the time.

Pay of troops in actual service.
Rations.

Every non-commissioned officer and private who provides himself with a uniform and blanket when called into service, shall receive, monthly, in addition to his stated pay, as follows : sergeants and musicians, four dollars ; corporals and privates, three dollars and seventy-five cents ; and if he shall not so provide himself, he shall be allowed, monthly, two dollars and fifty cents.

—those who do and do not provide uniforms.

When the militia are discharged from actual service, they shall be allowed pay and rations to their respective homes.

Pay and rations, when discharged.

SECT. 147. All military accounts, including claims against the state for money expended in the transmission of military documents to and from the department of the adjutant general, unless it is otherwise specially provided by law, shall be transmitted to the adjutant general and examined, and if found correct, certified by him. They shall then, unless it is otherwise specially pro-

Military accounts, &c., how examined, certified and paid.

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vided by law, be presented to the governor and council for examination, and if found correct shall be certified by them and paid to the persons to whom they are severally due, or to their order, at the treasury of the state. And no military account shall be certified by the adjutant general or allowed by the governor and council, unless presented to the adjutant general for allowance within the time prescribed by law.

Excuses.

Non-commissioned officers and privates, how exempted from duty for bodily infirmity.

SECT. 148. Every non-commissioned officer or private having bodily infirmity, may be exempted from military duty, if he obtain from the surgeon or assistant surgeon of the regiment, or detached company, to which he belongs, or if there be no such officers commissioned in such regiment or company, then from some respectable physician living within the bounds of the same, a certificate that he is unable to do military duty, on account of bodily infirmity, the nature of which shall be described in such certificate; and the captain or commanding officer of his company may, on the back of the certificate, discharge the non-commissioned officer or private named therein from performing military duty, for a term of time which he shall judge reasonable, not exceeding one year; which certificate, when countersigned by the colonel or commanding officer of said regiment or company, shall, for the time specified, exempt him from military duty, except attendance at the election of officers. If such non-commissioned officer or private, having obtained such certificate, shall be refused a discharge or an approval of a discharge, he may apply to the commanding officer of the division or brigade, who may discharge him from military duty for such a time, not exceeding one year, as he shall judge reasonable, by endorsing the same upon the surgeon's certificate.

Surgeon's pay for examination, &c.

SECT. 149. The surgeon or assistant surgeon shall be entitled to receive for the examination or examinations of any soldier applying for exemption from military duty, twenty-five cents in any one year, to be paid by the applicant; and any surgeon or assistant surgeon who shall ask or receive from any person enrolled in the militia any additional compensation for such examination shall forfeit fifty dollars, to be recovered on complaint of the adjutant of the regiment or corps to which the surgeon belongs, to the use of the regiment or corps.

Excuses for non-appearance to be made within twenty days, unless, &c.

SECT. 150. Excuses for the non-appearance of a soldier, shall be made to the commanding officer of his company, or the officer detailed to train and discipline the company, under section thirty-three, within twenty days after a parade, or other military duty, from which he has been absent; and on the delinquent's producing satisfactory evidence of his inability to appear, such officer may excuse him, with the approval of the commander of the regiment;

but no such officer shall receive an excuse for non-appearance after the expiration of the twenty-days. No excuse shall avail such soldier, on a prosecution for the recovery of a fine or forfeiture, unless proved to have been made to such officer before the expiration of the twenty days, unless the delinquent satisfies the court or justice before whom the case is tried, that it was not in his power to make such excuse within the time. Such officer shall inform their clerks of all excuses allowed for non-appearance.

SECT. 151. No commanders of companies shall receive excuses for deficiencies of equipment.

Deficiencies in equipments.

SECT. 152. When a person is entitled to exemption from military duty upon presenting evidence of the cause of his exemption to his commanding officer, within or before a certain time, as provided in sections eight and ten, and shall omit so to present such evidence, it shall not avail him, by way of excuse, upon a prosecution for a particular absence or default, unless he makes his excuse to the commanding officer within twenty days after the training, or satisfies the court or justice it was not in his power to make such excuse within the time.

Certain conditional exemptions not to be excused, &c.

SECT. 153. When any person shall claim to be exempt from enrolment by reason of his age, the burden of proof respecting his age shall, in all cases of doubt, be upon him.

Burden of, when persons claim exemptions for age.

Prosecution for fines.

SECT. 154. Fines and forfeitures incurred by members of volunteer companies, may be collected by such persons and disposed of in such manner, for the benefit of said companies, as a majority of the members thereof may determine.

Fines of members of volunteer companies.

SECT. 155. Fines and forfeitures incurred by members of the active militia shall be collected in the following manner, to wit:— The clerk of each company, after the expiration of twenty days, and within forty days after parade, election of officers, inspection training, review or encampment, shall in those cases where fines are to be collected upon his complaint, make and subscribe an information against the offending soldiers or non-commissioned officers who have not been excused by the commander of the company, under section one hundred and fifty, or who have not within the twenty days aforesaid, paid to him the forfeiture they have incurred, which information shall be left with some justice of the peace or filed in some police court in the county in which the offender resides. Such information shall be in substance as follows:

Prosecution for fines.

To A B, Esq., justice of the peace within and for the county of —, or to the justice of the police court within and for —.

Form of information.

I, the subscriber, clerk of the company commanded by —, do hereby give information against the following person [or persons]

CHAP. 307. who, being duly enrolled in said company, and being duly notified to meet with said company, on the — day of —, in the year —, [for inspection or review, election of officers, special duty, or as the case may be] was guilty of the offences and did incur the forfeitures set against his name :

Names.	Offences.	Forfeiture.	Sums.
A B, non-commissioned officer; C D, private,	{ For unnecessarily neglecting to appear on said day, }	{ has forfeited	
E F,	{ For being deficient of a — on said day, }	{ has forfeited	
G H,	{ For being on said day guilty of coming on to the parade with his arms loaded, }	{ has forfeited	
I K,	{ For unnecessarily discharging his musket, rifle or pistol in going to, or returning from, or on the place of parade, without the orders of an officer, }	{ has forfeited	
L M,	{ For leaving his guard, section, platoon or company, without the leave of an officer, }	{ has forfeited	

[And in the same manner, substantially, all other offences are to be set forth against offending non-commissioned officers and privates.]

I, therefore agreeably to my oath of office, and in compliance with the requisitions of the law in this behalf, request you to issue a summons, directed to the person named in the above information, to appear before you, and show cause, if any he has, why it should not be adjudged that he pay the forfeiture set against his name, for the offence which he is therein alleged to have committed.

Dated at —, this day of —, in the year —. A. B., clerk of the company commanded by —.

Summons to be issued within nine months, giving seven days notice.

The justice or court shall file the same; and upon motion of the clerk shall, within nine months, and not afterwards, issue a summons to each person informed against, to be served at least seven days before the time appointed for showing cause.

The summons if issued by a justice of the peace, shall be in substance as follows :

—, ss.

—form of, by justice.

[Seal.] To the sheriff of said — county, or either of his deputies, or either of the constables of the town of —, in the county aforesaid, greeting :

In the name of the State of Maine, you are hereby required to summon C D, of —, in the county aforesaid, to appear before me, E F, one of the justices of the peace aforesaid, at —, in —, on the — day of —, at — of the clock in the — noon, then and there to show cause, if any he has, why judgment should not be rendered, that he has forfeited — for [here insert the offence, and the time when and place where it was committed.] Hereof fail not, and make due return of this writ, and your doings thereon, unto myself, on or before the said hour of the day of —.

Dated at — aforesaid, the — day of —, in the year —.

E. F., Justice of the Peace.

If issued from a police court, as follows :

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STATE OF MAINE.

_____, ss.

[Seal.] To the sheriff of the county of _____, or either of his deputies, or either of the constables of the town of _____, in said county, greeting : —by police court.

We command you to summon C. D. of _____, in said county, to appear before our justices of our police court, to be holden at _____, within and for our _____, on _____, then and there to show cause, if any he has, why judgment should not be rendered, that he has forfeited _____ for [here insert the offence, and the time and place where it was committed.] Hereof fail not, and have you there this writ, with your doings thereon.

Witness, W. S., Esq., at _____, on the _____ day of _____, year

T. P., Clerk.

[or witness my hand and seal at _____, on the _____ day of _____, in the year of our Lord _____. A. B., Justice of said Court.]

When the person summoned appears, he may plead that he is not guilty, and give any special matter in evidence. Defendant may plead not guilty.

Upon the trial of such complaint, made by the clerk of a company, it shall be sufficient for the complainant to prove that he is clerk of the company ; for which purpose he shall produce his warrant as a non-commissioned officer, and prove the signature thereto of the colonel or commanding officer of the regiment, and that at the time of signing such warrant he was reputed to be and acted as such colonel or commanding officer ; which shall be *prima facie* evidence that such complainant was appointed a non-commissioned officer by the captain or commanding officer of such company, and that a legal return of such appointment was made to the colonel or commanding officer of the regiment. Complainant at the trial to prove that he is clerk.

He shall then show, upon the back of his warrant, a legal certificate of his appointment as clerk, and qualification as such by taking the oaths required by law. For which purpose he shall prove the signature of the captain or commanding officer of such company, and that he is such captain or commanding officer, by producing his commission as such ; but if the clerk is appointed clerk *pro tempore*, his appointment may be proved by the records of the company. Complainant to show certificate of appointment and qualification.

He shall then produce the roll of the company, and prove that the defendant resided within the limits of the company, and was enrolled or enlisted therein at the time he was notified of such meeting. —to produce roll and prove enlistment.

He shall then produce the order of the commanding officer of such company to notify the said meeting or meetings thereof, and prove his signature thereto, and that the defendant was legally notified of the time and place of such meeting or meetings. —to produce order to notify meeting.

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—to prove
when required
to be given by
superior officer.

If it is required by law that the order for such military duty shall in such case be given by any officer superior to the commanding officer of a company, then the orders of such superior officer, and all intermediate orders of officers transmitting the same to the commanding officer of the company shall be proved, and that the persons purporting by such orders to be such officers, are such; for which purpose, it shall be sufficient to produce the transmitted written or printed copies of such orders, and the regimental or other last order, transmitting the same to the commanding officer of the company; to prove the signature of the proper officer to such regimental or other last order, transmitting the same; and to prove that all the officers above mentioned are reputed to be such officers and act as such.

Offence to be
proved.

The absence or offence of the defendant shall then be proved, to show that he is liable to the fine alleged to be incurred by him; and, in case of absence, the burden of proof shall be upon him to show that his absence was necessary.

Burden of
proof.

The evidence above described shall be taken to be *prima facie* sufficient to support the complaint.

Secondary
evidence, when
received.

When it appears that a document or paper above mentioned cannot be produced, satisfactory secondary evidence thereof shall be received.

Clerk, &c.,
may be
witnesses.

Upon the hearing of such case, the testimony of the clerk, or other person who was ordered to notify the whole or part of the company, shall be *prima facie* evidence of notice to the defendant and that he neglected to appear.

Exemptions
for uniformity,
how proved.

The certificate of the surgeon of the regiment, or assistant surgeon, approved as herein before provided, that the defendant was unable to perform military duty at the time of his absence, shall be *prima facie* evidence that he ought to be excused for a particular absence, if the provisions of section one hundred and fifty have been complied with; but any permanent disability, or such temporary excuse, may be proved by parole.

Execution,
when issued.

If the defendant makes default, or judgment is rendered against him, and he neglects for two days after to satisfy the same, with legal costs, execution shall be issued therefor; which execution, issued by a justice of the peace, shall be in substance as follows, but if by a police court, shall be so altered as to conform to the summons:

STATE OF MAINE.

—, ss.

—form of.

[Seal.] To the sheriff of said county, or either of his deputies, or either of the constables of the town of —, in the same county, greeting:

Whereas, E L, clerk of the company commanded by —, in said county, on the day of —, before J D, esquire, one of our justices

of the peace for our county aforesaid, recovered judgment against T P, of —, for the sum of — fine or forfeiture, and — costs of prosecution, as to us appears of record, whereof execution remains to be done: We command you, therefore, that of the money of the said T P, or of his goods or chattels, within your precinct, at the value thereof in money, you cause to be levied, paid and satisfied, unto the said E L, the aforesaid sums, being — in the whole; and also, out of the money, goods and chattels of the said T P, you levy twenty-five cents more for this writ, together with your own fees; and for want of such money, goods or chattels, of said T P, to be by him shown unto you, or found within your precinct, to the acceptance of the said E L, for the aforesaid sums, we command you to take the body of the said T P, and him commit unto our jail in B, and we command the keeper thereof accordingly to receive the said T P into our said jail, and him safely keep, until he pay the full sums above mentioned, with your fees, or that he be discharged by the said E L, or otherwise, by order of law. Hereof fail not, and make return of your doings therein unto our said justice, within twenty days next coming.

Witness, our said justice at B, the — day of —, in the year one thousand —.

J D, Justice of the Peace.

The complaint or summons may be amended in any stage of the proceedings without payment of costs; and the defendant shall be allowed an adjournment or continuance of the case, if justice requires it. The clerk shall not be liable to pay costs to a defendant in a case in which the commanding officer of his company has certified, upon the information of the clerk, his approval of the same. And no appeal shall be allowed from any such judgment, unless the forfeiture adjudged exceeds ten dollars, exclusive of costs. A complaint, by any other officer, shall be prosecuted in the like manner so far as the same is applicable thereto, the forms being varied accordingly; and he shall prove his authority by producing his commission and other competent evidence which may be necessary.

Amendments,
&c.

Appeal.

Complaints by
other officers,
how prosecuted.

SECT. 156. No person shall be imprisoned upon an execution issued upon the complaint and judgment described in the preceding section, for a longer time than six days; but shall, at the expiration of that time, be discharged by the keeper of the jail to which he is committed. The judgment debtor shall remain liable for the amount of the judgment and the costs of imprisonment; and execution for the whole of the same may be sued out against the property of such debtor.

Imprisonment
on execution.

Discharge.

Debtor to
continue
liable.

SECT. 157. The clerk of each company or other officer prosecuting such complaint shall retain to his own use from the forfeitures so collected, the amount of the expenses incurred by him in prosecuting the same, and upon demand, pay the remainder to the

Money collected for fines,
how disposed
of.

CHAP. 307. commander of the company, regiment or corps entitled to the benefit thereof, who shall give his receipt therefor, and expend the same in defraying such expenses of the company, regiment or corps, as a majority of the commissioned officers thereof shall judge necessary. All captains or commanders of companies, and all other officers authorized by this act to direct or control the collection of fines, shall report annually, to the adjutant general, through the usual channels of military communication, the amount of fines imposed, the amount collected, and the disposition thereof.

Report of, to be made to adjutant general.

Courts martial.

Complaints on which court martial are ordered.

SECT. 158. All complaints upon which courts martial are ordered, shall be in writing, and signed by the complainant, and shall clearly specify the offence, and the time when and place where it was committed.

Trials must be within a year.

No officer shall be tried by court martial for an offence committed more than one year before the complaint, unless his absence or other manifest impediment has prevented a complaint within that time; nor on a charge preferred by a soldier, unless for an offence committed while in the actual service of the state or of the United States, nor unless such charge is preferred before such soldier has left the service.

Before whom charges to be preferred.

Respondent to be arrested.

SECT. 159. Every officer to be tried by court martial shall be put under arrest.

Copy of charges, &c., to be delivered. Court may adjourn.

The judge advocate shall deliver to the accused a copy of the charges against him, and a notice of the time and place of trial, ten days at least before the day of trial; and if he objects, and the court shall be satisfied that he has not received the same, they shall adjourn, so as to allow the time required to elapse, after the delivery of the notice and copies.

Court martial, of whom to consist. —when held.

SECT. 160. Courts martial shall consist of a president, judge advocate, nor more than four nor less than three members, present at the organization of the court, and a marshal; and shall be holden between the first day of December, and the last day of March, in the day time.

—general, by whom appointed and whom to try.

There shall be only one general and one division court martial, in one division, in one year.

General courts martial shall be appointed for the trial of all officers above the rank of captain, by the orders of the commander-in-chief, issued to the divisions which in his opinion can most conveniently furnish members for the same; and he shall appoint a president, not below the rank of brigadier general, and a marshal of said court.

Division court martial, by whom appointed, &c.

Division courts martial shall be appointed for the trial of officers of and under the rank of captain, by the orders of each commanding officer of a division, in his own division, issued to the brigades,

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regiments and companies which, in his opinion, can most conveniently furnish members for the same; and he shall appoint a president, of the rank of colonel or lieutenant colonel, and a marshal.

Officers shall be detailed to sit upon courts martial, in manner following: major generals, by the commander-in-chief, from the general roster; brigadier generals and officers of any divisionary corps by the commanding officers of divisions, from the division roster; colonels, lieutenant colonels and majors, and officers of any company attached to a brigade, by the commanding officer of brigades, from the brigade roster; captains and subalterns, by the commanding officers of regiments, and other separate corps. And when it appears that an officer detailed or to be detailed, is or will be, for some sufficient cause unable to serve on a court martial, the officer detailing him, having satisfactory evidence thereof, shall certify such inability to the officer ordering the court martial, and at the same time detail the officer next in rotation on the roster. No senior officer, or superior in rank to the president, shall be detailed.

—members of,
how and by
whom detailed.

Provision in
case officer
detailed is
unable to
serve.

No senior to
the president
to be detailed.

The officers ordered to detail members shall make returns forthwith to the officer appointing the court, who shall transmit the same to the judge advocate.

Return to be
made.

The judge advocate of each division shall, when ordered, attend general and division courts martial within his division; but when he is prevented by inability or legal impediment, the officer ordering the court martial shall appoint some person to be judge advocate to the same.

Judge advocate
to attend.
—when unable
to attend.

If the officer appointed president shall not attend at the opening of the court, the officer highest in rank present shall be president.

If president
does not
attend.

When it is found that by reason of absence, challenge or other cause, the number of members of a general or division court martial, (beside the president,) qualified to act, is less than three, the court shall adjourn for a suitable time; and the president shall forthwith notify the fact to the commanding officer of the division in which such general or division court martial is held; and such commanding officer shall himself detail from the division a number of officers of the same rank as those before detailed, sufficient to complete the court.

If sufficient
members do
not attend or
are not
qualified.

If no judge advocate or marshal attends at the opening of the court, the president shall appoint a judge advocate or marshal, which appointment shall be entered on the record and signed by him. The judge advocate acting at the commencement of a trial, shall serve during the trial, notwithstanding the attendance or appointment of any other person afterwards.

If judge advocate or marshal
does not attend.

Officers on a court martial shall rank by seniority of commission.

The court may adjourn, when it appears to them necessary, before a judge advocate appears, and before they are qualified.

Officers' rank.
Court may, &c.

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Oath of
president and
members.

SECT. 161. Before a court martial proceeds to the trial of an officer, the judge advocate shall administer to the president and members, severally, the following oath :

You, A B, do swear, that without partiality, favor, fear, prejudice or hope of reward, you will well and truly try the cause now before you, between the State and the person (or persons, if more than one is accused, in the same complaint,) to be tried ; and that you will not divulge the sentence of this court martial, until it shall be approved or disapproved of, and that you will not discover the vote or opinion of a member, unless required to give evidence thereof, as a witness, in due course of law : So help you God.

Oath of judge
advocate.

And the president shall administer to the judge advocate the following oath :

You, A B, do swear, that you will faithfully and impartially discharge your duties as judge advocate on this occasion, as well to the state as to the accused ; and that you will not on any account at any time divulge the vote or opinion of any member of this court martial, unless required to give evidence thereof, as a witness, in due course of law : So help you God.

Challenges,
how and when
made, and by
whom tried.

No member shall be challenged by the government or the accused, until the president, members and judge advocate are sworn. Only one member shall be challenged at a time, and the challenge shall be in writing, stating the cause of it. The person challenged shall not vote, but the president and other members shall try whether the challenge is good.

Certain causes
of challenge,
when waived.

Illegality or irregularity in the detail of a member of the court, shall be good cause of challenge by either party ; but shall be considered as waived, unless the objection be taken at the time and in the manner aforesaid.

If the accused
is absent or
withdraws.

If the accused neglects to appear and defend, or refuses to plead, or withdraws in contempt of the court, the court may proceed to trial and judgment, as if he had pleaded not guilty.

Witnesses
summoned,
must appear.

Persons summoned by the judge advocate or a justice of the peace, shall appear and give evidence before a court martial, but the defendant's witnesses shall have their fees first tendered to them, and the penalties for neglect to appear shall be the same, and the judge advocate may issue a *capias*, in like manner as in criminal prosecutions.

Penalty.

Oath of witness.

Before the witnesses testify, they shall be sworn by the judge advocate in the following form :

You, A B, do swear, [or affirm,] that the evidence you shall give, in the cause now in hearing, shall be the truth, the whole truth, and nothing but the truth : So help you God, [or, this you do under the pains and penalties of perjury, in case the witness shall affirm.]

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When the adjutant general shall be complainant for neglect or default in making returns, he shall not be required to be present, and his certificate shall be sufficient *prima facie* evidence that the return was or was not made, and that a copy of a return is true.

Certificate of adjutant gen. to be evidence of default in returns.

Judge advocates shall be the certifying officers, to authenticate copies of papers and documents used before courts martial, courts of inquiry, or boards of officers, except papers or documents from the adjutant general's office, which shall be certified by him; but copies may be proved as in other courts.

Copies of documents, &c., how authenticated.

The statement of the complainant and the defence of the accused, and motions, arguments and objections to the proceedings, by either party, and the answers thereto, shall be submitted to the court in writing; the evidence and proceedings in and out of the court, and opinions of the judge advocate on questions of law arising during the trial, shall be put in writing by him. After the prosecution and defence are concluded, he shall state and sum up the evidence, and give his opinion to the court upon matters of law, which opinion with the judgment, he shall put in writing.

All proceedings and evidence to be in writing.

When a question is to be decided, the judge advocate shall receive the vote of each member, beginning with the youngest and proceeding to the eldest. The president shall vote; and unless two-thirds of the members agree that the accused is guilty, he shall be acquitted. If two-thirds of the members shall find him to be guilty, he shall be sentenced to be reprimanded in orders, or to forfeit a sum not exceeding two hundred dollars, or to be dismissed from office,—either or all of them; and in the last case he may be further adjudged to be disqualified from holding any military office during life or a term of years.

Votes, how taken; two-thirds required to convict.

Sentence.

Courts martial may preserve order during the session and whoever shall, in such court, behave in a disorderly or insulting manner, or make a tumult or disturbance, may be arrested by order of the court, and confined not exceeding twenty-four hours, and fined not exceeding five dollars,—either or both. If the fine is not paid, the judge advocate shall issue a mittimus, forthwith to commit such person to prison in the same manner and with the same effect as upon executions from justices of the peace in cases of prosecutions for non-payment of other military fines and costs.

Court martial authorized to preserve order.

Fine.

The record of the trial and judgment, with the papers used therein, or copies thereof, certified by the judge advocate, shall be authenticated by his certificate and signature, and sealed up and transmitted by him to the officer who ordered the court, who shall annex thereto his approval or disapproval of the same, and the reasons thereof in writing, and transmit the same as soon as may be to the office of the adjutant general, to be kept and preserved.

Records, how authenticated and transmitted.

Approval or disapproval of sentence.

The judge advocate shall also make, certify, and transmit the pay roll of the court martial to the same office.

Pay roll.

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Copies to be
furnished.

Judgment of
disqualification
may be
reversed.

What officers
may be tried
by court
martial, and
for what
causes.

The officer ordering the court, and the party tried thereat, shall receive, upon request, from the adjutant general, a copy of the record; the party tried paying a reasonable sum for his copy.

The judgment of disqualification may, after approval, be reversed in whole or in part, by the commander-in-chief, but all other parts of the sentence, when approved, shall remain in full force.

SECT. 162. Every commissioned officer may be tried by a court martial for the following offences:

For conduct unbecoming an officer and a gentleman, when on duty, or to the prejudice of good order and military discipline.

For neglect of any duty required in this chapter.

For disobedience of orders, or an act contrary to the provisions of this chapter.

For oppression or injury of any under his command.

For a combination or attempt to break, resist, or evade the laws or lawful orders given to a person, or advising any person so to do.

For insult to a superior officer in the exercise of his office.

For presuming to exercise his command while under arrest; in which case, if guilty, he shall be removed from office.

For neglect or refusal, when commanding officer, to order out the troops under his command, when required by law or ordered by his superior officer.

For excusing, as commanding officer of a company, any person under his command, for deficiency or unnecessary absence, or after the expiration of the time allowed by law.

For neglect or refusal to make a draft or detachment when legally ordered to do so.

For neglect or refusal to cause prosecutions to be commenced for fines, when it shall be necessary.

For parading the troops under his command on days of election, contrary to the provisions of section one hundred and two.

For receiving any fee or gratuity, as surgeon or assistant-surgeon, for a certificate of inability to do military duty, and for refusing to examine an applicant in his regiment for exemption from military service.

For neglect, when detailed to train and discipline a company, or make complaint for neglect or violation of duty, as provided by law, or for any other neglect for which a commanding officer of the company would be liable.

For neglect or refusal to march, make a draft, or for disobedience to an order, in case of invasion or insurrection, as provided in sections one hundred and twenty to one hundred and twenty-three, inclusive.

For refusal or neglect to obey a precept or order to call out the militia or an order issued in obedience thereto, in case of tumult,

riot, or other cause, as provided in sections one hundred and twenty-five to one hundred and twenty-seven, inclusive, or for advising any officer or soldier to do the like; in which cases, the offender shall be cashiered, beside being subject to fine and imprisonment, as provided in section one hundred and twenty-six.

SECT. 163. Any fine not exceeding two hundred dollars, may be inflicted on any officer, by sentence of a general or division court martial, as a part of, or the whole of, such sentence; and such fines shall be prosecuted by the judge advocate, or person appointed to act as such at the court martial, in an action of tort, to the use of the state; and if any judgment for cost shall be rendered against any judge advocate in such case, the officer to whom the execution upon such judgment is delivered, shall demand payment of the execution of the treasurer of the county in which such judgment is rendered, and the said treasurer shall pay the same, and it shall be allowed to said county, in the settlement of said treasurer's account with the state.

Fines imposed
by court
martial, how
prosecuted.

Costs against
judge advocate,
how paid.

Boards of officers

SECT. 164. The commander-in-chief, when in his opinion it shall be necessary, may call boards of officers for settling military questions, or for other purposes relative to good order and discipline.

Board of offi-
cers to settle
military
questions.

SECT. 165. No officer appointing a court martial, or board of officers, shall, order a guard for the same, unless, in his opinion, it is necessary for their protection.

Guard not to
be ordered,
except, &c.

SECT. 166. In this chapter the word "soldier" shall include company musicians and all persons in the volunteer or enrolled militia, except, commissioned officers, and the word "company" may include battery.

The words
"soldier" and
"company,"
how used in
this act.

SECT. 167. If elders or overseers of a society of quakers or shakers give the certificate provided in the second section, to a person who does not profess the religious faith of their society, or who is not a member thereof, or who is not conscientiously scrupulous of bearing arms, each elder or overseer so offending shall forfeit two hundred dollars to the use of the state, and be imprisoned not exceeding six months.

Penalty for
falsely giving
certificate that
party is
quaker, &c.,
or falsely
claiming to be
such.

And any person claiming to be exempted from enrolment by virtue of such a certificate, who does not profess the religious faith, or is not a member of the society named therein, or who is not conscientiously scrupulous of bearing arms, shall be liable to the same penalty.

SECT. 168. Keepers of taverns or boarding houses, and masters and mistresses of dwelling houses shall, upon the application of the assessors, or any officer or non-commissioned officer of the militia, within whose bounds their homes are situated, or of persons acting under them, give information of the names of persons residing in

—of keepers of
taverns, &c.,
for not giving
information to
assessors, &c.

CHAP. 307. their houses liable to enrolment or to do military duty ; and every person liable to enrolment shall, upon like application, give his name and age ; and if such keeper, master, mistress or person, refuses to give such information, or gives false information, such keeper, master, mistress or person, shall forfeit and pay twenty dollars, to be recovered on complaint of either of the assessors or officers, or non-commissioned officers aforesaid.

Civil officers for refusing, &c., to obey provisions of this act.

SECT. 169. Civil officers named in this chapter, neglecting or refusing to obey its provisions, shall, except as otherwise specially provided, forfeit not less than twenty nor more than five hundred dollars.

Selectmen to mean aldermen.

SECT. 170. The provisions of this chapter concerning the powers and duties of the selectmen of towns, shall be construed to include the mayor and aldermen of any city.

No military organizations allowed except those authorized by law.

SECT. 171. It shall not be lawful for any body of men whatsoever, other than the regularly organized corps of the militia, the troops of the United States, to associate themselves together as a military company or organization, or to parade in public with arms, in any city or town of this state, without the license of the governor therefor, which may at any time be revoked ; nor shall it be lawful for any city or town to raise or appropriate any money toward arming, equipping, uniforming, or in any way supporting or sustaining or providing drill rooms or armories for any such bodies of men.

Penalty for such unlawful organization.

SECT. 172. Whoever offends against the provisions of the preceding section, or belongs to or parades with any such unauthorized body of men, with arms, shall be punished by a fine not exceeding the sum of ten dollars, or by imprisonment in the house of correction or common jail for a term not exceeding six months.

Acts repealed.

SECT. 173. The tenth chapter of the revised statutes of eighteen hundred and fifty-seven, the twenty-second and thirty-ninth chapters of the public acts of eighteen hundred and fifty-seven, the sixty-second and sixty-fourth chapters of the public acts of eighteen hundred and sixty-one, the one hundred and thirty-fourth chapter of the public acts of eighteen hundred and sixty-two, and the twentieth chapter of the public acts of eighteen hundred and sixty-three, and all laws inconsistent with the provisions of this act, are hereby repealed.

SECT. 174. This act shall take effect upon its approval.

Approved February 23, 1865.