

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-SIXTH LEGISLATURE

OF THE

STATE OF MAINE.

1893.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
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1893.

PUBLIC LAWS
OF THE
STATE OF MAINE.
1893.

Chapter 265.

An Act to amend Section two of Chapter three hundred and two of the Public Laws of eighteen hundred and eighty-nine, relating to powers of County Commissioners.

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

SECT. 1. Section two of said act is hereby amended by striking out the words "twenty-five" in the fourth line, and by inserting in the place thereof the word 'fifty,' so that said section as amended, shall read as follows :

Sec. 2, [ch. 302, Pub. Laws, 1889] amended.

SECT. 2. The county commissioners of Cumberland county may raise by temporary loan, to be paid within one year from the time when the same is contracted, a sum not exceeding fifty thousand dollars in any year for use of said county and cause notes or obligations of said county, with coupons for lawful interest, to be issued for payment thereof, as aforesaid.'

County commissioners authorized to raise temporary loan.

SECT. 2. This act shall take effect when approved.

Approved March 28, 1893.

Chapter 266.

An Act to revise and consolidate the laws relating to the Militia.

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

SECT. 1. Every male citizen of this state of the age of eighteen and under the age of forty-five years, not exempt by law, is subject to military duty.

Citizens, who shall be subject to military duty.

SECT. 2. The following persons are exempt from military duty and will be so entered upon any enrollment of the militia; justices of the supreme judicial court; ministers of the gospel; persons of the denominations of quakers and shakers; officers of the militia who have been honorably discharged. The following are exempt from militia duty by the laws of the United States and will be so entered upon any enrollment of the militia; 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 with their

Persons exempt from military duty.

—exempted by U. S. laws.

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clerks; all postmasters and persons employed in the transportation of the mail; all ferrymen employed at any ferry on post roads; all inspectors of exports; all artificers and workmen employed in the armories and arsenals of the United States; all pilots, and all mariners actually employed in the sea service of any citizen or merchant within the United States, and such other persons as shall hereafter be exempted by the laws of the United States.

Enrollment lists, by whom made, what to contain, and when filed.

SECT. 3. All male citizens of this state, of the age of eighteen, and under the age of forty-five years, except idiots, lunatics, paupers, common drunkards and persons convicted of infamous crimes, shall, biennially in April, be enrolled by the assessors of the several cities, towns and plantations in which they reside. On such enrollment and opposite the name of each person exempt from duty under section two, or in the National Guard, or unable by reason of physical disability to perform military duty, the assessors shall write the word 'exempt', and state the cause of exemption; or, 'National Guard', or, 'disabled', as the case may be. The assessors shall subscribe said lists and make oath that the same are true to the best of their knowledge and belief; and shall file the same with the clerk of their city, town or plantation, on or before the first day of May in the year when made; and each clerk shall, on or before the tenth day of said May, forward to the adjutant general a certified statement of the total number enrolled upon the list so filed with him, the number marked exempt, the number belonging to the National Guard, and the number marked disabled.

Persons claiming exemption, shall satisfy enrolling officer of right.

SECT. 4. Any person claiming exemption shall satisfy the enrolling officers of his right thereto. In case of doubt the burden of proof shall be upon the person claiming exemption, and enrolling officers may require him to submit to examination on oath, and may administer such oath.

Penalty for giving false information to assessors.

SECT. 5. Any person knowingly and willfully refusing information, or giving false information to assessors making an enrollment of the militia, respecting the name, age, residence, occupation, military service, or physical or mental disability of himself, or of his son or ward, or of a person in his employ or boarding with him, shall forfeit twenty dollars.

Enrolling officer subject to penalty for neglect.

SECT. 6. Any assessor neglecting or refusing to faithfully perform the duties of enrolling officer as required by law,

or making any false entry upon said roll, or committing any other fraud therein, shall forfeit two hundred dollars.

SECT. 7. Any clerk who shall neglect to make the return to the adjutant general required by section three, shall forfeit twenty dollars.

Penalty, if town clerk neglects to make return.

SECT. 8. Upon the failure of any assessors to make the enrollment of the militia as required by law, the commander-in-chief may appoint some person to make it at the expense of the town, and the person so appointed shall have all the powers and be subject to the same duties as are prescribed in the case of assessors.

If assessors fail to make enrollment, governor may appoint person to make it.

SECT. 9. The enrolled militia shall be subject to active duty, only, in case of war, or to prevent or repel invasion, or to suppress insurrection or riot, or to aid civil officers in the execution of the law.

When enrolled militia shall be subject to active duty.

SECT. 10. When any part of the enrolled militia is called into active service by draft, each city, town and plantation, shall be required to furnish its quota in proportion to the number of its able bodied militia; and members of the National Guard in active service and volunteers under the call, from such city, town or plantation, shall be credited upon its quota.

Each city and town to furnish its quota.

SECT. 11. When necessary under the provisions of section nine, the commander-in-chief may order into active service such part of the enrolled militia as may be required, either by voluntary enlistment or draft. If a draft is to be made he shall issue his orders to the municipal officers to return from their respective cities, towns or plantations, the number required. The municipal officers shall forthwith cause notice of such draft to be given the persons enrolled, either orally or by leaving written or printed notices with them or at their last and usual places of abode, or by publishing notices thereof in some newspaper printed in the county in which such town is, and by posting like notices in at least four public and conspicuous places in the town. The notices shall be given at least three days before the day fixed for the draft, unless in the opinion of the commander-in-chief the public safety requires a shorter time, in which case he shall fix the time in the order. At the time and place named the municipal officers shall, by voluntary enlistment or draft, procure the required number and forthwith return their names to the commander-in-chief.

How enrolled militia may be called to active service.

—notices for draft.

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Penalty if volunteer or drafted man does not appear, etc., for duty.

SECT. 12. Every member of the enrolled militia who volunteers or is drafted, under the provisions of this act, who does not appear at the time and place designated by the municipal officers, or who has not some able bodied and acceptable substitute at such time and place or does not pay to such municipal officers for the use of the state, one hundred dollars within twenty-four hours from such time, or who does not produce a sworn certificate from a physician in good standing, of physical disability to so appear, shall be taken to be a deserter and dealt with accordingly.

Militia, when called out, shall be mustered and organized in companies.

—arrangement and assignment.

SECT. 13. The portion of the enrolled militia so called out shall be immediately mustered into the service of the state for such time, not exceeding three years, as the commander-in-chief may direct, and shall be organized into companies which may be arranged in battalions, regiments, brigades and divisions, in such arm of the service as the commander-in-chief shall direct, or assigned to organizations already existing, and they shall be equipped, instructed and governed according to the laws and regulations for the government of the National Guard, or of the United States army.

Elections how ordered, notified and conducted.

SECT. 14. Elections shall forthwith be ordered in such new organizations by the commander-in-chief, who may detail officers to command and instruct them until the officers elect shall be commissioned. All elections therein shall be ordered, notified and conducted in the same manner as hereinafter provided for elections in the National Guard.

Major generals, election of.

—staff, and appointment of.

SECT. 15. To each division organized under the provisions of this act, there shall be one major general, to be elected as provided in the constitution and a staff appointed by him, who shall hold office during his pleasure and until their successors are appointed and qualified as follows: one assistant adjutant general, one division inspector, one inspector of rifle practice, each with the rank of lieutenant colonel; one quartermaster, one commissary, one judge advocate, one aide-de-camp, each with the rank of major, and two aides-de-camp, each with the rank of captain and such additional staff officers, and with such rank as the commander-in-chief shall authorize.

Staff of commander-in-chief.

SECT. 16. The staff of the commander-in-chief shall consist of the adjutant general who shall be, ex-officio, chief of staff, quartermaster general and paymaster general with the rank of major general; an inspector general, with the

rank of brigadier general; a commissary general, a surgeon general, a judge advocate general, and an inspector general of rifle practice each, with rank of colonel; two aides-de-camp with the rank of lieutenant colonel, and a military secretary with the rank of major. Provided, however, that the commander-in-chief may, in case of war, insurrection or invasion, appoint such additional staff officers as the public service shall require, and with such rank as he may designate. The staff of the commander-in-chief shall be appointed and commissioned by him and shall hold office during his pleasure and until their successors are appointed and qualified.

—appointment
and term of
office.

SECT. 17. The adjutant general shall distribute all orders from the commander-in-chief, attend all public reviews when the commander-in-chief shall review the troops 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, prepare and furnish blank forms for the different returns and rolls that may be required and explain how such returns and rolls should be made, distribute all books required to be furnished at the public expense, receive from the several officers in the military force the reports they are required to make, and from such reports he shall make proper abstracts and lay the same, together with a full report of the business of his department, and a statement of the strength, condition and efficiency of the military forces of the state, before the commander-in-chief on or before the thirty-first day of December, annually, and he shall annually, on or before the first Monday of January make a return in duplicate of the militia of the state, 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.

Adjutant gen-
eral duties of.

SECT. 18. The quartermaster general, under the direction of the commander-in-chief, shall purchase and issue all ordnance stores, artillery, arms and equipments, clothing, camp and garrison equipage and military stores generally, except such as are expressly directed by law to be purchased by other officers, and approve all bills for such purchases; he shall provide transportation for troops and for all implements and munitions of war, and military supplies; he shall be the

Quartermaster
general, duties
of.

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keeper of the public magazines and of all military property of the state, except such as is by law expressly entrusted to the keeping of other officers. He shall give a bond approved by the governor and council, in the sum of twenty thousand dollars, conditioned for the faithful performance of the duties of his office, the safe keeping of and accounting for all military property committed to his custody, and the delivery thereof to his successor or to any other person authorized to receive the same; such bond shall also be conditioned for the faithful performance of the duties of paymaster general when he shall act as such. He shall annually on or before the fifteenth day of December, make a report showing the receipt and issue of military property during the year, and the amount and kind remaining on hand

—official bond.

—report of.

Paymaster general and duties of.

SECT. 19. The paymaster general, under the direction of the commander-in-chief, shall have the charge and supervision of the pay of troops and of all other expenses payable from the state military fund. He shall make no payments until the accounts have been approved and certified to him by the governor and council, and a warrant drawn in his favor upon the state treasurer for the amount thereof. He shall give bond approved by the governor and council in the sum of ten thousand dollars for the faithful discharge of the duties of his office; provided, however, that when he also acts as quartermaster general his bond as such shall be conditioned for the faithful performance of his duties as paymaster general. He shall annually, on or before the fifteenth day of December, make a report of the expenditures in his department.

—official bond.

—report of.

Inspector general, duties of.

SECT. 20. The inspector general shall attend all encampments of the National Guard and critically observe the amount and kind of duty performed each day, the manner of its performance, the condition of each organization, the degree of order maintained and the general police of the camp. He shall make an annual inspection of each company, troop, platoon and corps and of any other organization belonging to the National Guard at such time before the first day of December, as the commander-in-chief may order. He shall also make an annual inspection of all armories, books, records and military property in possession of each organization and of its financial condition. He shall make a detailed report upon the encampment and the condition of all property and organ-

—report of.

izations inspected by him with such suggestions as he shall deem important in regard to the workings and efficiency of the system of instruction, drill and discipline prescribed, and the necessity of further legislation or regulations to perfect the same. Such report shall be made by the fifteenth day of December annually, or at such time as the commander-in-chief may direct.

SECT. 21. The commissary general, under the direction of the commander-in-chief, shall purchase and issue all subsistence supplies, and approve all bills therefor and transmit them to the adjutant general; he shall make a detailed report by the fifteenth day of December annually.

Commissary
general, duties
of.

SECT. 22. The surgeon general, under the direction of the commander-in-chief, shall purchase and issue all medical, surgical and hospital supplies and approve all bills for the same and transmit them to the adjutant general, and shall have the supervision of all matters pertaining to the medical department of the military forces. He shall make a detailed report by the fifteenth day of December annually.

Surgeon general,
duties of.

—report of.

SECT. 23. The judge advocate general under the direction of the commander-in-chief is charged with the supervision, care and management of all things relating to the administration of justice in the military forces of the state; he shall diligently scrutinize and examine the proceedings of all courts martial, and report thereon for the information of the commander-in-chief; he shall when directed, act as judge advocate at any court martial; he shall be the adviser of the military department upon all legal questions which may arise therein, and to him may be referred for supervision all contracts, agreements, or other instruments to be drawn or executed in the course of the business thereof. He shall make a detailed report by the fifteenth day of December annually.

Judge advocate
general, duties
of.

—report of.

SECT. 24. The general inspector of rifle practice, under the direction of the commander-in-chief, shall have the supervision of rifle practice in the military forces of the state; he shall see that the laws, orders and regulations relative thereto, and to the furnishing of rifle ranges by cities and towns, are complied with, and report any failure to the commander-in-chief. He shall make a detailed report, with such recommendations as he shall deem for the interests of the service by the fifteenth day of December annually.

Inspector of rifle
practice,
duties of.

—report of.

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No officer shall be concerned in purchase or sale of any article appertaining to his department, except for the state.

SECT. 25. Neither the adjutant general, quartermaster general, paymaster 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 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 apply to his or their own use any gain or emolument for negotiating or transacting any business in their respective departments, other than what is allowed by law.

Designated as the National Guard of the state of Maine.

—composition of.

SECT. 26. The active militia shall be known and designated as the National Guard of the state of Maine, and on a peace footing shall consist of not more than twenty-four companies of infantry, one battery of light artillery, two troops of cavalry, an ambulance corps and a signal corps.

Organizations shall be raised on petition.

SECT. 27. The organizations authorized in the preceding section, shall be raised on petition to the commander-in-chief, or by his order.

Enlistment book and blanks shall be issued on petition of 60 citizens.

SECT. 28. When a petition for raising an organization of the National Guard has been signed by not less than sixty citizens of the town where it is desired, and the same has been granted by the commander-in-chief, the adjutant general shall thereupon furnish the petitioners with an enlistment book and all necessary blanks.

Order for election shall be issued, when minimum number has been enlisted.

SECT. 29. When the minimum number of persons required by law has been enlisted and notice thereof given to the commander-in-chief, he shall issue an order for the election of officers.

Enlistments, term of.

—attested copy of enlistment book, shall be sent to adjutant general.

SECT. 30. All enlistments in the National Guard shall be for three years, and shall be made by signing such enlistment book as may be prescribed by the commander-in-chief. An attested copy of the enlistment book, shall, at the organization of each company, be made by the clerk and forwarded together with duplicates of all enlistment papers, forthwith to the adjutant general. When new enlistments are made in any organization, the commanding officer shall forward duplicate enlistment papers to the adjutant general.

Who may be members of National Guard.

SECT. 31. No enlistment shall be allowed in the National Guard of other than able bodied citizens of this state, between the ages of sixteen and forty years, residing in the town where the armory of the organization in which they enlist is

situated, or in an adjoining town. In time of peace, no minor shall be enlisted in the National Guard without the written consent of his parent or guardian, which shall appear on the enlistment paper.

SECT. 32. No man shall be mustered into the service of the state unless certified by a surgeon or assistant surgeon to be able bodied and capable of doing military duty.

None but able-bodied men shall be mustered.

SECT. 33. Every enlisted man at the time of his mustering-in, shall take and subscribe the following oath :

Oath shall be taken.

I do solemnly swear that I will bear true faith and allegiance to the state of Maine, and will support the constitution thereof ; that I will faithfully observe and obey all laws and regulations for the government of the military forces thereof, and the orders of all officers elected or appointed over me. I do also solemnly swear that I will support the constitution of the United States. So help me God.

—form of.

Sworn to before me

Mustering Officer.

No enlisted man shall be held to military duty or receive any compensation or allowance until he shall have been so mustered.

—compensation shall not be allowed men until mustered.

The commanding officer of every company, if a commissioned officer, or any field or commissioned staff officer may, and hereby is qualified to administer the oath required by this section.

—who may administer oath.

SECT. 34. The date of the organization shall be the day of the meeting first held under an order for the election of its officers.

Rank of companies.

SECT. 35. Each company of infantry shall consist of one captain, one first lieutenant, one second lieutenant, one first sergeant, four sergeants, six corporals, two musicians, and not less than forty-two nor more than fifty-six privates.

Number of officers and men to company of infantry.

SECT. 36. A battery of light artillery shall consist of one captain, two first lieutenants, two second lieutenants, one first sergeant, four sergeants, one quartermaster sergeant, eight corporals, two trumpeters, and not less than sixty nor more than eighty privates.

Number to battery of artillery.

SECT. 37. Each troop of cavalry shall consist of one captain, one first lieutenant, one second lieutenant, one first sergeant, four sergeants, eight corporals, two trumpeters and not less than forty-two nor more than fifty-six privates.

Number to troop of cavalry.

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Number to ambulance corps.

SECT. 38. The ambulance corps shall consist of one second lieutenant, three sergeants, and not less than twelve nor more than seventeen privates.

Number to signal corps.

SECT. 39. The signal corps shall consist of one second lieutenant, three sergeants, and not less than twelve nor more than seventeen privates.

Number to a regiment.

SECT. 40. To each regiment of infantry there shall be one colonel, one lieutenant colonel, three majors, and a staff to consist of one surgeon with the rank of major, one assistant surgeon with the rank of captain, one assistant surgeon, one adjutant, one quartermaster, and one inspector of rifle practice each with the rank of first lieutenant, and one chaplain; a non-commissioned staff to consist of one sergeant major, one quarter master sergeant, one commissary sergeant, one hospital steward, one trumpeter, and one color bearer who shall be a sergeant, and not less than twelve companies. Provided, that, when a regiment is divided into battalions for the purpose of drill and instruction, the colonel may detail an officer to act as adjutant, and a non-commissioned officer to act as sergeant major of each battalion.

Regimental band.

SECT. 41. Each colonel of a regiment may enlist and muster a band of musicians, not exceeding twenty-five, including one master, one deputy master and one drum-major, to be attached to his regiment; provided, that the members of such band shall furnish their own uniforms and instruments. They may be discharged by the colonel at his pleasure.

—may be discharged at pleasure of colonel.

Brigadier general and staff.

SECT. 42. To a brigade there shall be one brigadier general and a staff to consist of one assistant adjutant general, one brigade inspector, one surgeon, who shall be medical director of the brigade, and one inspector of rifle practice, each with the rank of major, one quartermaster, one commissary, and one aide-de-camp each with the rank of captain, and one aide-de-camp, with the rank of first lieutenant.

Organizations may be changed at pleasure of commander-in-chief.

SECT. 43. The organizations of the National Guard may be arranged by the commander-in-chief in squadrons, battalions, regiments and brigades, and he may change the arrangement thereof at his pleasure.

Assignment of organizations.

SECT. 44. Each organization shall be assigned to its respective squadron, battalion or regiment and be numbered and lettered at its formation.

Additional non-commissioned officers may be appointed.

SECT. 45. The commander-in-chief may authorize the appointment of additional non-commissioned officers in the

several organizations of the National Guard, and upon the CHAP. 266
 staffs of commanding officers whenever the service shall
 require.

SECT. 46. The commander-in-chief may, in his discretion,
 discharge enlisted men at any time. The commander of a
 regiment or separate battalion may, upon the written appli- How enlisted
men may be
discharged.
 cation of any enlisted man, approved by the commander of
 his company, discharge from the service such enlisted man;
 and the commander of a battery, separate company, troop or
 corps, may, upon like application, signed by a member
 thereof, discharge such member.

SECT. 47. If any organization of the National Guard fails May be dis-
banded.
 to comply with the laws, regulations and discipline governing
 the service the commander-in-chief may, in his discretion
 disband such organization.

SECT. 48. General, field and line officers shall be elected
 as follows: brigadier generals by the written votes of the Election of gen-
eral, field and
line officers.
 field officers of their respective brigades; field officers of
 regiments by the written votes of the captains and subalterns
 of their respective regiments; captains and subalterns by the
 written votes of the members of their respective companies.

SECT. 49. Electors shall be notified of elections at least
 four days previous thereto, by written or printed notice given Notice of
elections, how
given.
 in hand, sent by mail, or left at their last and usual places of
 abode.

SECT. 50. An officer of a grade at least equal to that of
 the office to be filled, but in no case below the grade of cap- Who shall pre-
side at elections.
 tain, shall be designated to attend and preside at elections,
 but no candidate for the vacancy shall be so designated. At
 all elections such presiding officer shall keep a record of the —record.
 proceedings and make return thereof to the commander-in-
 chief, and notify the officer of his election. If the officer
 designated to preside fails to appear, the election shall be
 postponed to a day fixed by him.

SECT. 51. The person who has a majority of the written Majority of
votes necessary
to election.
 votes of the electors present at a meeting duly notified, shall
 be deemed elected, but in no case shall an election be held
 unless a majority of the qualified electors are present.

SECT. 52. The original roster of the brigade, or regiment,
 or original roll of the company, as the case may be, shall be Original roster
shall be pro-
duced at elec-
tions.
 produced at elections, by the person having the legal custody
 thereof.

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New election shall be ordered in case of vacancy.

SECT. 53. When a person elected or appointed to an office refuses to accept his commission or qualify at the time of acceptance, a new election shall be ordered or appointment made.

When vacancy may be filled by commander-in-chief.

SECT. 54. When the electors neglect or refuse to elect to fill a vacancy, the commander-in-chief shall appoint a suitable person.

When staff office is vacant, duties may be assigned to another officer.

SECT. 55. Whenever any staff office shall be vacant, the duties of such office may be assigned to an officer already in commission or a detail made therefor until such time as the vacancy shall be filled.

Term of office.

SECT. 56. All officers of the National Guard whose term of office is not otherwise fixed by law, shall be commissioned and hold office for the term of six years and no longer unless re-elected. When an officer is commissioned to fill a vacancy caused by the expiration of his own term of service, he shall take rank from the date of his original commission.

Appointment of staff officers.

SECT. 57. Brigadier generals, colonels and commanding officers of separate battalions shall appoint their respective staff officers. They shall hold office until their successors are appointed and qualified unless sooner removed by the officer appointing them which he may do at his pleasure.

Oath required of officers.

SECT. 58. 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: '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 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 constitution, and laws of this state. So help me God.' 'I, A. B., do solemnly swear, that I will support the constitution of the United States. So help me God.' The following certificate shall be endorsed on every commission and signed by the person before whom such officer is qualified:

—form of.

This may certify that A. B., commissioned as within, on this _____ day of _____, in the year of our Lord, personally appeared, and took and subscribed the oaths required

by the constitution and laws of this state, and of the United States, to qualify him to discharge the duties of his office.

Before me,

SECT. 59. All officers shall be commissioned by the commander-in-chief according to the respective offices and grades to which they have been elected or appointed, but no commission shall issue to any person elected or appointed unless he is a citizen of this state and appears to be qualified by education and ability to discharge the duties of the office.

If w commissioned.

SECT. 60 The commander-in-chief shall appoint a military board of three officers to enquire into the qualifications of all persons elected or appointed to any office below the grade of brigadier general and claiming a commission under this act, except upon the staff of the commander-in-chief, and no commission shall issue until the person so elected or appointed shall have passed a satisfactory examination before such board, as to his moral character, his general knowledge of military affairs proportionate to the office to be held and his fitness for the service. If he fails to appear before the board when notified or is adjudged unqualified, a new election shall be ordered or appointment made; and no person who has failed to pass such examination shall be eligible to election or appointment, to an office of equal or higher grade in the National Guard, for the period of one year thereafter. Such examination shall be made within thirty days after the election or appointment, unless the commander-in-chief shall for good cause enlarge the time. At least two members of said board shall be of a grade equal or superior to that of the office to be filled. In case of the absence of any member of the board, or of disability to sit by reason of rank, or if for other cause the board is not of the required number, the commander-in-chief may detail an officer for the time being.

Before being commissioned, every person elected or appointed shall pass examination.

SECT. 61. 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.

Duplicate commissions in case of loss.

SECT. 62. An officer may be honorably discharged by the commander-in-chief upon tender of his resignation, upon the disbandment of the organization to which he belongs, or, if a staff officer, upon the written request of the officer appointing him, or upon the qualification of his appointed successor; or

When officers may be honorably discharged.

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when he shall accept an appointment in the army or navy of the United States.

Acceptance of commission vacates office previously held.

SECT. 63. When an officer holding a military commission is elected or appointed to another office in the militia, and accepts the same, such acceptance shall vacate the office previously held.

When officer is discharged, he shall turn over all property.

SECT. 64. No officer shall be honorably discharged until he has turned over to the officers entitled to receive the same all military property issued to him or in his custody, or for which he is responsible or accountable, and filed with the quartermaster general receipts therefor.

Form of discharge.

SECT. 65. All officers honorably discharged from the service of the state shall be entitled to receive a certificate thereof in such form as the commander-in-chief shall direct.

When any officer may be discharged.

SECT. 66. Any officer may be discharged by order of the commander-in-chief, upon the report of a military board of inquiry, or the sentence of a court martial; or when it shall appear to him that such officer has been convicted of any crime, or has been dishonorably discharged or dismissed from the service of the United States, or from the militia of this or any other state.

How non-commissioned officers shall be nominated and appointed.

SECT. 67. Non-commissioned officers of companies shall be nominated by their respective captains, who shall forthwith make a return in writing of such nominations to the commanding officer of the regiment or separate battalion and every such non-commissioned officer shall be appointed and his warrant given and signed by such commanding officer; provided, that, in separate companies, troops or corps they shall be appointed, and their warrants signed, by the commanding officer thereof. No warrant shall be issued to any person so appointed until he shall have passed the examination required by law and regulations.

Non-commissioned officers may be reduced to ranks.

SECT. 68. Non commissioned officers may be reduced to the ranks by the officer authorized to appoint them or by the sentence of a court martial or upon the report of a board of inquiry.

Uniform, arms and equipment.

SECT. 69. The commander-in-chief shall prescribe by regulations the uniform, arms, equipments and insignia of rank of the National Guard of the state of Maine.

Commissioned officers required to provide themselves with uniforms, etc.

SECT. 70. All commissioned officers shall provide themselves with such uniforms, arms, equipments and insignia of rank as are prescribed.

SECT. 71. The National Guard shall be provided at the expense of the state, with such uniforms, arms, equipments, colors, musical instruments, books for instruction and for records, camp and garrison equipage, and other military supplies as may be necessary for the proper training and instruction thereof and for the proper performance of the duties required by this act; except as provided in the preceding section and uniforms for bands.

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National Guard shall be provided with uniforms, arms, &c., at expense of state.

SECT. 72. All property furnished by the state shall remain and continue to be the property of the state, to be used for military purposes only, and when not so in use shall be kept in the armories or designated places of deposit.

Property of state which is not in use, to be kept in armories.

SECT. 73. Any officer, enlisted man or other person, who shall willfully or maliciously destroy, injure or deface any article of military property belonging to the state, or shall use it for other than military purposes, or shall have or retain the same in violation of law or regulations, shall be punished by a fine not exceeding fifty dollars.

Penalty for destroying or injuring property.

SECT. 74. Every officer receiving public property for military use shall be held responsible for the safe keeping and return of the same when called for, and he shall account for, and make such returns thereof, as may be prescribed whenever called upon so to do by the commander-in-chief.

Officers receiving public property responsible for same.

SECT. 75. Every member of the military force of the state shall hold his uniform, arms, equipments, musical instruments and ammunition required by law, free from all suits, distresses, executions or sales for debts or payment of taxes.

Members shall hold uniform, &c., free from suits.

SECT. 76. The quartermaster general, subject to regulations, may issue for drill purposes, to organizations authorized to use the same, any unserviceable or obsolete arms and equipments; he shall require a bond in double their value, conditioned for the proper care, safe keeping and return thereof, and they shall at all times be open to inspection by the military authorities of the state.

Obsolete arms and equipments may be issued for drill purposes.

SECT. 77. The quartermaster general may loan, subject to regulations to encampments of organizations of veterans of the late war, obsolete and unserviceable arms and equipments, and such camp and garrison equipage as may be spared without detriment to the service. A bond shall be required for the safe keeping, proper care and return thereof, and the state shall be subject to no expense on account of such loan. Such property may be furnished under like restrictions, but

Such arms and equipments may be loaned to veterans of late war.

—shall give bond.

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Property may
be furnished
cadets of College
of Agriculture.

Field pieces
may be loaned.

Municipal offi-
cers shall pro-
vide armories.

—headquarters
for battalion,
regiment or
brigade.

Towns shall
provide rifle
ranges.

Shall parade for
inspection
twice each year.

Annual inspec-
tion by in-
spector general
provided for.

Shall drill twice
each month.

without bond, for encampments of the cadets of the State College of Agriculture and Mechanic Arts. Field pieces now owned by the state may be loaned under regulations and by the authority of the commander-in-chief. No state military property shall be loaned for any other purpose whatever.

SECT. 78. Municipal officers shall provide for each company of the National Guard located within the limits of their respective towns, subject to the approval of the commander-in-chief or such officer as he may designate, a suitable drill room and armory or place of deposit for the arms, equipments and other property furnished by the state. They shall also provide suitable rooms for the headquarters of each separate battalion, regiment or brigade established within their limits, and a reasonable compensation for the rent thereof, not exceeding one hundred dollars per annum may be allowed to the town so furnishing, and paid by the state.

SECT. 79. Every town having a company of the National Guard located therein, shall provide and keep in repair a suitable rifle range for the use of such company, approved by the commander-in-chief or such officer as he may designate; and if any such town shall fail to comply with the requirements of this section the commander-in-chief may cause such range to be furnished and maintained at the expense of the state, and shall deduct the cost thereof from any sum then or thereafter due such town for rent under the preceding section.

SECT. 80. The National Guard shall parade for inspection by companies, battalions or regiments twice each year, the time to be fixed by the commander-in-chief and he may order out any organization for review, escort or any other military duty or ceremony at his pleasure.

SECT. 81. There shall be in addition to the inspections required in the preceding section, at least one annual inspection by the inspector general or other officer detailed therefor, of each organization and of its armory, books, records, military property in its possession and of its financial condition, at such time as the commander-in-chief shall designate.

SECT. 82. Each company of the National Guard shall drill twice in each month, each drill to be not less than one hour hour and a half long, provided, that the commanding officer may order drills more frequently not exceeding one each week.

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SECT. 83. Commanding officers of companies shall assemble their officers and non-commissioned officers for military instruction for not less than two hours each month.

Company officers shall assemble for drill each month.

SECT. 84. The commander-in-chief shall call meetings of the commissioned officers of each regiment at least twice each year for military instruction.

Regimental officers shall meet twice a year for instruction.

SECT. 85. There shall be an annual encampment of the National Guard upon the state camp ground at such time as the commander-in-chief shall order, at which time one of the inspections required by law shall be made, provided, that such encampment may be omitted whenever the commander-in-chief shall determine it to be for the interests of the service.

Annual encampment.

SECT. 86. 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 person 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 sentinel 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.

Commanding officer may fix limits to his parade.

Penalty for intruding on parade after being forbidden.

—for resisting sentinel.

SECT. 87. 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 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 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 the 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.

Authority of commanding officer to extend a distance of one half mile around camp.

—exception.

—rules.

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Rifle practice at
encampment.

When troops
may be ordered
out, how and by
whom.

—form of
precept.

SECT. 88. The commander-in-chief may order such rifle practice, at the annual encampment or at other times, as he deems for the best interest of the service.

SECT. 89. 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 such 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 brigade, regiment or company directing him to order his command, or a part thereof, describing the kind and number of troops, to appear at the time and place therein specified, to aid the civil authorities 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 officer's title) A. B., commanding (insert his command).

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, CHAP. 266
shall be under his hand and seal, and otherwise varied to suit
the circumstances of the case.

SECT. 90. 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 not exceeding five hundred dollars or imprisonment not exceeding six months, or both as a court martial may adjudge. And a non-commissioned officer or private neglecting or refusing to appear at the place of parade, or to obey an order issued in such case, shall be punished by fine not exceeding two hundred dollars or be imprisoned not exceeding six months, or both as a court martial may adjudge. And any person advising or attempting to persuade an officer or soldier to refuse or neglect to appear at such time and place, or to obey such order, shall forfeit two hundred dollars or be imprisoned not exceeding six months.

Officer, shall order out troops forthwith.

—how punished, if he refuses or neglects to obey order.

—penalty, if non-commissioned officer or private refuses to obey order.

SECT. 91. No parade or voluntary service shall be performed by any organization of the National Guard under arms or with state uniform without the approval of the commander-in-chief.

No voluntary service allowed, without approval of commander-in-chief.

SECT. 92. 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.

Officers and soldiers, exempt from arrest when on duty.

SECT. 93. 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, senator, electors of president and vice president of the United States, or representatives to congress or the legislature; and an officer parading his company or willfully ordering it to parade contrary to the provisions of this section, shall be liable to court martial.

When holden to perform military duty.

—officer, parading contrary to orders, liable to court martial.

SECT. 94. Notices for duty at encampments shall be given at least four days prior thereto and for other duty at such time as the officer issuing the order shall prescribe, such notices may be by written or printed notice in hand or left

Notices for duty, how and when given.

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at last and usual place of abode, provided, that the posting of a copy of an order, in a conspicuous place in the drill or business room of a company, at a regular meeting, holden not less than four days before the time fixed, in such order for the performance of any duty, shall be held sufficient notice to all members of the company not excused from such meeting; provided, further, that when the days upon which the semi-monthly drills provided by law are to be held, have been fixed, no further notice thereof shall be required to the members of the company.

Battery of heavy artillery may be located on state camp ground.

SECT. 95. A battery for heavy artillery practice may be located upon the state camp ground and the infantry may be instructed therein and in the use of machine guns.

Officers and soldiers may receive service medals.

SECT. 96. Every officer and soldier who has rendered honorable service for nine years in the active militia of the state shall receive a service medal therefor, and an additional bar or clasp for each additional three years' service.

Compensation for services.

SECT. 97. There shall be paid for attendance and performance of duty, to such officers, non-commissioned officers, musicians and privates, as shall be specially ordered to attend encampments, parades or other duty, as is provided in this act, the following sum each per day for every day actually on duty: To a major general, eight dollars; brigadier general, six dollars; colonel, five dollars; lieutenant colonel, four dollars and fifty cents; major, four dollars; captain, three dollars; chaplain, three dollars; first lieutenant, two dollars and fifty cents; second lieutenant, two dollars; non-commissioned officer, one dollar and fifty cents; private, one dollar and twenty-five cents; member of band, three dollars. No pay or compensation shall be allowed for the performance of the duties required by sections eighty, eighty-one, eighty-two, eighty-three, eighty-four and eighty-eight, unless expressly authorized in the order for such duties.

Compensation, assistant adjutants general and adjutants of battalions.

SECT. 98. Assistant adjutants general and adjutants of regiments of the National Guard shall receive twenty-five dollars, and adjutants of separate battalions ten dollars annually in addition to the per diem pay herein provided.

Allowance for horses.

SECT. 99. There shall be allowed for each horse actually employed by officers required to be mounted, three dollars per day and forage; for horses used in the cavalry, and by non-commissioned officers and orderlies when required, two dollars per day and forage; and for each draft horse employed

in batteries of light artillery, not exceeding sixteen to each platoon, the sum of two dollars per day, which shall be in full for use.

SECT. 100. The commander-in-chief, under such regulations as he may prescribe, may authorize the payment to commanding officers and clerks of organizations of the National Guard, such sum annually as he shall determine not exceeding thirty dollars to captains for care of property and twenty dollars to clerks for keeping records.

Compensation to captains and clerks for care of property.

SECT. 101. Officers ordered to make inspections or perform other special duty shall in addition to their per diem, be paid their necessary expenses and furnished with transportation by the state.

Compensation of inspecting officer.

SECT. 102. Transportation for troops, horses and camp equipage to and from the place of encampment, parade or other duty, when troops are ordered out by the commander-in-chief, shall be furnished by the state through the quartermaster general.

Transportation shall be furnished through quartermaster.

SECT. 103. The National Guard, when ordered into camp or on special duty, shall be furnished with rations by the state.

Rations when on duty.

SECT. 104. The militia, when called into actual service for more than ten days, 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 in force at the time.

Pay and rations of militia when in service.

SECT. 105. When the militia are discharged from actual service, they shall be allowed pay and rations to their respective homes.

When discharged, shall be allowed pay and rations to their homes.

SECT. 106. Any enlisted man, who, when under pay, fails to appear at any drill or parade without excuse, shall have one dollar deducted from his compensation for each failure so to appear; and the commanding officers of companies shall see that each absence is noted upon the pay roll. The paymaster general shall pay all sums so deducted to the adjutant of the regiment or separate battalion when the regiment or separate battalion is on duty, and to the treasurer of the company when it is on duty separate from the battalion or regiment, to be disposed of for the benefit of the regiment, separate battalion or company as the three senior officers of each shall direct. Nothing herein shall be held to affect liability to any punishment provided for the non-performance of such duty.

Fine, if enlisted man fails to appear at drill. How collected and disposed of

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Military accounts, how audited, allowed and paid.

SECT. 107. All military accounts, unless otherwise specially provided by law, shall be approved by the person authorized to contract the same and transmitted to the adjutant general for examination, and if found correct, approved by him. They shall then be presented to the governor and council for examination, and if found correct shall be certified to the paymaster general for payment, and a warrant shall be drawn for the amount thereof on the state treasurer in favor of the paymaster general, and the accounts so allowed shall be paid by him to the persons to whom they are severally due or to their order.

Officers nor men shall contract any debt for state, without express authority.

—penalty.

SECT. 108. No officer or enlisted man shall contract, or presume to authorize the contracting of any indebtedness on behalf of the state without express authority therefor from the commander-in-chief, and any officer or enlisted man who shall violate the provisions of this section shall be dishonorably discharged from the service of the state.

Courts martial shall be in accordance with regulations.

SECT. 109. The commander-in-chief is authorized to order courts martial; the members thereof and all witnesses testifying before them shall be sworn and the proceedings conducted in accordance with regulations.

Any officer or man who refuses to do duty, etc., may be tried by court martial.

SECT. 110. Any officer or enlisted man who neglects or refuses to perform the duties of his office, or to obey the orders of his superiors, or is guilty of any breach of the laws or regulations governing the military forces of the state, or is guilty of conduct unbecoming an officer, soldier or gentleman may be put under arrest by his superior officer and tried by court martial.

When officers may be tried by court martial.

SECT. 111. No officer or enlisted man shall be tried by a court martial for any offense committed more than one year before charges are preferred therefor, except in case of concealment of the offense by the person charged.

Powers of courts martial to punish offenses.

SECT. 112. Courts martial may, when no other punishment is fixed by law, sentence an officer or enlisted man convicted by them, to pay a fine of not exceeding two hundred dollars and costs of witnesses; and all fines and costs imposed by them may be recovered by the adjutant general in an action of debt in the name of the state. They may in addition to the foregoing or any other punishment fixed by law sentence an officer convicted by them to be cashiered, dishonorably discharged, or reprimanded in orders, and if sentenced to be cashiered or dishonorably discharged the court shall adjudge

him disqualified for life or for any term of years according to the aggravation of the offenses, for holding any military office.

SECT. 113. Witnesses may be summoned before courts martial and they and persons serving the summons shall receive the fees, and witnesses shall be subject to the penalties for non-appearance, that are prescribed in the supreme judicial court; and depositions taken according to law may be used. The accused shall be entitled to subpoenas for witnesses in his behalf and their fees shall be paid by the state.

Witnesses, how summoned, fees, &c.

SECT. 114. The commander-in-chief may, from time to time appoint military boards of inquiry, to consist of not less than three nor more than five officers, whose duty it shall be to examine into any military transaction, or imputation against any officer, or into the capacity, qualification, propriety of conduct and efficiency of any commissioned officer of the militia below the rank of major general, who may be ordered before them for such examination; or for the purpose of settling any military question, or for establishing good order and discipline; the members thereof and witnesses examined by them shall be sworn, the board shall proceed as prescribed in regulations and shall report to the commander-in-chief. If the report is adverse to such officer, and is approved by the commander-in-chief, the commission of such officer shall be vacated.

Military boards of inquiry may be appointed.

—duties and powers.

SECT. 115. Officers reported under the preceding section shall be notified, permitted to cross examine witnesses, and introduce evidence.

Rights of officers reported under preceding section.

SECT. 116. Such board shall not give their opinion upon the merits of the case or make recommendations unless specially required.

Board shall not give opinion upon merits of case.

SECT. 117. Companies of the National Guard may make by-laws, subject to the approval in writing of the adjutant general, not repugnant to law, orders or regulations, and fix a sum to be paid by any member of such company for non-compliance therewith, not exceeding five dollars. Any sums due from any officer or enlisted man under such by-laws, may be recovered in an action of debt before any court of competent jurisdiction, in the name of the state and for the use of the company. In any such action, the plea of the general issue shall put in issue only the fact of the performance of the duty specified; all other matters of defence must be made by special plea or brief statement, and judgment thereon if

Companies may make orders and regulations, and fix penalties for non-compliance with.

—sums due may be recovered in an action of debt.

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—proceedings.

adverse to the defendant shall be final and judgment shall be entered in favor of the state for the amount claimed and execution shall issue therefor with costs, and such execution shall run against the body of the defendant.

Company clerk, qualification and appointment of.

SECT. 118. To every company there shall be a clerk who shall be an officer or enlisted man of the company and appointed by the commanding officer.

Oath of clerk.

SECT. 119. 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; '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.' The commander of such company shall, at the time certify in the company order book the appointment of the clerk and that he took the oath prescribed.

Election of treasurer, who shall give bond.

SECT. 120. Each company shall elect a treasurer who shall give bond to the adjutant general for the benefit of the company and approved by it in the sum of five hundred dollars, for the faithful performance of his duties.

Commander-in-chief authorized to prepare regulations.

SECT. 121. The commander-in-chief shall cause to be prepared regulations for the enrollment, government and instruction of the military forces of the state, and to carry into full force and effect the provisions of this act. Such regulations when approved by the commander-in-chief shall be published with the military law of the state together with extracts from the constitution relating thereto and distributed to the commissioned officers of the National Guard and be by them held as the property of the state to be accounted for. The commander-in-chief is authorized to make changes in and additions to such regulations from time to time as the service may in his judgment require, but all such regulations, changes and additions shall be in conformity with the laws of this state and of the United States, and when so approved and promulgated shall have the same force and effect as the provisions of this law. Any rules, orders and regulations now in force shall remain in force until such new regulations are approved and promulgated.

Revenue to defray expenses, how raised.

SECT. 122. For the purpose of raising revenue to defray the current expenses of the National Guard, there shall be assessed and collected as other state taxes are, a tax of one

twelfth of one mill upon all property in the state subject to taxation, for the present fiscal year and for each fiscal year thereafter. The revenue raised under the provisions of this section shall be paid into the state treasury and be converted into a special military fund, from which special fund only shall be paid the expenses authorized by this act; and so much thereof as may be necessary is hereby appropriated to carry out the provisions hereof, to be paid upon vouchers approved as provided in section one hundred and seven.

SECT. 123. No officer or soldier shall be liable to jury duty while in the National Guard.

Officers and soldiers not liable to jury duty.

SECT. 124. If an officer or soldier is wounded or otherwise disabled, or is killed, or dies of wounds received while doing military duty, according to law, in case of invasion, insurrection or disturbance of the peace, he, or his widow or children, shall receive from the state just and reasonable relief.

Widow or children of soldier who dies in line of duty, shall receive relief.

SECT. 125. Civil officers named in this chapter, neglecting or refusing to obey its provisions, shall, unless otherwise specially provided, forfeit not less than twenty nor more than five hundred dollars.

Civil officers, refusing to obey provisions of act, shall be punished.

SECT. 126. It shall not be lawful for any body of men whatsoever, other than the regularly organized militia or the troops of the United States, to associate themselves together as a military company or organization, or to parade in public with fire 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, provided, that associations wholly composed of soldiers and sailors honorably discharged from the service of the United States may parade at any time in public with fire arms, having first obtained the written permission so to do of the mayor of the city or municipal officers of the town in which they desire to parade.

Unlawful for any body of men to organize as a military company, without license of governor.

—cities and towns shall not raise money for support of such company.

—proviso.

SECT. 127. Whoever offends against the provisions of the preceding section, or belongs to or parades with any such unauthorized body of men, with fire arms, shall be punished by a fine not exceeding ten dollars, or by imprisonment not exceeding six months.

Penalty for offending against preceding section.

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No organization shall leave the state, without permission of commander-in-chief.

—penalty for disobedience.

System of discipline and field exercises to be observed.

Public property unfit for use, may be condemned and sold.

Proceeds, how disposed of.

Offenses how prosecuted.

How fines shall be disposed of.

What the word company shall include.

Officers now on staff of commander-in-chief, shall hold office as appointed.

Reorganization of the active militia under this act.

SECT. 128. No military organization shall leave the state, for any period or purpose whatever, with public or military property in its possession, or to be used by it, without the consent of the commander-in-chief. Any organization disobeying the provisions of this section shall forthwith be disbanded by the commander-in-chief, and its officers and members be liable to trial by court martial for disobedience of orders.

SECT. 129. The system of discipline and field exercise ordered to be observed, in the different corps, by the army of the United States, or such system as may hereafter be directed for the militia by the laws of the United States, shall be observed by the National Guard of the state of Maine.

SECT. 130. The inspector general, or such other officer as the commander-in-chief may designate, shall inspect and condemn public military property which has become unfit for use; and no property shall be sold or exchanged until it has become unfit for use and has been inspected and condemned as herein provided, and such condemnation approved by the commander-in-chief. The proceeds of all sales of condemned military property and of hay from the state camp ground shall be paid into the treasury of the state, and credited to the military fund.

SECT. 131. Offenses against the provisions of this act may be prosecuted by complaint or indictment before a court of competent jurisdiction except where a different remedy is specially provided.

SECT. 132. All fines collected under the provisions of this act, the disposition whereof is not otherwise specially provided for, shall be paid into the state treasury and credited to the military fund.

SECT. 133. The word 'company' as used in this act, includes company of infantry, battery or platoon of artillery, troop of cavalry, ambulance corps or signal corps, unless otherwise expressed or implied.

SECT. 134. The officers now upon the staff of the commander-in-chief shall, notwithstanding the provisions of section sixteen, hold office as appointed and commissioned.

SECT. 135. To reorganize the active militia under the provisions of this act the commander-in-chief shall cause an inspection to be made of all organizations now in the service, he may authorize the recruiting of such new companies as the

military appropriation will warrant and may transfer any company now organized to such arm of the National Guard as he shall deem best for the service; he may then disband the present regimental and battalion organizations and arrange the companies according to the provisions of section forty-three of this act, and until the number of infantry companies shall be increased to twenty-four he may form the companies not assigned to a regiment into separate battalions to be commanded by the senior officer therein with such details for staff duty as the commander-in-chief shall direct, or he may assign the extra companies to the regiment already formed.

SECT. 136. Nothing herein shall be construed as terminating commissions or enlistments in the volunteer militia but all such shall continue in force in the National Guard according to the terms thereof, subject to the provisions of this act.

All present
commissions
and enlistments
shall continue
in force.

SECT. 137. So much of chapter three hundred and seven of the public laws of eighteen hundred and sixty-five as was not repealed by chapter two hundred and twenty-five of the public laws of eighteen hundred and eighty; sections one, two, three and four of chapter twenty-nine of the public laws of eighteen hundred and sixty-nine and all acts amendatory thereof; chapter thirty-three of the public laws of eighteen hundred and seventy-two; chapter one hundred and twelve of the public laws of eighteen hundred and seventy-three; chapters two hundred and fifty-seven, two hundred and sixty and two hundred and sixty-one of the public laws of eighteen hundred and seventy-four; and chapter two hundred and twenty-five of the public laws of eighteen hundred and eighty and all acts amendatory thereof and additional thereto, are hereby repealed; but this section shall not be construed as reviving any law repealed by chapter three hundred and seven of the public laws of eighteen hundred and sixty-five.

Inconsistent acts
repealed

SECT. 138. This act shall take effect when approved.

Approved March 28, 1893.