

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1847.

AUGUSTA:

Wm. T. JOHNSON,.....PRINTER TO THE STATE

1848.

TWENTY-SEVENTH LEGISLATURE.

No. 6.

SENATE.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND
FORTY-SEVEN.

AN ACT in addition to the sixteenth chapter of the Re-
vised Statutes.

*Be it enacted by the Senate and House of Representa-
tives in Legislature assembled, as follows :*

SECTION 1. Every able bodied white male citizen,
2 resident within this state, who is, or shall be of the
3 age of eighteen years, and under the age of forty-five
4 years, excepting persons already exempt from the per-
5 formance of military duty by the sixteenth chapter of
6 the Revised Statutes, idiots, lunatics, common drunk-
7 ards, vagabonds, paupers, and persons convicted of
8 any infamous crime, in this or any other state, shall
9 be enrolled in the militia.

SEC. 2. It shall be the duty of the assessors of cities, 2 towns and plantations, within this state, to prepare a 3 list annually, of all persons liable to be enrolled, liv- 4 ing within their respective limits, and said assessors 5 shall annually place a list of such persons in the hands 6 of the clerk of every city, town or plantation in this 7 state, and it shall be the duty of every such clerk to 8 preserve such list of names in his office, and make an 9 annual return of the militia thus enrolled, to the office 0 of the adjutant general in the month of May or June.

SEC. 3. The militia thus enrolled shall be subject to 2 no active duty whatever, except in case of insurrec- 3 tion, war, invasion, to prevent invasion, or other pub- 4 lic danger or emergency; in such case the governor 5 and commander-in-chief is hereby authorized and 6 required to order out from time to time, by draft or 7 otherwise, as many of the militia as the necessity of 8 the case may require. The militia, when called into 9 actual service, shall be governed and trained accord- 10 ing to the laws of the United States and this state.

SEC. 4. If necessary the order of the commander- 2 in-chief may be made and directed to the mayor and 3 aldermen of any city, the selectmen of any town, 4 or the assessors of any plantation within this state.

5 And it shall be the duty of the mayor and aldermen,
6 the selectmen or assessors aforesaid, to appoint a time
7 and place of parade for the militia, in each city, town
8 or plantation, and to order them to appear at the
9 time and place, by leaving a written or printed notice
10 at the usual place of residence of each soldier within
11 their respective limits, and then and there proceed to
12 draft as many thereof, or to accept as many volun-
13 teers as is required by the order of the commander-
14 in-chief; and the mayor and aldermen, selectmen or
15 assessors shall notify the commander-in-chief forthwith
16 that they have performed the aforesaid duty, by re-
17 turning to the commander-in-chief an alphabetical list
18 of those drafted or volunteered. And whenever any
19 person thus ordered out, detached or drafted, shall
20 neglect or refuse to appear at the time and place de-
21 signated by the mayor and aldermen, selectmen or
22 assessors as aforesaid, and shall not within twenty four
23 hours after he shall have been notified, pay to the
24 mayor and aldermen, selectmen or assessors, the sum
25 of fifty dollars, or procure an able bodied white male
26 person in his stead, such person, on being ordered to
27 march to the place of rendezvous, shall be considered
28 a soldier to the detachment, and shall be dealt with
29 accordingly.

SEC. 5. All civil officers named in this act, who
2 shall neglect or refuse, at any time, to obey the
3 provisions thereof, shall forfeit and pay not less than
4 twenty dollars, nor more than five hundred dollars for
5 each and every offense, to be recovered in any court
6 of competent jurisdiction, for the use and benefit of
7 the state.

Volunteer Militia.

SEC. 6. The active militia of this state shall consist
2 and be composed of volunteers, or companies raised
3 at large without limitation or restriction as to the
4 numbers in the standing companies within whose
5 bounds they may be enlisted, and in all cases shall
6 first be ordered into service to suppress riots, inva-
7 sions, or to aid civil officers in the execution of the
8 laws of the state.

SEC. 7. The whole number of volunteers shall not
2 exceed five thousand men, and shall be divided or
3 apportioned to each division of the militia throughout
4 the state according to the number enrolled, in such
5 manner however, as to retain all the volunteer com-
6 panies, with their officers, now raised and organized.

SEC. 8. If any division shall neglect or refuse for
2 the term of two years to raise at large their quota of
3 volunteers according to the provisions of this act, the

4 commander-in-chief may grant petitions to citizens in
5 any other division to raise at large the prescribed
6 number of volunteers herein provided.

Organization.

SEC. 9. The commander-in-chief with advice of
2 council, may grant petitions for raising companies at
3 large not exceeding one hundred and four companies
4 including those already raised.

SEC. 10. Whenever forty-eight men shall have been
2 enlisted according to the provisions of this act, an
3 election of officers may be ordered, upon notification
4 being given by one or more of the petitioners, attest-
5 ed by the mayor and aldermen of any city, the select-
6 men of any town, or the assessors of any plantation
7 in the state, to the commander-in-chief.

SEC. 11. The several volunteer companies of cav-
2 alry, artillery, light infantry and riflemen in each di-
3 vision, shall be numbered and a record made of such
4 numbers in the adjutant general's office; and when
5 they exist in sufficient numbers in any one division,
6 shall compose battalions, and regiments, and be put
7 under the command of such regimental, brigade and
8 division officers as the commander-in-chief may des-
9 ignate, and when not attached to any battalion or

10 regiment, to remain in command of its captain or
11 commanding officer, subject to the orders of the briga-
12 dier general of the brigade to which the company is
13 attached.

SEC. 12. Every non-commissioned officer and sol-
2 dier of any company raised at large, shall be holden
3 to do duty therein for the term of five years from his
4 enlistment, unless disability after enlistment should
5 absolutely incapaciate him to perform such duty, or
6 he should be regularly discharged by the proper
7 officer.

How Officered.

SEC. 13. To each company of light infantry or
2 riflemen there shall be one captain, one first and one
3 second lieutenant, four sergeants, four corporals, one
4 or more fifers or buglers, and one or more drummers.
5 To each company of artillery one captain, one first
6 and two second lieutenants, five sergeants, four cor-
7 porals, one or more fifers, one or more drummers, and
8 three drivers. To each company of cavalry, one
9 captain, two lieutenants, one cornet, five sergeants,
10 four corporals, one saddler, one farrier, and one or
11 more trumpeters.

Articles Furnished.

SEC. 14. Each company of light infantry and
2 riflemen raised at large, shall be furnished with
3 muskets or rifles, and every company of cavalry with
4 sabres, belts and pistols, and every company of artillery
5 with swords and belts and musketoons, whenever the
6 state may have them on hand, on application to the
7 acting quartermaster general, and producing to him
8 satisfactory evidence that said company is organized
9 and uniformed agreeably to the provisions of this act,
10 and that a suitable armory or place of deposit for such
11 muskets or rifles, swords, sabres, pistols and belts, has
12 been provided by the city, or town within which said
13 company is situated or otherwise; which arms so fur-
14 nished, shall be carefully kept by said city or town in
15 the armory so provided for the use of the company
16 for military purposes only. The commander-in-chief
17 may from time to time require any officer to examine
18 any armory provided as aforesaid, and report to him
19 the condition thereof, and of the arms therein deposit-
20 ed. And the several cities and towns in this state are
21 hereby required to raise money to be expended in
22 providing armories or places of deposit, as above pro-
23 vided, or otherwise provide the same. And whenever

24 any arms are furnished as aforesaid to any company
25 formed from different towns and plantations, the same
26 shall be deposited in the town within which the great-
27 est number of members of said company may vote to
28 establish their armory. And the several treasurers of
29 such cities and towns as shall provide armories as
30 aforesaid, shall present their accounts to the next suc-
31 ceeding legislature, with the proper and necessary
32 vouchers for their allowance, and such sums as shall
33 have been actually paid by such cities and towns
34 for the purposes aforesaid, shall be refunded to the
35 same from the treasury of the state. And the cities
36 and towns in which said arms are so deposited, are
37 hereby made responsible to the state for their safe
38 keeping and return, when required by the commander-
39 in-chief, and are hereby authorized to exercise full
40 control over said arms at all times except when re-
41 quired for the purposes aforesaid by the commanding
42 officer of the company for whose use they were as-
43 signed. But such cities, towns and plantations shall
44 not be held responsible for any damage or loss done
45 or happening to such arms while in the use of such
46 companies.

SEC. 15. Each company of artillery, light infantry

2 and riflemen shall be furnished with a drum and fife
3 or bugle-horn, and each company of cavalry with a
4 trumpet, and all of them with more, or other instru-
5 ments, as the commander-in-chief shall order.

*Discipline, Inspection, Trainings, Reviews, and
Compensation.*

SEC. 16. The system of discipline and field exercise
2 which are ordered to be observed by the regular army
3 of the United States in the different corps of cavalry,
4 artillery, light infantry and riflemen, or such other
5 system as may at any time hereafter be directed for
6 the volunteers and militia, by the laws of the United
7 States, shall be observed by the companies raised at
8 large in this state, in the discipline and exercise of
9 said corps respectively.

SEC. 17. Every commanding officer of a company
2 raised at large, shall parade his company on the last
3 Wednesday in May, annually, at one o'clock, in the
4 afternoon, for the purpose of inspecting, examining,
5 and taking account of all the equipments of his men,
6 in order that a thorough inspection may be made of
7 all the volunteer companies in the state. Every com-
8 manding officer of a company, shall exercise and dis-
9 cipline as well as inspect his company on said day.

10 Every commanding officer as aforesaid shall in ad-
11 dition thereto, parade his company for exercise and
12 discipline, on two other days, at the hour aforesaid,
13 by his own order.

SEC. 18. There shall also be an inspection and re-
2 view in each year; and the commanding officer of
3 each division within which such volunteer corps may
4 be located, shall order such troops to parade in the
5 month of September annually, at such time as he shall
6 deem expedient, regard being had to the scattered or
7 compact situation of the troops. The commanding
8 officer of the brigade shall appoint the place and give
9 notice thereof to the commanding officer of the divis-
10 ion. But if the troops to be inspected, compose a
11 regiment or battalion, the commanding officer thereof,
12 shall appoint the place and give notice to the com-
13 manding officer of the brigade, and the place appoint-
14 ed for inspection and review shall be as central, as in
15 the judgment of the officer appointing the place may
16 be convenient, *Provided*, That no officer, non-com-
17 missioned officer or private shall be obliged to travel
18 more than twenty miles from the armory of the com-
19 pany to which he belongs, to any review of a regiment
20 or less body of men, and that no larger body than a

21 brigade be ordered to parade at the same time and
22 place except by order of the major general.

SEC. 19. Each and every company of the volun-
2 teer militia, which for any year shall have performed
3 all the duties required by this act, shall have had, at
4 all the several trainings, reviews and inspections re-
5 quired by this act, at least fifty officers, non-commis-
6 sioned officers, musicians and privates present in uni-
7 form, duly equipped and doing duty—shall be entitled
8 to receive from the state the sum of one hundred dol-
9 lars, as a reward for meritorious services, to the use
10 of such company, and by them to be disposed of in
11 such manner as a majority thereof may determine.
12 And the governor and council, on receiving satisfac-
13 tory evidence that the services and conditions required
14 in this section have been performed and complied with
15 by any such company, shall draw their warrant on the
16 treasurer of state in favor of the treasurer of any such
17 company for the sum aforesaid. And any such com-
18 pany, at any meeting of the same, by a majority of
19 the votes of the company, may choose by ballot a
20 treasurer who shall give bond to the members of said
21 company with sufficient surety or sureties for the
22 faithful performance of his duties, and shall hold his

23 office during the pleasure of the company and until
24 another treasurer is chosen, on whom shall devolve
25 the care of the funds of the company, and keeping
26 all proper accounts relating to the same. The com-
27 manding officer of the company shall preside at the
28 election of the treasurer of his company, and shall
29 give him a certificate of his election.

SEC. 20. It shall be the duty of the commanding
2 officers of all volunteer companies, on or before the
3 first day of November, annually, to make out and
4 certify to the adjutant general a list of all persons
5 belonging to their respective companies, describing
6 the duties performed by each individual in his com-
7 pany throughout the year, and in all cases where the
8 reward for meritorious services is claimed under the
9 provisions of this act, there shall be a return made to
10 the adjutant general as aforesaid, setting forth the
11 several days on which said company were ordered on
12 duty, either for inspection, ordinary trainings or re-
13 view, with the number of officers, non-commissioned
14 officers and privates present in uniform, duly equipped
15 and doing duty on each of said days required by this
16 act.

SEC. 21. Any commanding officer of a company

2 who shall make any false return in relation to such
3 service with the intent thereby to authorize the re-
4 ceiving from the state treasury the aforesaid reward,
5 such officer, on conviction thereof by a court martial,
6 shall be deprived of his commission, and deemed dis-
7 qualified ever after from holding a commission under
8 the state, and shall be liable in an action of debt to
9 answer to the state for all moneys drawn from the
10 treasury thereof by reason of any such false return.

Fines and Penalties.

SEC. 22. Every non-commissioned officer, musi-
2 cian, or private, who shall unnecessarily neglect to
3 appear on the days, and the times and places ap-
4 pointed for such duty, agreeably to the provisions of
5 this act, shall pay two dollars for each and every such
6 neglect.

SEC. 23. Whenever any volunteer company, which
2 has received any arms and equipments from the acting
3 quartermaster general, shall be disbanded, the acting
4 quartermaster general is required to receive said arms
5 and equipments, on presentation of the same by the
6 officers of said company or their agents.

SEC. 24. No adjutant shall be entitled to any pay
2 for services excepting such adjutants as are attached

3 and do duty in such regiments and battalions as may
4 be formed out of the volunteer militia provided for by
5 this act.

SEC. 25. It shall be the duty of the adjutant gen-
2 eral to furnish the necessary blanks for all returns
3 required by this act.

SEC. 26. An act to repeal the forty-second section
2 of the sixteenth chapter of the revised statutes, ap-
3 proved March 11, 1842, and an act to govern and
4 discipline the militia, approved March 22d, 1844, are
5 hereby repealed, and so much of the sixteenth chapter
6 of the revised statutes and the act to amend the six-
7 teenth chapter of the revised statutes, approved March
8 24th, 1843, as was repealed by said act approved
9 March 22, 1844, and is not inconsistent with the pro-
10 visions of this act, are hereby revived.



STATE OF MAINE.



IN SENATE, June 2, 1847.

Ordered, That 500 copies of the foregoing Bill, reported from the committee on the Militia, be printed for the use of the Legislature.

DANIEL T. PIKE, *Secretary*.