

MAINE STATE LEGISLATURE

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THE LEGISLATURE

OF THE

STATE OF MAINE.

1863.

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1863.

FORTY-SECOND LEGISLATURE.

SENATE.

No. 14.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND SIXTY-THREE.

AN ACT to enroll and organize the Militia of Maine.

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

SECTION 1. Every able-bodied, white male citizen
2 resident within this state of the age of eighteen
3 years and under the age of forty-five years, ex-
4 cepting persons exempted by the following sections,
5 idiots, lunatics, vagabonds, paupers and persons con-
6 victed of any infamous crime, shall be enrolled in the
7 militia. In cases of doubt respecting the age and
8 liability to perform military duty under this act by
9 persons so enrolled, the burden of proof shall be upon
10 him.

SECT. 2. Assessors shall annually, in May, make a list of persons living within their respective limits, liable to enrolment, and place a certified copy thereof in the hands of the clerk of their respective places, who shall record it in the records of their city, town or plantation, and annually in May or June transmit returns of the militia thus enrolled, to the adjutant general.

SECT. 3. Keepers of taverns or boarding houses, and masters or mistresses of dwelling houses, shall, upon application of the assessors within whose limits or bounds their houses are situated, or of persons acting under them, give information of the names of persons residing in their houses liable to enrolment, or to do military duty ; and every such person shall, upon 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 a sum not exceeding twenty dollars, to be recovered on complaint of either of the assessors.

SECT. 4. The enrolled militia shall be subject to no active duty, except in case of war, invasion, the prevention of invasion, the suppression of riots and to aid civil officers in the execution of the laws of this state

5 or of the United States ; in which case the com-
6 mander-in-chief shall order out for actual service by
7 draft or otherwise, as many of the militia as he deems
8 necessary.

SECT. 5. The order of the commander-in-chief may
2 be directed to the mayor and aldermen of cities, the
3 selectmen of towns, or assessors of plantations, who
4 shall thereupon appoint a time and place of parade for
5 the militia in their city, town or plantation, and order
6 to appear at the time and place appointed, either by
7 written, printed or oral notice, and then and there
8 proceed to draft as many thereof or accept as many
9 volunteers as are required by the order of the com-
10 mander-in-chief ; and forthwith notify the commander-
11 in-chief that they have performed such duty.

SECT. 6. Every soldier ordered out or who volun-
2 teers, or is detached or drafted, who does not appear
3 at the time and place designated as provided in the
4 preceding section, or who shall not present an able-
5 bodied and proper substitute at such time and place, or
6 shall not pay to such mayor and aldermen, selectmen
7 or assessors for the use of the state, the sum of one
8 hundred dollars within twenty-four hours from the
9 time designated as aforesaid, shall be taken to be a sol-
10 dier absent without leave, and dealt with accordingly.

SECT. 7. When the militia are ordered out or have
2 volunteered for, and while they are in actual service
3 as specified in section four of this act, they shall be
4 organized by the commander-in-chief, with the advice
5 of the council, into companies, battalions, regiments,
6 brigades and divisions, which shall be severally num-
7 bered and record thereof made in the office of the
8 adjutant general, and which shall be officered, gov-
9 erned and trained according to the laws of this state
10 and the United States; and the state shall furnish
11 arms and equipments for each non-missioned officer
12 and private, and pay them until their term of service
13 expires. And when troops are in the field for such
14 purposes, the senior officer present shall command
15 until the commander-in-chief or some officer by him
16 detailed, shall take command. Each commissioned
17 officer shall provide himself with sword, belt, and
18 such uniform as shall be prescribed by the commander-
19 in-chief.

SECT. 8. When the commander-in-chief deems it
2 necessary, he shall require cities, towns and planta-
3 tions to provide in some suitable place therein, fifty
4 pounds of powder, one hundred pounds of musket and
5 rifle balls, two thousand percussion caps, and three
6 copper, iron or tin kettles, for every fifty enrolled

7 soldiers in such city, town or plantation, and in the
8 same proportion for a greater or less number, and to
9 keep the same safely until such requirement is re-
10 voked. Any city, town or plantation failing or neg-
11 lecting to comply with such requisition, shall forfeit
12 and pay not less than twenty nor more than five hun-
13 dred dollars.

Exempts.

SECT. 9. The following named persons shall be ex-
2 empt from enrolment, viz: the vice president of the
3 United States, heads of executive departments and
4 United States judges.

SECT. 10. Every noncommissioned officer or private
2 having bodily infirmity may be exempted from military
3 duty, if he obtains from the surgeon or assistant sur-
4 geon of the regiment, battalion, or detached company
5 to which he belongs, or if there is no such officer com-
6 missioned in such regiment, battalion or detached com-
7 pany, or if such officer or private resides more than
8 fifteen miles from any such surgeon or assistant sur-
9 geon, then from some respectable physician living
10 within the limits thereof, a certificate that he is unable
11 to do military duty on account of bodily infirmity, the
12 nature of which shall be described in such certificate ;
13 and the captain or commanding officer of his company

14 may, on said certificate, excuse such non-commissioned
15 officer or private from performing military duty for
16 such time as he judges reasonable, not exceeding one
17 year, and such excuse, when countersigned and ap-
18 proved by the colonel or commanding officer of his re-
19 giment or battalion shall, during the time specified,
20 exempt him from military duty except attendance at
21 the election of officers. If such non-commissioned
22 officer or private, having obtained a certificate of dis-
23 ability, is refused an excuse as aforesaid, he may apply
24 to the commanding officer of his brigade, who may, if
25 he sees cause, excuse him from military duty for a time
26 not exceeding one year, by endorsing the same upon
27 the surgeon's certificate.

Volunteer Militia.

SECT. 11. The active militia shall be composed of
2 volunteers ; and in case of war, invasion, the preven-
3 tion of invasion, the suppression of riots and aid of
4 civil officers in the execution of the laws, shall first be
5 ordered into service.

SECT. 12. The number of such companies shall not
2 exceed two hundred, and shall be apportioned among
3 the counties according to population, but retaining the
4 volunteer companies with their officers now organized.
5 Petitions for organizing companies may be granted by

6 the commander-in-chief, with the advice and consent
7 of the council. Companies of cavalry shall be limited to
8 eighty privates, one saddler and one farrier; compa-
9 nies of foot artillery to forty-eight cannoneers, twenty-
10 four drivers, one saddler and one farrier; companies
11 of infantry and riflemen, to sixty-four privates. No
12 new company shall be organized if thereby the whole
13 force will exceed ten thousand non-commissioned offi-
14 cers and privates, exclusive of commissioned officers.

SECT. 13. When any county does not raise its quo-
2 ta, the prescribed number may be raised in other coun-
3 ties by the commander-in-chief.

SECT. 14. Non-commissioned officers and privates
2 in volunteer companies, shall do duty therein for five
3 years, unless incapacitated by disability after enlist-
4 ment, or regularly discharged by the proper officers.

SECT. 15. No election of officers shall be ordered in
2 a company hereafter organized, unless at least forty
3 men have been enlisted therein. Upon the enlistment
4 of that number, notice shall be given to the command-
5 er-in-chief by one or more of the petitioners for the
6 company, attested by the mayor and aldermen, select-
7 men or assessors, and an election of officers may be or-
8 dered, and if there is no officer of the volunteer militia
9 conveniently located to preside at such election, the

10 commander-in-chief may issue an order for that pur-
11 pose, to some person in the place where a majority of
12 the petitioners reside.

SECT. 16. After the organization of a company,
2 recruits shall sign their names in a book of enlistment
3 kept by the company for the purpose, which signing
4 shall be a legal enlistment.

SECT. 17. The commander-in-chief may arrange the
2 volunteer militia when they exist in sufficient numbers
3 and are conveniently located in companies, battalions,
4 regiments, brigades and divisions, in conformity to the
5 laws of the United States, and make such alterations
6 therein from time to time as may be necessary; and
7 each company, battalion, regiment, brigade and divis-
8 ion, shall be numbered at the formation thereof, and
9 recorded in the office of the adjutant general.

SECT. 18. Companies of cavalry and foot artillery,
2 inconveniently located for such organization, may be
3 attached to such brigades as the commander-in-chief
4 shall order. Other companies, inconveniently located,
5 shall remain under their commanders, subject to the
6 orders of the commander-in-chief, through the com-
7 mander of the nearest regiment, to whom such com-
8 manders shall make their annual returns.

SECT. 19. Squadrons of cavalry shall consist of two,
2 and regiments of not less than five companies.

SECT. 20. Companies attached to divisions or brigades, and not to regiments, shall, until otherwise organized, be subject to the immediate orders of the commanders of such divisions or brigades ; who shall receive the returns and orders, have the authority, and perform the duties, with regard to such companies, which are prescribed for the commanders of regiments and battalions with regard to their companies.

SECT. 21. The commander of a regiment or battalion may raise by voluntary enlistment, and warrant and organize within the limits of his command, to be under his direction and command at encampments, a band of musicians, not to exceed including a master for a regiment, and for a battalion. The master, and in his absence, a 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 instruments as the commander of his regiment or battalion 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 fine, to be recovered on complaint by the brigade major.

SECT. 22. If it appears to the commander-in-chief, 2 on representation of the commanding officer of a divis- 3 ion or brigade, that a company of militia has failed to 4 comply with the requisitions of the law in matters of 5 uniform, equipments and discipline, so that it is inca- 6 pacitated to discharge the duties required of it, such 7 company may be disbanded by the commander-in-chief.

SECT. 23. If a company is destitute of commissioned 2 officers, and, having been twice ordered to fill vacan- 3 cies, neglects or refuses to fill them, or is reduced to a 4 less number than thirty-two privates and so remains 5 for six consecutive months, or when such company 6 appears from a return made to the adjutant general to 7 be reduced below thirty-two privates, present and 8 doing duty at the time for which such return is made, 9 such company may be forthwith disbanded by the com- 10 mander-in-chief.

SECT. 24. The commander of a regiment or battalion 2 may, upon the written application of the commander 3 of a company in his regiment or battalion, accompanied 4 by a request in writing signed by a non-commissioned 5 officer or private, discharge such officer or private from 6 the company ; and the commander of a company un- 7 attached may, upon application in writing signed by a 8 member thereof, discharge such member ; and com-

9 manding officers of regiments, battalions, or detached
10 companies, may discharge non-commissioned officers or
11 privates upon the request by a vote of a majority of
12 the active members of the company. The discharge
13 obtained by virtue of this section, shall be forthwith
14 recorded in the orderly book of the company within
15 the bounds of which the person discharged resided.

Officers—Election, appointment and qualification of.

SECT. 25. The officers and non-commissioned officers
2 of the militia shall be as follows :

3 A commander-in-chief.

4 An adjutant general, who shall be the inspector gen-
5 eral of the militia, and a quartermaster general, each
6 with the rank of brigadier general. ●

7 Aids to the commander-in-chief, with the rank of
8 lieutenant colonel, not exceeding four in number.

9 To each division there shall be one major general,
10 one division inspector with the rank of lieutenant col-
11 onel, two aids-de-camp, one division quartermaster,
12 one division engineer and one judge advocate, each
13 with the rank of major.

14 To each brigade there shall be one brigadier general,
15 one brigade inspector with the rank of major to serve
16 as brigade major, one brigade quartermaster, one

17 brigade engineer and one aide-de-camp, each with the
18 rank of captain.

19 To each regiment there shall be one colonel, one lieu-
20 tenant colonel and one major ; one adjutant, one quar-
21 termaster and one paymaster, each with the rank of
22 lieutenant ; one surgeon, one surgeon's mate, one
23 chaplain ; one sergeant major, one quartermaster ser-
24 geant and one drum major or fife major.

25 To each separate battalion there shall be one major,
26 one adjutant and one quartermaster, each with the
27 rank of lieutenant ; one surgeon ; one sergeant major
28 and a quartermaster sergeant.

29 To each company of infantry and riflemen there shall
30 be one captain ; one first and one second lieutenant ;
31 five sergeants, eight corporals and two musicians.

SECT. 26. When the office of quarter master gene-
2 ral is vacant, the duties thereof shall be performed by
3 the adjutant general ; and when the office of major
4 general, brigadier general, colonel, major or captain,
5 is vacant, or such officer is sick or absent, the officer
6 next in rank shall command the division, brigade, re-
7 giment, battalion or company, until the vacancy is
8 supplied.

SECT. 27. The officers of the militia shall be elected
2 as follows, viz :

3 Major generals by the senate and house of represent-
4 atives, each having a negative upon the other. The
5 person so elected shall forthwith be notified of such
6 election by the secretary of state ; and if such person
7 shall not signify his acceptance within thirty days next
8 after the receipt of such notice, he shall be considered
9 as having declined. The adjutant general and quar-
10 ter master general, shall be chosen annually by joint
11 ballot of the senators and representatives in convention,
12 and shall keep their offices at the seat of government.
13 Brigadier generals, by the written votes of the field
14 officers of the respective brigades.

15 Field officers of regiments and battalions, by the
16 written votes of the captains and subalterns of the
17 companies of the respective regiments or battalions.

18 Captains and subalterns of companies, by the writ-
19 ten votes of the non-commissioned officers and privates
20 of the respective companies.

SECT. 28. The staff officers of the militia shall be
2 appointed in manner following :

3 The aids to the commander-in-chief, by the com-
4 mander-in chief.

5 The division inspectors, division quarter masters, the
6 aids-de-camp of major generals, division engineers and
7 judge advocates, by the respective major generals.

8 The brigade majors and inspectors, brigade quarter-
9 masters, brigade engineers, and aids-de-camp to brig-
10 adier generals, by the respective brigadier generals.

11 Adjutants, paymasters, quartermasters, chaplains,
12 surgeons and surgeons' mates of regiments, by the re-
13 spectiye colonels.

14 Adjutants, quartermasters, and surgeons of battalions,
15 by the respective majors.

16 All the aforesaid officers shall be commissioned by the
17 governor.

SECT. 29. The non-commissioned officers in the mi-
2 litia shall be appointed in the following manner :

3 Sergeant majors, quartermaster sergeants, drum ma-
4 jors and fife majors of regiments by the respective
5 colonels.

6 Sergeant majors and quartermaster sergeants of bat-
7 talions, by the respective majors.

8 Non-commissioned officers of companies, by the re-
9 spectiye captains.

10 Clerks, by the commanding officers of the respective
11 companies.

12 The non-commissioned officers shall receive warrants
13 from the officers appointing them, except the clerk,
14 whose appointment shall be made in writing, and sign-
15 ed by the officer making the appointment, upon the
16 back of the warrant of the sergeant thus appointed.

SECT. 30. No idiot, lunatic, common drunkard,
2 vagabond, pauper, nor person convicted of an infa-
3 mous crime, nor any other than white, able-bodied,
4 male citizens, shall be eligible to any office in the
5 militia. When it appears to the commander-in-chief,
6 that such ineligible person has received a majority of
7 the votes cast at an election of officers, he shall not
8 commission him, but shall declare such election null
9 and void, and fill the vacancy by appointment.

SECT. 31. Major generals shall, from time to time,
2 give all such orders as may be necessary for filling by
3 election any vacancy of brigadier general, field officer,
4 captain or subaltern, existing within their divisions.
5 Except in the organization of companies called into
6 the actual service of the state or United States, elec-
7 tors shall have at least ten days previous notice of such
8 election. No election of brigadier general or field
9 officer shall be valid, unless a majority of all the elec-
10 tors, including all the existing vacancies in the offices
11 of such electors, shall be present at such election.
12 Every person so elected, shall, within one hour there-
13 after, signify his acceptance to the presiding officer
14 at such election, in person, in writing, or by telegram,
15 or be considered as declining, whereupon a new elec-
16 tion shall be had.

SECT. 32. Commissions shall designate the division,
2 brigade, regiment or battalion, and the corps in which
3 the person commissioned belongs, together with the
4 day of election or appointment; and he shall take rank
5 from that day. When an officer is transferred from
6 one corps or station to another in the same grade, the
7 date of his original election or appointment shall be
8 expressed in his new commission, and be considered
9 its date.

SECT. 33. When two or more officers of the same
2 grade are on duty together, and their commissions bear
3 the same date, and former commissions do not decide
4 their rank, their relative rank shall be determined by
5 lot drawn before the commanding officer present; and
6 when on a court martial, before the president thereof.

SECT. 34. Every commissioned officer shall take and
2 subscribe the oaths required by the constitution before
3 some justice of the peace, or before some superior field
4 or general officer, or staff officer of the rank of field
5 officer, who has previously taken and subscribed them
6 himself; and a certificate of the oath, together with
7 the date of its administration, shall be made and signed
8 by the qualifying officer upon the back of the commis-
9 sion of the officer so qualified.

SECT. 35. Clerk of companies shall be sworn to the

2 faithful discharge of their duties, by taking the follow-
3 ing oath before their commanding officers, viz : “ I,
4 A. B., do solemnly swear, that I will faithfully and
5 impartially perform all the duties incumbent on me as
6 clerk of the company to which I belong, according to
7 the best of my abilities and understanding. So help me
8 God.” And commanding officers shall certify the fact
9 of their clerks having taken the required oath, on the
10 back of their warrants.

SECT. 36. When the office of clerk of a company is
2 vacant ; or in case of the absence, sickness, or inability
3 of the clerk, if upon satisfactory evidence that no one
4 in the company will accept the office, the commanding
5 officer of the company may issue his written order to
6 any non-commissioned officer or private in the compa-
7 ny, requiring him to perform all the duties of clerk,
8 except keeping the records, for a term not exceeding
9 three months ; and any non-commissioned officer or
10 private refusing or neglecting to perform such duty
11 when so ordered, shall forfeit and pay to the use of the
12 company, not less than ten nor more than twenty dol-
13 lars, to be recovered on complaint of the commanding
14 officer of the company. In such cases, the records of
15 the company shall be kept by the commanding officer
16 thereof, as long as such vacancy, sickness, or inability

17 continues ; and the records so kept shall be competent
18 evidence of such orders, as well as of matters of which
19 they would be evidence, if kept by the clerk.

SECT. 37. Officers ordering elections may preside,
2 or detail some officer of suitable rank to preside. A
3 captain, or staff officer of the rank of captain, may
4 preside at the election of an officer of equal or inferior
5 grade, within the limits of his regiment or battalion ;
6 but no candidate for the vacancy, shall preside at the
7 election, except to adjourn the meeting when no proper
8 officer appears to preside. At all elections, such pre-
9 siding officer shall keep a true record of the proceed-
10 ings, and make return thereof to the commanding offi-
11 cer of the battalion, regiment, brigade or division, as
12 may be proper. Elections may be adjourned, not ex-
13 ceeding twice, and each adjournment for a period not
14 exceeding two days. The original roster of the brig-
15 ade, regiment or battalion, or the roll of the company,
16 as the case may be, shall be produced at such elections
17 by the persons having the legal custody thereof.

SECT. 38. When an officer holding a military com-
2 mission is elected or appointed to another commissioned
3 office in the militia, and accepts the same, such ac-
4 ceptance shall constitute a part of the return of the
5 presiding officer, and shall vacate the office previously
6 held.

SECT. 39. Commissions shall be transmitting to the
2 commanding officers of divisions, and by them, through
3 the proper officer, to the officers elect.

SECT. 40. When a person elected or appointed to
2 office, refuses to accept his commission or qualify at
3 the time of acceptance, the major general shall certify
4 the fact on the back thereof, and return it to the adju-
5 tant general ; and if the office is elective, a new elec-
6 tion shall be ordered.

SECT. 41. The elections of commissioned officers for
2 the first organization of the militia under and by virtue
3 of this act, shall take place when ordered by the com-
4 mander-in-chief.

Officers, how discharged.

SECT. 42. When an officer requests, in writing, his
2 discharge from office, with the written approval of the
3 commanders of the regiment or battalion, brigade and
4 division to which he belongs, the commander-in-chief
5 may discharge him.

SECT. 43. No commanding officer shall approve a
2 resignation under the preceding section, if the same is
3 offered between the first day of May and the first day
4 of November, unless the reasons for such resignation
5 are urgent and proved to his entire satisfaction ; and
6 the rolls, orderly book, roster and documents in the

7 custody of the officer resigning, shall, before his dis-
8 charge is delivered to him, be deposited with the offi-
9 cer having a right to the custody of the same.

SECT. 44. If an officer unreasonably refuses to ap-
2 prove an application for discharge, and it is so made
3 to appear to the commanders above him, they may
4 approve the same, and the commander-in-chief may
5 discharge the applicant.

SECT. 45. Military officers shall hold their respec-
2 tive offices not longer than five years from the date of
3 their commissions, unless reappointed or reelected,
4 and the commander-in-chief shall discharge all such
5 officers accordingly; *provided*, that in case of va-
6 cancy of major general in any division, the commis-
7 sions of brigadier generals in such divisions shall not
8 terminate by the limitation aforesaid, till the office of
9 major general shall be filled. No officer shall be dis-
10 charged within the term of five years, otherwise than
11 in pursuance of the sentence of a court martial, except
12 by the commander-in-chief in accordance with the
13 three preceding sections; by actual removal of resi-
14 dence out of the bounds of his command; by twelve
15 months absence without leave of the commanding offi-
16 cer of the division: or by the legal disbanding of the
17 corps to which he belongs. Whenever any division,

18 brigade, regiment or battalion, shall be divided, and
19 the residence of any staff officer attached thereto
20 shall be without the bounds of the corps to which he
21 was commissioned, such staff officer shall be entitled
22 to an honorable discharge, and shall cease to do duty
23 in such office, after such division has been made ; and
24 the vacancy shall forthwith be filled.

SECT. 46. No officer shall resign while under arrest,
2 but while under arrest, he shall be considered as ex-
3 empted from the duties of his station.

SECT. 47. If any officer shall in due course of law
2 be convicted of any infamous crime, he shall be forth-
3 with put in arrest, and so continue until he shall be
4 removed by the commander-in-chief with the advice
5 of council.

SECT. 48. The commissions of staff officers appointed
2 by a commanding officer, shall expire as soon as the
3 successor of such commanding officer is commissioned
4 and qualified.

Adjutant General.

SECT. 49. The adjutant general shall distribute all
2 orders from the commander-in-chief ; shall obey all
3 orders relative to executing and perfecting any system
4 of military discipline established by law, and shall be
5 in attendance when the commander-in-chief reviews
6 the militia.

SECT. 50. He shall furnish the proper officers with 2 such blank books, rolls, returns and other blanks, as 3 may be required.

SECT. 51. He shall annually make return, in dupli- 2 cate, of militia of the state, with their arms, accoutre- 3 ments and ammunition, according to such directions 4 and instructions as he may receive from the Secretary 5 of War of the United States; one copy of which he 6 shall deliver to the commander-in-chief, and the other 7 transmit to the President of the United States, on or 8 before the first Monday in January.

SECT. 52. He shall distribute to the officers of regi- 2 ments, battalions and companies of the volunteer mili- 3 tia the arms, equipments, equipage and books required 4 by law to be furnished at public expense, and may sue 5 any and all such officers for loss or damage of such 6 arms, equipments, equipage and books so furnished.

SECT. 53. He may permit field pieces and artillery 2 equipments now in the possession of cities and towns 3 so to remain so long as suitable places of deposit are 4 provided therefor, and such field pieces and equipments 5 are kept in good condition free of expense to the State.

Arms, Equipments, Equipage, &c.

SECT. 54. Staff and line officers, and officers and 2 soldiers of companies raised at large, shall provide

3 themselves with such arms and uniform complete as
4 the commander-in-chief shall prescribe, subject to such
5 restrictions, limitations and alterations as he may order ;
6 and every such officer or soldier deficient therein shall
7 forfeit two dollars, to be recovered on complaint of the
8 clerk, one-half to his use, and one-half to the use of
9 the company.

SECT. 55. Every officer and soldier shall hold his
2 uniform, arms and ammunition, and equipments, re-
3 quired by law, free from all suits, distresses, executions
4 or sales for debt or payment of taxes.

Articles furnished by the State.

SECT. 56. The quartermaster general shall deliver,
2 as a loan from the state to the commanding officer of
3 each division, brigade, regiment, battalion or company
4 of the volunteer militia such tents, fixtures, and other
5 camp equipage as may be in the State arsenals, and
6 each officer to whom such equipage is delivered shall
7 be responsible for the safe keeping of the same ; and
8 in case of the discharge or death of such officer, he or
9 his legal representative shall be released from such re-
10 sponsibility upon filing in the office of the adjutant
11 general a certificate of the officer succeeding him in
12 command that the articles so furnished are, at the date

13 of the certificate, in good order and condition, reason-
14 able use and wear thereof excepted.

SECT. 57. Each regiment and battalion shall be fur-
2 nished by the state with the state and regimental colors,
3 their staff belts and sockets, and the commanders of
4 regiments and battalions shall be responsible for their
5 safe keeping.

SECT. 58. Each company of the volunteer militia, on
2 application by the commander thereof to the adjutant
3 general, and producing satisfactory evidence that a
4 suitable armory or place of deposit is provided therefor,
5 shall be furnished with such appropriate arms and
6 equipments as shall be determined by the commander-
7 in-chief.

SECT. 59. The commissioned officers of every com-
2 pany of volunteer militia shall, from the time of their
3 being qualified, be responsible for the safe keeping and
4 return of all arms, equipments and equipage furnished
5 and in their possession by provision of law ; and for any
6 loss or damage thereto compensation may be obtained
7 by an action of contract brought by the adjutant gen-
8 eral against all or any of such officers.

SECT. 60. In case of the discharge or death of such
2 an officer, he or his legal representative shall be relieved
3 from such responsibility upon filing in the office of the,

4 adjutant general a certificate, signed by not less than
5 two commissioned officers of his company, that such
6 articles are, at the date of the certificate, undiminished
7 in quantity and value, reasonable use and wear ex-
8 cepted.

SECT. 61. Upon the disbandment of a volunteer
2 company which has received arms, equipments or
3 equipage from the adjutant general, the officers of
4 such company shall return them at once to his office.

SECT. 62. Each company of militia shall be fur-
2 nished with such instruments of music as the com-
3 mander-in-chief shall order. Each commander of a
4 brigade may draw orders upon the quartermaster gen-
5 eral, or officer acting as such, in favor of the com-
6 manders of regiments, battalions and companies for
7 colors and instruments of music. Commanders of com-
8 panies shall be responsible for the safe keeping of the
9 instruments delivered to them for the use of their com-
10 panies.

SECT. 63. Each company of foot artillery shall be
2 provided by the quartermaster general with the bat-
3 tery of manœuvre prescribed for that arm by the war
4 department of the United States; with caissons, har-
5 nesses, implements, laboratory and ordnance stores
6 which may from time to time be necessary for their

7 complete equipment for the field, and when a state of
8 war or danger thereof renders target practice expedi-
9 ent in the opinion of the commander-in-chief, such
10 quantity of ammunition annually, as he deems neces-
11 sary to be expended in experimental gunnery. The
12 commissioned officers of each company shall be ac-
13 countable for the preservation of the pieces, apparatus
14 and for the proper use and expenditure of the ammu-
15 nition.

SECT. 64. The commanding officer of such company,
2 when it is ordered out of the city or town where the
3 gun house is situated, and on occasions of parade for
4 experimental gunnery or camp duty, shall provide
5 horses to draw the field pieces and caissons, and pre-
6 sent his account for the expenses thereof as provided
7 in section one hundred and twenty-one. On all other
8 occasions, when ordered out by an officer of competent
9 authority for camp or salute duty, the charges for
10 horses, powder and other necessary expenses shall be
11 defrayed by the quartermaster general.

SECT. 65. Every general and field officer, division
2 and brigade inspector, adjutant of regiment or bat-
3 talion, commander of company and subalterns, shall be
4 furnished with such tactics as the adjutant general
5 may deem proper, and all such shall be deemed public

6 property and be delivered by such officers to their
7 successors.

SECT. 66. The governor, with the consent of the
2 council, is authorized to provide for promptly arming
3 and equipping in an appropriate manner, the various
4 corps of volunteer militia which may be organized by
5 virtue of this act, by issuing proposals for contracts,
6 in behalf of the state, for a supply of arms and ammu-
7 nition, suitable for infantry, cavalry and artillery,
8 tents, camp utensils, colors, and musical instruments,
9 proper for brigade, regimental and company drills,
10 reviews and encampments, together with every other
11 equipment requisite to complete the preparation of
12 every arm of such volunteer corps, for active service,
13 as soon after their organization as may be practicable.

SECT. 67. Should sudden exigencies arise during
2 the recess of the legislature, which, in the opinion of
3 the governor indicate public danger, from invasion or
4 otherwise, he may, with the advice of the council, pro-
5 vide arms and equipments for a portion of the enrolled
6 militia, at his and their discretion. And all arms and
7 equipments obtained under the provisions of this, and
8 of the preceding section, shall be distributed, or dis-
9 posed of, at the discretion of the commander-in-chief.

SECT. 68. The commander-in-chief, with the advice

2 and consent of the council, may sell or exchange from
3 time to time, such military stores belonging to the
4 quartermaster general's department as are found un-
5 serviceable or in a state of decay, or which they think
6 it for the interest of the state so to sell or exchange.

SECT. 69. The committee of the legislature on the
2 militia shall annually in January visit the arsenal in
3 Augusta and the state arsenals in Portland and Ban-
4 gor, and make a thorough examination into the condi-
5 tion of the same, and of the arms and munitions of
6 war and other property of the state or general govern-
7 ment there deposited, and make report to the legisla-
8 ture.

Armories.

SECT. 70. The mayor and aldermen of cities, select-
2 men of towns and assessors of plantations, shall for
3 each company of militia within their limits, provide a
4 suitable armory, or place of deposit for the arms,
5 equipments and equipage furnished by the state.
6 When a company is formed from different places the
7 locality of such armory or place of deposit shall be
8 determined by a majority of its members.

SECT. 71. The mayor and aldermen, selectmen and
2 assessors, shall annually in October or November,
3 transmit to the office of the adjutant general a certifi-

4 cate verified by the oath or affirmation of at least two
5 of their board, showing the names of each company
6 furnished with an armory, the amount paid for rent
7 thereof and stating that a majority of their board con-
8 sider such armory necessary for the use of such com-
9 pany and that the rent charged therefor is fair and
10 reasonable according to the value of real estate in their
11 respective places.

SECT. 72. The adjutant general shall annually ex-
2 amine all such certificates so returned, institute such
3 inquiries as he may deem proper or expedient in rela-
4 tion thereto and allow them in whole or in part to an
5 amount not exceeding one hundred dollars for one
6 company. He shall within ten days after such exam-
7 ination, file with the governor and council his certifi-
8 cate stating the sums severally allowed, the name of
9 each company for whose use such sum is allowed and
10 the place to which it belongs, and thereupon shall
11 notify the mayor and aldermen, selectmen or assessors
12 of the sum allowed to their respective cities, towns and
13 plantations, which sum shall be paid upon the warrant
14 of the governor to such mayor and aldermen, selectmen
15 and assessors, as provided by law for the reimburse-
16 ment of sums paid for military service.

SECT. 73. Any city, town or plantation which shall
2 by reason of a false return or certificate under

3 section sixty-nine receive from the treasury of state
4 any money to which such city, town or plantation is
5 not entitled shall forfeit a sum not exceeding four times
6 the amount so received. The commander-in-chief
7 may at any time detail an officer to examine any
8 armory and report the condition thereof, and of the
9 arms, equipments and equipage deposited therein.

Orders and notifications.

SECT. 74. Orders from the commander-in-chief shall
2 be promulgated by the adjutant general; division or-
3 ders by the division inspectors; brigade orders by
4 brigade majors; regimental and battalion orders by
5 adjutants; company orders by the clerk or by any
6 non-commissioned officer or private when so required
7 by the commanding officer.

SECT. 75. When a commander orders out his com-
2 pany for military duty or for election of officers, he
3 shall order one or more of the non-commissioned offi-
4 cers or privates, to notify the men belonging to the
5 company, to appear at the time and place appointed;
6 and such non-commissioned officer or private shall give
7 notice of such time and place to every person whom
8 he is ordered to notify; if he fails so to do, he shall
9 forfeit not less than twenty, nor more than one hun-
10 dred dollars, to be recovered on complaint of the clerk,

11 one-half to his use and one-half to the use of the
12 company.

SECT. 76. No notice shall be legal, unless given by
2 such non-commissioned officer or private to each man
3 verbally, or by leaving at his usual place of abode a
4 written or printed order signed by such officer or
5 private, four days at least previous to the time ap-
6 pointed, if for military duty, and ten days previous
7 thereto, if for the election of officers; but in case of
8 invasion, insurrection, riot, or any unforeseen or sud-
9 den occasion, a verbal, written or printed notice, how-
10 ever short, shall be legal. When a company is pa-
11 raded, the commanding officer may verbally notify the
12 men to appear at a future day, not exceeding thirty
13 days from the time of such parade, which shall be
14 sufficient notice as respects the persons present; and
15 all commanders of companies may on parade, read
16 division, brigade, or regimental orders, and notify the
17 soldiers of their several commands to appear as by
18 such orders required; which notice shall be a suffi-
19 cient warning. Notifications may be proved, as pro-
20 vided in section twenty-five of chapter sixty-four of
21 the laws of eighteen hundred and sixty-one.

SECT. 77. When a company is without commission-
2 ed officers, the commander of the regiment or battalion

3 to which it belongs, or the officer detailed by him to
4 discipline the same, shall, in writing, order any non-
5 commissioned officer or private to notify the persons
6 liable to do duty in such company, to appear for
7 duty required by law, at the time and place mentioned
8 in such order ; and if such non-commissioned officer
9 or private refuses or neglects so to notify, he shall
10 forfeit and pay to the use of his regiment or battalion,
11 not less than twenty, nor more than one hundred dol-
12 lars, to be recovered on complaint by the commander
13 thereof.

SECT. 78. Clerks of companies shall record in the
2 orderly book, company orders and notifications, but
3 such record shall not be necessary for the recovery of
4 any penalty provided by law.

Discipline, training, inspection and camp duty.

SECT. 79. The system of discipline and field exer-
2 cise ordered to be observed by the army of the United
3 States, or such other system as may hereafter be di-
4 rected for the militia by the laws of the United States,
5 shall be observed by the militia.

SECT. 80. The commander of every regiment, bat-
2 talion and detached company, may annually order out
3 the commissioned and non-commissioned officers under
4 his command for elementary drill and instruction, two

5 separate days between the middle of May and the mid-
6 dle of July, at such place as he deems most convenient.
7 And if the place of any such officer in any company is
8 vacant, the commander thereof shall detail from the
9 privates under his command a sufficient number to
10 make up the deficiency. Every person unnecessarily
11 neglecting to attend at the time and place appointed
12 for such drill, shall forfeit to the use of his regiment,
13 battalion or company, three dollars, to be recovered on
14 complaint of any commissioned officer thereof.

SECT. 81. Unless the commander-in-chief prescribes
2 the time, place, and manner of assembling the troops
3 for the purposes declared in this section, each com-
4 mander of division shall annually order an encamp-
5 ment of his division by brigades or regiments, at some
6 time between the middle of July and the middle of Oc-
7 tober. The orders for encampments by brigades shall
8 be promulgated in the brigade thirty days before the
9 time appointed for the encampment; the orders for en-
10 campment by regiment shall be promulgated in the
11 regiment twenty days before such time. The place,
12 and if no time is designated by the commander of
13 division, the time of encampment shall be designated
14 by the commander of the troops to be assembled, and
15 regard shall always be had to the convenience, prox-

16 imity and accommodation of the troops to be assembled ;
17 but no ground shall be occupied for an encampment in
18 time of peace without the consent of the selectmen of
19 a town, or mayor and aldermen of the city, where the
20 encampment is to be made.

SECT. 82. No officer or soldier shall be obliged to
2 to march more than fifteen miles from his residence to
3 a review, except of a regiment, battalion or less body,
4 and no larger body than a brigade shall be ordered to
5 parade at the same time and place, except by order of
6 the commander-in-chief.

SECT. 83. Each regimental encampment shall last
2 four days ; the troops shall be inspected, reviewed and
3 thoroughly exercised as companies, battalions or bri-
4 gades, in the whole routine of camp and field duty.
5 Every non-commissioned officer and private, held by
6 law to do military duty in a company, unnecessarily
7 neglecting to appear at the time and place appointed
8 for encampment, shall forfeit the sum of five dollars,
9 to be recovered on complaint of the clerk, one-half to
10 his use and one-half to the use of the company.

SECT. 84. During the term of encampment, each
2 company roll call shall be made under the supervision
3 and in the presence of a regimental or commissioned
4 staff officer, to be designated officer of the regiment or
5 battalion to which the company is attached.

SECT. 85. Each division, brigade, regiment and battalion shall, in the field, take rank according to its number, the lowest number having the highest rank ; companies in a regiment or battalion shall form according to the rank of the officers present commanding them ; and where distinct corps parade, join, or do duty together, the senior officer present shall command.

SECT. 86. 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.

SECT. 87. The brigade majors and inspectors shall attend the annual encampments of the regiments and battalions in their respective brigades while encamped separately ; and while they are under arms, inspect their arms, equipments and ammunition, superintend their exercises and manœuvres, and introduce the system of military discipline required by law and by orders received from time to time from the commander-in-chief.

SECT. 88. By permission of the officer in chief command and one of their own immediate superiors, officers, privates and musicians, may drill and manœuvre

4 in camp, in undress uniform or fatigue dress, and
5 mounted officers may discharge their duties on foot.

SECT. 89. Every commanding officer when on duty,
2 may ascertain and fix necessary bounds and limits to
3 his parade, (not including a road so as to prevent
4 public travel,) within which no spectator shall enter
5 without leave from the commanding officer. Whoever
6 intrudes within the limits of the parade, may be ar-
7 rested and kept under guard during the time of parade,
8 or a shorter time, at the discretion of the commanding
9 officer ; and whoever resists a sentry who attempts to
10 put or keep him out of such limits, may be arrested by
11 order of the commanding officer, and carried before a
12 court or magistrate, to be examined and tried upon
13 complaint for such assault, or for disturbance or breach
14 of the peace.

SECT. 90. No officer or soldier shall be required to
2 perform military duty, except in case of invasion, in-
3 surrection, riot or tumult made or threatened, or in
4 obedience to the orders of the commander-in-chief,
5 on a day appointed for a meeting in the town in which
6 he resides, for the election of governor, senators,
7 electors of president and vice president of the United
8 States, representatives to congress or the legislature ;
9 and an officer parading his company or ordering it

10 to parade contrary to the provisions of this section,
11 shall, besides being liable to a court martial, forfeit
12 not less than fifty nor more than three hundred
13 dollars.

SECT. 91. The commander-in-chief may order out
2 any portion of the militia for escort and other duties.
3 The commanders of companies or corps so ordered out
4 shall present their accounts for necessary music to the
5 quartermaster general, who shall pay the same out of
6 the money of the state in his hands.

SECT. 92. Nothing herein contained shall be con-
2 strued to prevent any company from meeting for the
3 purpose of drill, funeral or other escort, or voluntary
4 service; nor to impair any obligations arising under
5 constitutional articles of agreement adopted by the
6 company, so far as relates to the members who have
7 signed the same, unless they are repugnant to law.
8 All fines, penalties and assessments incurred by officers
9 or soldiers of such company under such articles of
10 agreement, signed by them and approved by the com-
11 mander-in-chief, may, in addition to any other rem-
12 edy thereon, be recovered on complaint of the clerk.

SECT. 93. Every non-commissioned officer or private
2 who appears at a parade or drill required by law, de-
3 ficient in any arms furnished him by the state, or with

4 such arms unserviceable or in bad condition, shall for-
5 feit one dollar, and every such officer or private so
6 appearing, deficient in any article of equipment or
7 ammunition furnished to or required of him by law or
8 general order, or with such equipments or ammunition
9 of bad quality or in bad condition, shall forfeit fifty
10 cents, to be recovered on complaint of the clerk,
11 one-half to his use and one-half to the use of the
12 company.

SECT. 94. Any soldier, who unnecessarily or with-
2 out orders from a superior officer, comes to any
3 parade with his musket, rifle or pistol loaded with
4 ball, slug or shot, or so loads the same while on pa-
5 rade, or unnecessarily or without order from a superior
6 officer, discharges the same when going to or returning
7 from, or upon parade, shall forfeit not less than five
8 nor more than twenty dollars, to be recovered on com-
9 plaint of the clerk, one-half to his use and one-half
10 to the use of the company.

SECT. 95. Any soldier behaving with contempt to-
2 wards any officer or conducting in a disorderly manner
3 or exciting to join in a tumult or riot or being guilty of
4 unmilitary conduct, disobedience of orders or neglect
5 of duty when under arms or on duty, shall forfeit not
6 less than five nor more than twenty dollars, to be re-
7 covered as provided in the preceding section.

SECT. 96. Any soldier who shall quit his guard, section, platoon or company without permission of the proper officer, shall forfeit not less than two nor more than ten dollars, to be recovered, if the offence is committed at a regimental or battalion drill or parade on complaint by the commander of the regiment or battalion or the company clerk, if any other parade by the clerk, to the use of the company.

SECT. 97. For every 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 exceeding beyond the term of service for which he is then ordered. A non-commissioned officer for an offence mentioned in this chapter, or for disobedience of orders or unmilitary conduct at a regimental or battalion parade, may besides incurring the fine prescribed, be reduced to the ranks by the commander of his regiment or battalion; and for such misconduct at any other parade, by such commander with the advice of his company commander.

SECT. 98. 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,

5 to be recovered on complaint of the officer so detailed
6 substantially as by clerks under section twenty-five,
7 chapter sixty-four of laws of eighteen hundred and
8 sixty-one, one half to the use of such officer and one
9 half to the use of the company.

Rosters, Rolls, &c.

SECT. 99. The division-inspector of each division,
2 the brigade major of each brigade, the adjutant of
3 each regiment, battalion or corps, shall constantly keep
4 a correct roster of the command to which he belongs,
5 and an orderly book in which he shall record orders
6 received and issued.

SECT. 100. A fair and exact roll of each company
2 shall be kept by the clerk under the direction of the
3 commander, with the state of the arms and equipments
4 furnished by each man in the form prescribed for the
5 returns of the militia by the commander-in-chief. Such
6 rolls shall be annually revised in the month of May,
7 and corrected from time to time as the state of the
8 company and alterations in it may require.

SECT. 101. An orderly book shall also be kept in
2 each company by the clerk, under the direction of the
3 commander, and the proceedings of the company, or-
4 ders received and issued, and exact details of drafts
5 and detachments shall be recorded therein. Fines and

6 forfeitures, with the time when, and the offence, neg-
7 lect, default or deficiency, for which they were incur-
8 red, money collected by him with the names of the
9 person from whom collected, and all delinquencies and
10 deficiencies shall be recorded in said book, which shall
11 not be alienated from the company and shall always
12 be open to the inspection of its officers.

SECT. 102. At the conclusion of each tour of camp
2 duty, commanders of companies shall make correct
3 duplicate returns of their several companies for each
4 day of encampment, upon which the commander of the
5 regiment or battalion to which the company belongs
6 shall certify that such company on each of the days of
7 encampment well and faithfully performed the duties
8 required by law, and the staff officer supervising the
9 roll shall certify thereon that the number of officers, non-
10 commissioned officers, musicians and privates therein
11 reported as present and doing duty each day is correct.
12 He shall deliver one of such returns to the brigade-
13 major or inspecting officer on duty in the camp, and
14 transmit the other within ten days after said tour of
15 camp duty to the office of the adjutant general. The
16 returns of companies attached to divisions or brigades
17 and not to regiments, shall be certified by the com-

18 manding officers of divisions or brigades respectively,
19 and by staff officers of the division or brigade.

SECT. 103. The commander of a company, within
2 ten days after each tour of camp duty, shall make a
3 correct alphabetical pay roll of his company, containing
4 the names of the members who appeared armed, uni-
5 formed and equipped, and performed all the duties
6 required on the days of encampment, and showing the
7 duty done by each member, and transmit the same,
8 certified under his oath to be correct and true, to the
9 office of adjutant general. Such roll shall not contain
10 the name of a private who has done duty as a musician,
11 and the whole number so returned shall in no case ex-
12 ceed the number allowed to his company by sections
13 twelve and twenty-five of this act.

SECT. 104. A commanding officer of a company who
2 neglects to make the returns required by the two pre-
3 ceding sections, shall forfeit twenty-five dollars; and
4 for making a false return in any case, shall forfeit one
5 hundred dollars, to be prosecuted for by the officer to
6 whom the return should be made.

• SECT. 105. The master of every regimental or bat-
2 talion band shall, within ten days after a parade there-
3 of, made under order of the commander of the regi-
4 ment or battalion to which such band belongs, make

5 and transmit to the adjutant general an alphabetical
6 list of the men who appeared in uniform and performed
7 duty on such day, the last return to be made on or be-
8 fore the tenth day of November; upon which the
9 commanding officer to whom the band was ordered to
10 report for duty, shall certify that the duty was well
11 and faithfully performed. For neglect to make such
12 return, the master shall forfeit twenty-five dollars; and
13 for making a false return, shall forfeit one hundred
14 dollars, to be prosecuted for by the officer to whom the
15 return should be made.

SECT. 106. On the last day of each tour of camp
2 duty, commanders of regiments and battalions shall
3 make correct certified rolls of the field and staff officers
4 of their several commands on duty for each day, speci-
5 fying the names, rank and duty done, by each officer
6 who appeared armed, uniformed and equipped on any
7 day, and deliver the same to the brigade major or
8 inspecting officer of the camp. Every officer neglect-
9 ing to make such return, shall forfeit for each offence
10 fifty dollars; and for making a false return in any
11 case, two hundred dollars, to be prosecuted for by the
12 officer to whom the return should be made.

SECT. 107. Brigade-majors within twenty days after
2 each tour of camp duty done by their respective bri-

3 gades, or the regiments or battalions thereof, shall
4 make and transmit to the commander of the brigade a
5 correct return of such brigades, reporting therein the
6 condition of the arms, accoutrements and ammunition
7 of the several corps, with such suggestions relating to
8 the government of the militia and the advancement of
9 order and discipline as in his judgment may be re-
10 quired ; and also in like manner make and transmit to
11 the commander of divisions a certified roll of the gen-
12 eral field and staff officers of their several brigades,
13 specifying the rank of and duty done by each one who
14 appeared uniformed and equipped and performed duty
15 on any day. For neglect to make either of said re-
16 turns, each brigade major shall forfeit seventy-five
17 dollars ; and for making a false return in any case,
18 three hundred dollars, to be prosecuted for by the offi-
19 cer to whom the return should be made.

SECT. 108. Commanders of brigades shall within
2 three days after each tour of camp duty performed by
3 the troops under their respective commands, transmit
4 to the commanders of their divisions a correct return
5 of their respective brigades, as furnished by the brig-
6 age majors under the preceding section. Commanders
7 of divisions shall within ten days after the receipt of
8 such returns of brigades under their respective com-

9 mands, transmit to the office of the adjutant gen-
10 eral correct returns of the state of their divisions as
11 derived from such brigade returns. Each officer, for
12 neglect to make the returns required of him under this
13 section, shall forfeit for such offence one hundred dol-
14 lars, to be prosecuted for by the officer to whom the
15 return should be made.

SECT. 109. Commanders of divisions shall annually,
2 on or before the first day of November, make and
3 transmit to the office of the adjutant general, a certi-
4 fied roll of the general, field and staff officers in their
5 respective divisions, specifying the name, rank and
6 duty done by each one who has appeared armed, uni-
7 formed and equipped and performed duty on any day.
8 For neglect to make such return, such commander
9 shall forfeit one hundred dollars, and for a false return
10 in any case five hundred dollars, to be prosecuted for
11 by the officer to whom the return should be made.

Compensation.

SECT. 110. General, field and commissioned staff
2 officers shall receive for each day's duty in camp, ac-
3 cording to the returns of the inspecting officers of en-
4 campment, three dollars, and non-commissioned staff
5 officers two dollars a day, to be paid them from the
6 state treasury, upon the warrant of the governor, and

7 according to a pay roll made up in the office of the
8 adjutant general.

SECT. 111. Division inspectors, brigade majors, or
2 inspectors, and adjutants of regiments or battalions, of
3 volunteer militia, shall receive twenty-five dollars an-
4 nually ; adjutants of enrolled organized militia twelve
5 dollars annually.

SECT. 112. Every officer and soldier of the volun-
2 teer foot companies, shall receive for each day's duty
3 in camp, one dollar and fifty cents ; every member of
4 a regiment or battalion band, shall receive for services
5 performed in obedience to an order of his regiment or
6 battalion commander, at the rate of two dollars per day
7 while on duty. Every member of a mounted compa-
8 ny or band shall receive double the pay allowed to
9 such members performing duty on foot ; such sums
10 shall be computed by the adjutant general on the com-
11 pany and band pay rolls, made out, certified and re-
12 turned under sections one hundred and three and one
13 hundred and five. After such computation, such
14 pay rolls shall be transmitted to the mayor and alder-
15 men of the cities, selectmen of the towns or assessors
16 of the plantations, in which such companies and band
17 are situated. Upon the receipt of the same, the
18 mayor and aldermen, selectmen and assessors, shall

19 draw their warrants upon their respective treasurers,
20 directing them to pay the amount due to the persons
21 named in such rolls, and shall annually on or before
22 the first day of December, under penalty of thirty
23 dollars for neglect in so doing, remit such rolls to the
24 adjutant general, with a certificate endorsed thereon,
25 setting forth that a warrant has been drawn by them
26 on their respective treasurers, in favor of the several
27 persons whose names are recorded therein ; thereupon
28 the adjutant general shall lay the same, together with
29 the rolls prepared by him, of general, field and staff
30 officers entitled to pay, before the governor and coun-
31 cil, and the governor may draw his warrant on the
32 treasurer for such sums as may be necessary to pay
33 such officers and reimburse such cities, towns and
34 plantations.

SECT. 113. The compensation provided in the pre-
2 ceding section shall be forfeited, for default in making
3 the returns required by sections one hundred and three
4 and one hundred and five ; and no person shall re-
5 ceive compensation who does not remain in camp and
6 perform all duties required during the period of encamp-
7 ment, except that a person who once appears, and is
8 excused from further duty by reason of sickness or
9 other inability, shall be entitled to compensation for
10 the time he is actually engaged in the service.

SECT. 114. 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 a non-performance of military duty entitle the person so excused to receive such compensation.

SECT. 115. The adjutant general shall present his account for expenses incurred in the performance of his duty as inspector-general to the governor and council for allowance.

SECT. 116. Every officer and soldier appearing at an elementary drill shall receive for his necessary travel to and from the place of drill, five cents per mile, not exceeding forty miles in all. The travel of such person shall annually, on or before the first day of October, be certified and returned to the adjutant general by the commander of his regiment, battalion or detached company, and the sums due members of companies therefor shall be computed by the adjutant general on such returns, and be transmitted, paid, remitted and reimbursed as provided in section one hundred and twelve. The sums due other officers shall be made up according to such returns and paid as provided in section one hundred and ten.

SECT. 117. When a detachment is ordered on spe-

2 cial duty by the commander-in-chief, each member
3 shall receive the same compensation as is provided in
4 section one hundred and twelve, and five cents a mile
5 for travel each way.

SECT. 118. Officers composing courts martial, courts
2 of inquiry, and military boards, and witnesses attend-
3 ing before them, shall receive five cents a mile for
4 every mile they necessarily travel, in going to and re-
5 turning from the place of trial, and the following sums
6 for each day of attendance: The president of a court
7 martial, court of inquiry, or military board, three dol-
8 lars. The judge advocate of the same, four dollars,
9 which shall be in full compensation also for all ser-
10 vices of preparing papers before, and making copies
11 after any trial, inquiry or investigation. The marshal
12 and other members of such court or board, two dollars.
13 Each witness attending on such court or board, one
14 dollar and fifty cents, and four cents a mile travel.
15 Fees for subpoenas and service of them, shall be the
16 same as in civil cases. No compensation shall be
17 made to officers in actual service, attending any court,
18 who are receiving pay.

SECT. 119. If an officer or soldier is wounded or
2 otherwise disabled, or is killed, or dies of wounds re-
3 ceived while doing military duty, he, his widow or

4 children, shall receive from the state just and reason-
5 ble relief.

SECT. 120. The military, while in actual service,
2 shall receive the same pay and rations as the regular
3 troops of the United States, and the rations shall be
4 valued the same.

SECT. 121. All military accounts, including claims
2 against the state for money expended in the transmis-
3 sion of military documents to and from the department
4 of the adjutant general, unless it is otherwise provided
5 by law, shall annually, on or before the first day of
6 January, be transmitted to the adjutant general and
7 examined, and if found correct, certified by him. They
8 shall then, unless it is otherwise provided by law, be
9 presented to the governor and council for allowance.
10 When such allowance has been made, the governor
11 shall draw his warrant in favor of such person on the
12 treasury of this state. And no military account shall be
13 certified by the adjutant general, or allowed by the gov-
14 ernor and council, unless presented to the adjutant gen-
15 eral for allowance within the time prescribed by law.

Prosecutions for fines and penalties.

SECT. 122. Fines and forfeitures incurred by mem-
2 bers of volunteer companies, under their constitutional
3 articles of agreement, may be collected of such per-

4 sons, and disposed of in such manner for the benefit of
5 said companies, as a majority of the members thereof
6 determine.

SECT. 123. Municipal and police courts and trial
2 justices within their respective local jurisdictions shall
3 have jurisdiction of all fines and forfeitures and penal-
4 ties of twenty dollars and less incurred under this act.

SECT. 124. The clerk of each company after the
2 expiration of twenty days and within forty days after
3 the day of parade or election of officers shall in those
4 cases where fines are to be collected upon his com-
5 plaint, make and subscribe an information against
6 offenders who have not been legally excused or have
7 not within the twenty days aforesaid paid the forfeit-
8 ures they have incurred as is provided in section
9 twenty-five chapter sixty-four of the public laws of
10 eighteen hundred and sixty-one.

SECT. 125. A complaint by any other person herein
2 authorized to make it shall be prosecuted in the like
3 manner as far as the same is applicable thereto the
4 former being varied accordingly.

Invasion, insurrection, tumults, or riots.

SECT. 126. When an invasion of, or insurrection in,
2 the state is made or threatened, the commander-in-
3 chief shall call upon the militia to repel or suppress
4 the same ; and may order out divisions, brigades, reg-

5 iments, battalions or companies ; or may order to be
6 detached parts or companies thereof, or any number
7 of men to be drafted therefrom, and may cause officers
8 to be detailed to organize the forces.

SECT. 127. If necessary, the order of the command-
2 er-in-chief for calling out the militia may be directed
3 to the municipal officers of any town within the state,
4 and may at his discretion be transmitted by telegraph.
5 And such officers shall appoint a time and place of
6 parade for the militia in such city, town or plantation,
7 and shall order them to appear at such time and place,
8 either orally or by leaving at their usual place of
9 abode a written notice. At such time and place said
10 officers shall proceed to draft so many thereof, or to
11 accept so many volunteers, as may be required by the
12 order of the commander-in-chief. Such municipal
13 officers shall forthwith notify the commander-in-chief
14 that they have performed the duty aforesaid, by re-
15 turning to him an alphabetical list of the names of the
16 persons so drafted or volunteered. Persons thus drafted
17 may be thereupon formed into companies ; and when
18 thus formed, and no officer is conveniently located to
19 preside at an election of officers for said company, the
20 major-general within whose division such drafted per-
21 sons or volunteers reside, may authorize such persons
22 to choose some suitable person to preside at the elec-

23 tion, and to make return thereof to the commanding
24 officer of the division.

SECT. 128. Every soldier so called upon, ordered
2 out, detached, volunteered, or drafted, who does not
3 appear armed and equipped as the law directs, at the
4 appointed time and place, or provide a substitute, or
5 within twenty-four hours pay to the commanding
6 officer of the company one hundred dollars, shall be
7 taken to be a soldier absent without leave.

SECT. 129. When there is in any county a tumult,
2 riot, mob, or any body of men acting together by
3 force with intent to commit a felony, or to offer vio-
4 lence to person or property, or by force and violence
5 to break and resist the laws of the state, or when such
6 tumult, riot or mob is threatened and the fact is made
7 to appear to the commander-in-chief, or mayor of a
8 city, or to a court of record sitting in said county, or
9 if no such court is sitting therein, then to a justice of
10 such court, or if no justice is within the county, then
11 to the sheriff thereof, the commander-in-chief may
12 issue his order, or such mayor, court, justice or sheriff
13 may issue a precept directed to any commander of a
14 division, brigade, regiment, battalion or corps, direct-
15 ing him to order his command or a part thereof, (de-
16 scribing the number and kind of troops) to appear at
17 a time and place therein specified, to aid the civil

18 authority in suppressing such violence and supporting
 19 the laws ; which precept, if issued by a court, shall
 20 be in substance as follows :

21 STATE OF MAINE.

22 [L. s.] To (insert the officer's title) A. B., com-
 23 manding (insert his command) : Whereas it has been
 24 made to appear to our justices of our ———, now
 25 holden at ———, within and for the county of ———,
 26 that (here state one or more of the causes above men-
 27 tioned), in our county of ———, and that military force
 28 is necessary to aid the civil authority in suppressing
 29 the same ; now, therefore, we command you, that
 30 you cause (here state the number and kind of troops
 31 required), armed and equipped and with ammunition
 32 as the law directs, and with proper officers either at-
 33 tached to the troops or detailed by you, to parade at
 34 ———, on ———, then and there to obey such orders as
 35 may be given them according to law. Hereof fail not
 36 at your peril, and have you there this writ with your
 37 doings returned thereon.

38 *Witness*, A. B., Esq., at ———, on the ——— day
 39 of ———, in the year ———.

40 C— D—, *Clerk*.

41 And if the same is issued by a mayor, justice or
 42 sheriff, it shall be under his hand and seal, and oth-
 43 erwise varied to suit the circumstances of the case.

SECT. 130. The officer to whom the order of the
2 commander-in-chief or such precept is directed, shall
3 forthwith order the troops therein mentioned to parade
4 at the time and place appointed. If he neglects or
5 refuses to obey an order or precept thus issued, he
6 shall be cashiered, and punished by fine or imprisonment
7 not exceeding six months, as a court martial shall ad-
8 judge. Any non-commissioned officer or soldier neg-
9 lecting or refusing to appear at such place, or to obey
10 such order, or any person advising or endeavoring to
11 persuade an officer or soldier to refuse or neglect to
12 appear at such place, or to obey such order, shall for-
13 feit and pay one hundred dollars, to be recovered by
14 indictment, one-half to the use of the state, and one-
15 half to the use of the prosecutor.

SECT. 131. Such troops shall appear at the time and
2 place appointed, armed and equipped, and with ammu-
3 nition, as for inspection of arms, and shall obey and
4 execute such orders as they may then and there receive
5 according to law.

SECT. 132. The city or town, in which such riot,
2 tumult, or mob shall occur or be threatened, shall
3 cause suitable provisions, quarters and ammunition to
4 be furnished to such troops as are called out pursuant
5 to the foregoing sections, and the expenditures thereof
6 shall be reimbursed by the state.

SECT. 133. There shall be paid out of the moneys of
2 the state to each person who shall perform the duties
3 required of him by the eighty-ninth section, the fol-
4 lowing sums respectively, to wit:—to each commis-
5 sioned officer, three dollars per day, and to each non-
6 commissioned officer, musician and private, one dollar
7 and fifty cents per day for each day's service so per-
8 formed by him, from the time he may be ordered out,
9 until he shall be legally discharged from duty.

SECT. 134. The first ninety-three sections of chap-
2 ter ten of the revised statutes, and all of the sixty-
3 fourth chapter of the public laws of eighteen hundred
4 and sixty-one, excepting section twenty-five of the
5 last mentioned chapter; also chapter one hundred and
6 thirty-four of the laws of eighteen hundred and sixty-
7 two, and all acts and parts of acts inconsistent with
8 this act are hereby repealed.

STATE OF MAINE.

IN SENATE, March 4, 1863.

Reported by Mr. JORDAN, and on motion of Mr. EMERSON,
laid on the table, and 350 copies ordered to be printed for the use
of the Legislature.

EZRA C. BRETT, *Secretary.*