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1901

## Laws for the Government of the Militia of the State of Maine and Acts and Resolves Relating Thereto

Maine Adjutant General

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MAINE  
MILITIA LAW



1901

LAWS FOR THE GOVERNMENT

OF THE

Militia of the State of Maine

AND

Acts and Resolves Relating Thereto

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PUBLISHED BY THE

ADJUTANT GENERAL

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AUGUSTA  
KENNEBEC JOURNAL PRINT  
1901



## MILITIA LAW OF THE STATE OF MAINE.

Chapter 266, Act 1893.

Chapters 46 and 128, Acts 1899.

Chapters 159, 167 and 233, Acts 1901.

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

### PERSONS SUBJECT TO MILITARY DUTY.

Section 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; viz: 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.

Persons exempt from military duty

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; viz: the Vice President of the United States; the officers, judicial and executive, of the Government of the United States; the members of both Houses of Congress and their respective officers; all custom-house officers with their clerks; all post-masters and persons employed in the transportation of the mail; all ferry-men 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

—exempt by U. S. laws.

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 OF THE MILITIA.

Enrollment list, 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 wilfully 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.

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.

Enrolling officer subject to penalty for neglect.

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.

#### CALLING OUT AND ORGANIZING THE ENROLLED MILITIA FOR ACTIVE DUTY.

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

How enrolled militia may be called to active service.

—notices for  
draft.

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.

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.

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.

—arrange-  
ment and  
assignment.

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.

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.

Major  
generals,  
election of.

#### STAFF OF THE COMMANDER-IN-CHIEF AND THEIR DUTIES.

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 the 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.

Staff of com-  
mander-in-  
chief.

—appoint-  
ment 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

Adjutant  
general,  
duties of.



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.

Quarter-  
master  
general,  
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 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

—official  
bond.

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. —report of.

Sect. 19. The paymaster general, under the direction of the commander-in-chief, shall have the charge and supervision of the pay of the 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 bonds 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. Paymaster general, duties of.  
—official bond.  
—report 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 organizations inspected by him, with Inspector general, duties of.  
—report of.

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.

Commissary  
general,  
duties of.

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.

Surgeon  
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.

—report of.

Judge advo-  
cate general,  
duties 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.

—report of.

Inspector of  
rifle practice,  
duties 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 furnish-



ing 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. —report of.

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.

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

#### ORGANIZATION OF THE ACTIVE MILITIA.

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.

Designated as the National Guard of the State of Maine.

—composition of.

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

Organizations shall be raised on petition.

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.

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

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.

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

Enlistments,  
term of.

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 a soldier re-enlists and is mustered into the service within thirty days from the expiration of his previous term, his service shall be considered as unbroken and continuous, and re-enlistments and musters shall be dated as of the day of such expiration. When the term of service of any enlisted man terminates during a period of furlough and while he is serving in the United States army, should he re-enlist in the National Guard within thirty days of his muster out of the United States army, his service shall be considered as continuous, and shall in like manner commence on the day of such expiration, and re-enlistments and musters shall be so dated. When new enlistments or re-enlistments are made in any organization, the commanding officer shall forward duplicate enlistment papers to the adjutant general.

—re-enlist-  
ments.

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 within a radius of seven miles. 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.

None but  
able-bodied  
men shall be  
mustered.

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.

Oath shall be  
taken.

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

"I, ————, do solemnly swear that I —form of.  
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."

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.

—compensa-  
tion 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 admin-  
ister 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 lieuten-  
tenant, one first sergeant, one quartermaster ser-  
geant, four sergeants, six corporals, two musicians,  
and not less than thirty-two nor more than ninety-  
two privates, one of whom shall be a pharmacist, a  
nurse, or a person capable in the judgment of the  
examining surgeon of serving in one or both  
capacities. He shall be liable to detail for service  
at hospital when such details are ordered, and shall  
receive the pay of a sergeant.

Number of  
officers and  
men to  
company of  
infantry.

Sect. 36. A battery of light artillery shall con-  
sist of one captain, two first lieutenants, two second  
lieutenants, one first sergeant, four sergeants, one  
quartermaster sergeant, eight corporals, two trump-  
eters, 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 lieuten-  
tenant, one first sergeant, four sergeants, eight

Number to  
troop of  
cavalry.



corporals, two trumpeters and not less than forty-two nor more than fifty-six privates.

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, two first class sergeants, one quartermaster sergeant, one acting hospital steward with rank of sergeant, two sergeants, four corporals, and not less than ten nor more than fifteen 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, one adjutant and one quartermaster, each with the rank of captain, one assistant surgeon, one commissary of subsistence and three battalion adjutants, each with the rank of first lieutenant, and one chaplain; a non-commissioned staff to consist of one sergeant major, one quartermaster sergeant, one commissary sergeant, one hospital steward, one trumpeter, and two color bearers who shall be sergeants, and three battalion sergeant majors who shall be senior to and have the pay of a first sergeant; and twelve companies, organized into three battalions of four companies each.

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,

\* Chap. 167, Public Laws of 1901.

Sect. 8. No provision of this act shall be construed as terminating any commission or enlistment in the National Guard, but any such shall continue in force according to the terms thereof, subject to the provisions of this act.

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.

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.

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

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

Assignment of organizations.

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 staffs of commanding officers whenever the service shall require, and he is hereby authorized and directed to cause to be enlisted in each company, battery, troop or corps of the National Guard, as a part of the authorized enlisted strength thereof, under rules and regulations to be prescribed by him, a competent person as cook, who shall take rank as, and be allowed the pay of a corporal of the arm of the service to which he belongs, and whose duties in connection with the preparation and serving of the food of the enlisted men of the company, battery, troop or corps and with the supervision and instruction of enlisted men hereby authorized to be detailed to assist him, shall be prescribed in the regulations for the government of the National Guard. Each cook will be required to attend such drills and exercises as will qualify him for the performance of the duty of a soldier under arms when necessity requires.

Additional non-commissioned officers may be appointed.

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 application of any enlisted man, approved by the commander of his company, discharge from the service such enlisted man; and the

How enlisted men may be discharged.

commander of a battery, separate company, troop or corps, may, upon like application, signed by a member thereof, discharge such member.

May be  
disbanded.

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

#### ELECTION AND APPOINTMENT OF COMMISSIONED OFFICERS.

Election of  
general, field  
and line  
officers.

Sect. 48. General, field and line officers shall be elected as follows: Brigadier generals by the written votes of the 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.

Notice of  
elections,  
how given.

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

Who shall  
preside at  
elections.

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 captain, 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 proceedings and make a return thereof to the commander-in-chief, and notify the officer of his election.

—record.

If the officer designated to preside fails to appear, the election shall be postponed to a day fixed by him.

Majority of  
votes  
necessary to  
election.

Sect. 51. The person who has a majority of the written 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.

Original  
roster shall

Sect. 52. The original roster of the brigade, or regiment, or original roll of the company, as the



case may be, shall be produced at elections, by the person having the legal custody thereof.

be produced  
at elections.

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.

New election  
shall be  
ordered in  
case of  
vacancy.

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

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

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.

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

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.

Tenure of  
offices.

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.

Appointment  
of staff  
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:

Oath re-  
quired of  
officers.

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

—form of.

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:

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

Before me, \_\_\_\_\_.

How com-  
missioned.

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.

Military  
board, how  
appointed.

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

Examination  
of officers-  
elect or  
appointed.

members of said board shall be of a grade equal or superior to that of the office to be filled. In case said office shall be of the medical staff or naval reserves, then, for the former, there shall be added to and become a member of the board, the surgeon general, and for the latter, an officer of the naval reserves, other than the person to be so examined. 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.

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.

#### DISCHARGE OF COMMISSIONED OFFICERS.

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

When officers may be honorably discharged.

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.

Acceptance of commission vacates office previously held.

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.

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

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.

Form of discharge.



When any officer may be discharged.

Sect. 66. Any officer may be dishonorably discharged, discharged without honor, or 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.

#### APPOINTMENT AND REDUCTION OF NON-COMMISSIONED OFFICERS.

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 uniforms, arms, equipments and insignia of rank of the National Guard of the State of Maine.

Commissioned officers required to provide themselves with uniforms. National Guard shall be provided with uniforms, arms, etc, at expense of state.

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 neces-

sary 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.

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 when not in use, to be kept in armories.

Sect. 73. Any officer, enlisted man or other person, who shall wilfully 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. And in case any officer or enlisted man of the National Guard, carried on the pay-rolls of the organization of which he is a member, at any encampment or other duty, or on any special expense account for any duty performed, who has at any time through carelessness or inattention lost, destroyed, or suffered to be lost or destroyed, any State or government property which has been issued for his use, the officer accountable for the property or certifying the pay-roll or expense account, shall record under the column of "remarks" the number and kind of articles so lost or destroyed, and in column headed "deductions" on pay-roll, or under "deductions" in expense account, the amount of money value of property so lost or destroyed, and the paymaster general shall retain out of the pay of such officer or enlisted man an amount of money equal to the value of the property so lost or destroyed, and money so retained shall be credited to the account of such officer of the National Guard as may be accountable to the State for said property. Such portion of said money as shall be for State property shall be turned in to the treasurer of the State, to be credited to the militia fund, and such portion as may be for United States property shall

Loss and destruction of military property the value how collected and the disposition of the same.

—how fine  
shall be  
disposed of.

be turned in to the United States treasury to be credited to the State on its property returns.

Officers re-  
ceiving  
public  
property  
responsible  
for same.

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.

Members  
shall hold  
uniform, etc.,  
free from  
suits.

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.

Obsolete arms  
and equip-  
ments may be  
issued for  
drill pur-  
poses.

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.

Such arms  
and equip-  
ments may  
be loaned to  
veterans of  
late war.

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 safekeeping, 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 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.

—shall give  
bond.

Property may  
be furnished  
cadets of  
College of  
Agriculture.

—field pieces  
may be  
loaned.



## ARMORIES, HEADQUARTERS AND RIFLE-RANGES.

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. And there may be also allowed and paid by the State for the rent of quarters occupied by each authorized band legally enlisted and mustered into the service, not exceeding one hundred dollars, and said quarters shall always be subject to all provisions of law and regulations which apply to armories, and such drill rooms, armories, headquarters or other places provided for in this section shall be held for the exclusive use of the National Guard unless otherwise authorized by the commander-in-chief after application in each case by the municipal authorities in writing. If said premises are used contrary to the provisions hereof, there shall be a deduction from the rent of the premises agreed upon, equal to one month's rental for each day of such use.

Municipal officers shall provide armories.

—headquarters for battalion, regiment or brigade.

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.

Towns shall provide rifle range.

## MILITARY DUTIES.

Shall parade  
for inspection  
twice each  
year.

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.

Annual  
inspection by  
inspector  
general pro-  
vided for.

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.

Shall drill  
twice each  
month.

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

Company offi-  
cers shall  
assemble for  
drill each  
month.

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.

Regimental  
officers shall  
meet once a  
year for  
instruction.

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

Annual  
encamp-  
ment.

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.

Commanding  
officer may  
fix limits to  
his parade.

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 com-

—penalty for  
intruding on  
parade after  
being  
forbidden.

manding 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.

—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.

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.

Rifle practice  
at encamp-  
ment.

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 any justice of the supreme judicial court in term time or vacation, the commander-in-chief may issue his order, or such justice may issue a precept, directed to any commander of a

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



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 such justice, shall be in substance as follows:

## STATE OF MAINE.

—form of  
precept.

.....SS.

(L. S.) To (insert the officer's title) A. B., commanding (insert his command).

Whereas, it has been made to appear to a justice of our supreme judicial court, that (here state one or more of the causes above mentioned), in our county of ———, and 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., justice of the supreme judicial court, at ———, on the ——— day of ———, in the year ———.

C. D., Clerk.

Officer shall  
order out  
troops forth-  
with.

—how pun-  
ished, if he  
refuses or  
neglects to  
obey order.

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 a 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.

—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 or licensed company 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 wilfully 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 at last and usual place of abode, provided that the posting of the copy of an order, in a conspicuous place in the drill or business room of the 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

Notices for duty, how and when given.

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.

#### PAY AND ALLOWANCES.

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 one hundred 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, the signal corps and the ambulance corps, 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 fifty dollars to captains for care and responsibility of property and twenty dollars to clerks for keeping records.

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.

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.

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

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, but if, when ordered, the length of service should not be specified, it shall receive for the first ten days the pay and rations provided by other sections in this chapter for the State troops and after ten days shall receive the same pay and rations as the regular troops of the United States.



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

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

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

#### PAYMENT OF ACCOUNTS.

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.

No officer or enlisted man 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 AND MILITARY BOARDS OF INQUIRY.

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.

Courts martial shall be in accordance with regulations.

Sect. 110. Any officer or enlisted man who is guilty of any conduct to the prejudice of good order and military discipline or 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.

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

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

When officers may be tried by court martial.

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, discharged without honor, 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 offence, for holding any military office. And they may also in addition to the foregoing, or any other punishment fixed by law, sentence any enlisted man convicted by them to be dishonorably discharged, discharged without honor, or discharged, or may adjudge him disqualified for

Powers of courts martial to punish offences.

life or for any term of years according to the aggravation of the offence for re-enlistment or for holding any military office.

Witnesses,  
how sum-  
moned, fees,  
etc.

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.

Military  
boards of  
inquiry may  
be appointed.

Sect. 114. The commander-in-chief may, from time to time, appoint military boards of inquiry to consist of one or more officers not exceeding five and a recording officer to reduce the proceedings and evidence in writing, whose duty it shall be to examine into any military transaction, or into the qualification, efficiency and propriety of conduct of any officer or soldier, 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 report to the commander-in-chief, who may take such action by order or otherwise as he may deem advisable, but if the report is adverse to any officer or soldier, and is approved by the commander-in-chief, he may in his discretion dishonorably discharge, discharge without honor or vacate the commission of such officer, or dishonorably discharge, discharge without honor or discharge such soldier, but the commander-in-chief shall have power to remit or reduce after conviction, all forfeitures and penalties and to grant reprieves, commutations and pardons, or order a re-hearing or new trial in any case tried or heard under the provisions of this act.

—duties and  
powers.

Rights of  
officers  
reported  
under pre-  
ceding  
section.

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

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.

#### COMPANY BY-LAWS, CLERK AND TREASURER.

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.

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

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

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 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.

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.

Company clerk, qualification and appointment of.

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, viz.:

Oath of office.

"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.

#### GENERAL PROVISIONS.

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 ex-  
penses, 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-tenth 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.

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

—penalty for  
disobedience.

System of  
discipline and  
field exer-  
cises to be  
observed.

Public prop-  
erty unfit for  
use may be  
condemned  
and sold.

Proceeds, how  
disposed of.

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 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 said army or the militia by the laws of the United States, shall be observed by the National Guard of the State of Maine. The methods of preparing charges and for procedure for courts martial, boards of inquiry, and other courts or boards shall in general follow those established for the armies of the United States, except where it may be otherwise provided in this act, and in time of war, insurrection or invasion courts martial may in addition to the provisions of the laws of this State, sentence an officer or an enlisted man convicted by them, to penalties and punishments similar to those then provided for substantially like offences, by the laws, regulations and articles of war then governing the armies of the United States, or to such penalties and punishments, not exceeding those then provided for substantially like offences, by the laws, regulations and articles of war then governing the armies of the United States, as may be prescribed by the commander-in-chief.

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. Offences 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. Offences, how prosecuted.

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. How fines shall be disposed of.

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. What the word company shall include.

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

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. Reorganization of the active militia under this act

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.



Inconsistent  
acts repealed.

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.

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

## NAVAL RESERVE.

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An Act to establish a Naval Reserve as a part of the National Guard of the State of Maine.

Section 1. There may be allowed, in addition to the National Guard of the State of Maine as provided in section twenty-six, chapter two hundred and sixty-six of the laws of 1893, a Naval Reserve, to consist in time of peace of not more than one battalion, and in time of war, insurrection, invasion, or imminent danger thereof, of a brigade of not more than two battalions.

Sect. 2. The Naval Reserve shall be a part of the National Guard of the State of Maine and shall be raised and organized in the same manner as the land forces, but it shall not be attached to any organization of land troops unless specially ordered by the commander-in-chief.

Sect. 3. In time of peace the authorized battalion may consist of not more than four divisions and an engineer division.

Sect. 4. To a battalion there shall be one lieutenant-commander, who shall be chief of battalion, one lieutenant, who shall be chief of staff, executive officer and equipment officer, one lieutenant, junior grade, who shall be battalion adjutant, ordnance and navigating officer, one paymaster and an assistant surgeon, each with the relative rank of lieutenant, junior grade.

Sect. 5. To each line division there shall be one lieutenant, who shall be chief of division, one lieutenant, junior grade, one ensign, and not more than fifty-six petty officers and men. To each engineer division there shall be one lieutenant, junior grade, one ensign, and not more than twenty-five petty officers and men. To each division and corps there shall be such petty officers as the commander-in-chief may prescribe.

System of instruction shall be same as in United States navy.

—division equivalent to companies of infantry.

Pay of officers.

—pay of seamen.

Rank of officers established.

—rank of petty officers.

Sect. 6. The system of administration and instruction of the Naval Reserve shall conform, as nearly as possible, to that of the Navy of the United States. Duty shall be performed afloat when possible. When not otherwise provided for the government of the Naval Reserve shall be according to the laws and regulations now or hereafter governing the National Guard of the State. The divisions of the Naval Reserve shall be considered the equivalent of companies of infantry.

Sect. 7. The pay of officers and petty officers mentioned in the preceding sections shall be the same as that of officers and non-commissioned officers of the same relative grade in the land forces of the state. Seamen shall receive the same pay as privates of infantry.

Sect. 8. The rank of officers given in the preceding sections is naval rank, and has the same relation to rank in the land forces of the state as rank in the navy of the United States has to that in the army. The relative rank of petty officers in the Naval Reserve and non-commissioned officers in the land forces of the state will be as fixed by the commander-in-chief. Seamen correspond to privates of infantry.

Sect. 9. This act shall take effect when approved.

Approved March 8, 1899.

## RETIREMENT OF COMMISSIONED OFFICERS.

### CHAPTER 159.

AN ACT to provide for the retirement of commissioned officers of the Militia or the National Guard of the State of Maine.

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

Section 1. Any person who shall have served as a commissioned officer in the Militia or the National Guard of this State, for the continuous period of nine years, may, upon his own application, be placed upon the retired list, with the rank held by him at the time of his discharge from said service or at the time such application is made; provided, however, that an officer so retired, who, at the time of such discharge or of making such application, has remained in the same grade for the continuous period of nine years, shall be retired with increased rank. Retired officers on occasions of ceremony may, and when acting under orders as hereinafter provided, shall wear the uniform of their retired rank. Retired officers shall be eligible to perform military duty, and the commander-in-chief may, in his discretion, by order require them to serve upon military boards, courts of inquiry and courts martial, or to perform any other special or temporary military duty, and for such service they shall receive the same pay and allowances as are provided in law for like service by the officers of the National Guard. All retired officers shall be amendable to courts martial for military offenses as if upon the active list of the National Guard. The names of all officers of retired rank shall be borne upon a separate roster, kept under the supervision of the adjutant general. Retired officers shall report to the adjutant general any change in their residence whenever such change occurs.

Sect. 2. The commander-in-chief may, at any time, retire any commissioned officer of the Militia

Retirement of commissioned officers with increased rank.

--eligible to perform military duty.

--amendable for military offenses, etc.

Commander-in-chief may retire com.



missioned  
officers.

or National Guard who shall have been found by a medical board, convened by his orders and consisting of at least three commissioned medical officers, to be physically unable to properly perform the duties of his office.

Sect. 3. This act shall take effect when approved.

Approved March 1, 1901.

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## STATE FLAG.

### CHAPTER 233.

#### AN ACT to establish a State Flag.

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

Establish a  
state flag.

Section 1. The State flag is hereby declared to be buff, charged with the emblem of the State, a pine tree proper, in the center, and the polar star, a mullet of five points, in blue in the upper corner; the star to be equidistant from the hoist and the upper border of the flag, the distance from the two borders to the center of the star being equal to about one-fourth of the hoist, this distance and the size of the star being proportionate to the size of the flag.

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

Approved March 21, 1901.

## STATE SEAL AND COAT OF ARMS.

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### CHAPTER IV.

Resolve for providing a Seal. June 9, 1820.

Description of the Device, &c., of the Seal and Arms  
of the State of Maine.

A Shield, argent, charged with a Pine Tree; a <sup>State seal,</sup> Moose Deer, at the foot of it, recumbent. Support-<sup>device, etc.</sup> ers; on dexter side, an Husbandman, resting on a scythe; on sinister side, a Seaman, resting on an anchor.

In the foreground, representing sea and land, and under the shield, the name of the State in large Roman Capitals, to wit:—

### MAINE.

The whole surmounted by a Crest, the North Star. The Motto, in small Roman Capitals, in a label interposed between the Shield and Crest, viz:—  
DIRIGO.

### EXPLANATION.

The Moose Deer (*Cervus Alces*) is a native of the <sup>Explanation.</sup> forests of Maine. When full grown, it is scarcely inferior to a horse in size. It has a neck, short and thick, a large head, horns dilating almost immediately from the base into a broad, palmated form, a thick, heavy upper lip, hanging very much over the lower, very high shoulders, and long legs. The color is a dark greyish brown, much paler on the legs and under part of the body. The hair is coarse and strong, and is much longer on the top of the shoulders, and ridge of the neck, than on other parts. The eyes and ears are large, the hoofs broad,

and the tail extremely short. The greatest height of the Moose is about seventeen hands, and the weight of such an animal about twelve hundred and twenty pounds. In deep snows they collect in numbers in pine forests.

The Mast Pine (*Americana*, *quinis ex uno folliculo setis*) leaves five together, cones cylindrical, inbricated, smooth, longer than the leaves, crest of the anthers of two minute, awl-shaped bristles. It is as well the staple of the commerce of Maine, as the pride of her forests. It is an evergreen of towering height, and enormous size. It is the largest and most useful of American Pines, and the best timber for masts.

#### APPLICATION OF THE EMBLEMS, ETC.

##### NAME.

The territory, embraced by the limits of the State, bears the name, MAINE.

##### CREST.

As in the Arms of the United States, a cluster of Stars represents the States, composing the Nation, the North Star may be considered particularly applicable to the most northern member of the confederacy, or as indicating the local situation of the most northern State in the Union.

##### MOTTO.

##### Motto.

“DIRIGO.” I direct, or, I guide.

As the Polar Star has been considered the mariner’s *guide* and *director* in conducting the ship over the pathless ocean to the desired haven, and the centre of magnetic attraction; as it has been figuratively used to denote the point, to which all affections turn, and as it here is intended to represent the State, it may be considered the citizen’s *guide*, and the *object* to which the patriot’s best exertions should be *directed*.

## SHIELD.

## THE PINE TREE.

The stately Pine, with its straight body, erect head, and evergreen foliage, and whose beauty is exceeded only by its usefulness, while it represents the State, will excite the constant prayer of its citizens, *semper viridis*.

## THE MOOSE DEER.

A native animal of the State, which retires before the approaching steps of human inhabitancy, in his *recumbent* posture and undisturbed situation, denotes the extent of unsettled lands, which future years may see the abodes of successive generations of men, whose spirit of independence shall be untamed as this emblem, and whose liberty shall be unrestricted as the range of the Moose Deer.

## THE SUPPORTERS OF THE SHIELD.

An Husbandman with a scythe represents Agriculture generally, and more particularly that of a grazing country; while a Seaman resting on an anchor, represents Commerce and Fisheries; and both indicate, that the State is *supported* by these primary vocations of its inhabitants.

The Committee appointed to report a suitable Device and Seal for the State of Maine,

Report, a Device for the Seal of the State, a sketch of which, with a description and explanation of the same, are herewith submitted. They also report the following resolutions:

1. *Resolved*, That the Secretary of State be directed to procure a suitable Seal, conforming to the sketch aforesaid, and that he cause the Device aforesaid to be engraven thereon, and that said Seal, when so completed, be deposited in the office of the Secretary of State, and that the same shall become and be the Seal of this State.

Seal to be  
engraved.



Description  
to be  
engrossed.

2. *Resolved*, That the Secretary of State cause the sketch, description and explanation aforesaid, to be fairly copied on parchment and deposited in the office of the Secretary of State.

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## SEAL FOR THE OFFICE OF THE ADJUTANT GENERAL.

### CHAPTER 226.

(Chap. 155, 1854).

Resolve providing a seal for the office of the adjutant general.

Adjutant  
general's  
office, seal for.

*Resolved*, That the adjutant general be and he hereby is authorized, to procure for the use of the department under his charge, a seal bearing for device the shield proper of the arms of this state, with the prescribed crest and motto, supported by appropriate military insignia and encompassed with the words "State of Maine, Adjutant General's office;" and the impression of said seal shall, whenever necessary to be used, be held a good and sufficient verification of the genuineness of all or any papers or documents issued by the adjutant general in his sole capacity as such officer and under his single and proper signature.

—use of.

(Approved April 18, 1854).

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