

# L A W S

OF THE

## State of New-Hampshire,

PASSED JUNE SESSION, 1861.



CONCORD:  
HENRY McFARLAND, STATE PRINTER.  
1861.

# L A W S

OF THE

## STATE OF NEW-HAMPSHIRE.

---

PASSED JUNE SESSION, 1861.

---

---

### CHAPTER 2478.

#### AN ACT for remodeling the militia.

##### OF EXEMPTIONS.

SECTION 1. Exempts from enrollment and military duty enumerated.

##### OF ENROLLMENTS AND RETURNS OF INACTIVE MILITIA.

SECTION 1. Who to be enrolled.

SEC. 2. When and by whom enrollment to be made.

SEC. 3. Penalty for neglecting or refusing to give, or giving false information, on the party liable to enrollment.

SEC. 4. Penalty for same, on party in whose house or family person liable to enrollment resides.

SEC. 5. Penalty on officers for neglecting to enroll.

##### OF THE VOLUNTEER MILITIA.

SECTION 1. Volunteers to compose active militia.

SEC. 2. State divided into three military districts, corresponding with congressional districts.

SEC. 3. One regiment of volunteers in each district.

SEC. 4. Each regiment, how composed.

SEC. 5. Designation of regiments.

SEC. 6. Companies, how raised.

SEC. 7. List of members to be filed with Adjutant-General.

SEC. 8. No minors to be accepted, without written assent of parent or guardian.

SEC. 9. Additional volunteers received.

SEC. 10. When ten companies accepted, regiment to be formed.	SEC. 17. Volunteers subject to militia laws.
SEC. 11. Officers of companies, how nominated.	SEC. 18. Musicians, how raised.
SEC. 12. Regimental officers, how nominated.	SEC. 19. Companies, how replenished or disbanded.
SEC. 13. Regimental officers, how appointed.	SEC. 20. Artillery, cavalry and riflemen, how raised.
SEC. 14. Company officers, how appointed.	SEC. 21. Regiments to constitute a division, under Major-General.
SEC. 15. Governor and Council to make appointments in certain cases.	SEC. 22. Existing organizations under charters, not affected.
SEC. 16. Period of service of volunteers.	SEC. 23. Major-General, how appointed.

## OF RETURNS OF VOLUNTEER MILITIA.

SECTION 1. When and by whom returns to be made.	SEC. 8. Compensation of adjutants and quartermasters.
SEC. 2. Returns of camp equipage, ordnance, arms, stores, musical instruments, &c.	SEC. 9. Postage and reasonable expenses to be paid by Quartermaster-General.
SEC. 3. Duty of clerk as to returns.	SEC. 10. Adjutant-General to consolidate, record and transmit returns of adjutants.
SEC. 4. Duty of clerk as to list of members; copy, made evidence.	SEC. 11. Adjutant-General to consolidate, record and transmit returns of quartermasters.
SEC. 5. Duties of adjutants of regiments.	
SEC. 6. Duties of quartermasters.	
SEC. 7. Time of making returns; penalty for failure.	

## OF ORDERLY BOOKS AND ROSTERS.

SECTION 1. By whom and how orderly books to be kept.	SEC. 3. Adjutants to keep rosters in orderly books.
SEC. 2. Quartermasters to keep orderly books.	SEC. 4. Permits and certificates to be recorded in clerk's orderly book.

## OF WARNINGS.

SECTION 1. Captains to order warnings.	SEC. 6. Penalty for neglect or refusal to warn.
SEC. 2. Warnings, how served.	SEC. 7. Verbal warnings.
SEC. 3. Returns of warnings.	SEC. 8. Penalty for neglect or refusal to make return of warnings.
SEC. 4. Returns may be amended.	
SEC. 5. False returns—penalty.	

## OF FINES FOR NON-APPEARANCE AND DEFICIENCIES OF EQUIPMENTS.

SECTION 1. Penalty for non-appearance, or absence without leave.	SEC. 3. Penalty for appearing with loaded arms.
SEC. 2. Penalty for appearing without uniform or equipments.	SEC. 4. Penalty for neglect to obey orders, in certain cases.

## OF EXCUSES AND CERTIFICATES OF DISABILITIES.

SECTION 1. Captains may excuse for sickness or absence from town.	SEC. 4. No excuse without surgeon's certificate, unless where the party is confined to house by sickness.
SEC. 2. Excuse to be in writing, and filed within twenty days.	SEC. 5. Surgeon's certificate to be recorded, &c.
SEC. 3. No excuse in legal process, unless notice given.	SEC. 6. Penalty, if surgeon receive compensation for giving certificate.

## OF THE COLLECTION OF FINES.

- |                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>SECTION 1. Clerk to make roll—the same to be evidence, &amp;c.</p> <p>SEC. 2. Fines less than \$13.33 to be levied by distress by warrant of the captain, or collected by complaint before a justice.</p> <p>SEC. 3. Form of the warrant.</p> <p>SEC. 4. Limitation of time for issuing warrant.</p> <p>SEC. 5. Powers, fees and liabilities of clerk in serving warrant.</p> <p>SEC. 6. Bond and oath, in case of arrest.</p> | <p>SEC. 7. Limitation of costs in suits against captain or clerk.</p> <p>SEC. 8. Fines to be paid to State treasurer.</p> <p>SEC. 9. Parents, masters and guardians liable for fines incurred by those under their care.</p> <p>SEC. 10. Proceedings on complaint.</p> <p>SEC. 11. Judgment and appeal therefrom.</p> <p>SEC. 12. Fines exceeding \$13.33 to be recovered by complaint in Supreme Court, or by indictment.</p> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

## COMPANY TRAININGS AND ENCAMPMENTS.

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>SECTION 1. Annual inspection fourth Tuesday of May.</p> <p>SEC. 2. One annual drill and as many others as directed by a two-thirds vote of the company.</p> <p>SEC. 3. Brigade encampment annually in each district.</p> <p>SEC. 4. Encampment, how formed.</p> <p>SEC. 5. Duties of encampment.</p> <p>SEC. 6. Days for encampment to be determined by Major-General; place, by field officers.</p> <p>SEC. 7. Captains to obey orders of colonels in relation to encampment.</p> | <p>SEC. 8. Major-General to review the regiments annually.</p> <p>SEC. 9. Adjutant-General and division and brigade inspectors to inspect.</p> <p>SEC. 10. If no inspector present, adjutant to inspect.</p> <p>SEC. 11. Inspectors to return inspection books to Quartermaster-General, &amp;c.</p> <p>SEC. 12. Ordnance, &amp;c., to be inspected—report.</p> <p>SEC. 13. Volunteers privileged from arrest on civil process.</p> <p>SEC. 14. Land for encampments, how obtained.</p> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

## THE PAY OF THE VOLUNTEER MILITIA.

- |                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>SECTION 1. Volunteers in active service, how paid.</p> <p>SEC. 2. To receive one dollar each, for inspection and drill.</p> <p>SEC. 3. To receive \$1.50 per day and five cents per mile travel at encampments, &amp;c.</p> <p>SEC. 4. Pay-rolls to be presented and payment made by quartermasters, to captains.</p> | <p>SEC. 5. Pay rolls at encampments, and payment thereof.</p> <p>SEC. 6. Captains to pay officers and soldiers, and take receipts—penalty for neglect.</p> <p>SEC. 7. Quartermaster-General to furnish quartermasters with funds.</p> <p>SEC. 8. Quartermasters to account to Quartermaster-General.</p> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

## OF ORDNANCE AND GUN HOUSES.

- |                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                           |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>SECTION 1. One piece of ordnance to each company of artillery; if two, extra harnesses, &amp;c.</p> <p>SEC. 2. Captains to control and be responsible for ordnance, &amp;c.</p> <p>SEC. 3. Allowance for powder, port fire and repairs.</p> <p>SEC. 4. Gun houses to be erected by captains.</p> <p>SEC. 5. Sites to be conveyed to State, and location approved by field officers.</p> <p>SEC. 6. Gun houses may be removed.</p> | <p>SEC. 7. Gun not to be taken from house without written permission of the captain.</p> <p>SEC. 8. Penalty for removing and using gun without such permission.</p> <p>SEC. 9. Penalty for using gun with permission, except for military exercise.</p> <p>SEC. 10. Penalty for breaking or injuring gun houses.</p> <p>SEC. 11. Penalties, to be recovered by whom, and to what use.</p> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

## OF OFFICERS.

- |                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>SECTION 1. Aids to the Governor, with rank of colonel.</p> <p>SEC. 2. Major-General, division inspector and quartermaster, and aids.</p> <p>SEC. 3. Judge-advocate to each brigade, how appointed.</p> <p>SEC. 4. Regimental officers, how appointed.</p> <p>SEC. 5. Duties of quartermasters.</p> <p>SEC. 6. Company officers, how appointed.</p> <p>SEC. 7. Sergeants and corporals, how appointed.</p> | <p>SEC. 8. Officers convicted of crime to be arrested and removed.</p> <p>SEC. 9. Resignations, when permitted.</p> <p>SEC. 10. Resignations of company officers.</p> <p>SEC. 11. Bounds of parade to be fixed by commanding officer.</p> <p>SEC. 12. Vacancies and absences provided for.</p> <p>SEC. 13. Relative rank, how determined.</p> <p>SEC. 14. Accountability for books, papers, property and fines.</p> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

## OF COURTS MARTIAL.

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>SECTION 1. Form of proceedings, and effect of arrest.</p> <p>SEC. 2. Arrests to be reported to Adjutant-General, to be laid before Governor.</p> <p>SEC. 3. Governor to discharge or order a court martial.</p> <p>SEC. 4. Members and officers of a court martial, how detailed, &amp;c.</p> <p>SEC. 5. Form of oath to members of courts martial.</p> <p>SEC. 6. Form of oath to judge-advocate.</p> <p>SEC. 7. Challenge to members.</p> <p>SEC. 8. Trials to be in the daytime only.</p> <p>SEC. 9. Mode of taking question; assent of two thirds necessary to convict.</p> <p>SEC. 10. Punishments within the authority of courts martial.</p> | <p>SEC. 11. Their power to preserve order.</p> <p>SEC. 12. Limitation of proceedings.</p> <p>SEC. 13. Provision in case of non-appearance, &amp;c.</p> <p>SEC. 14. Form of oath to witnesses.</p> <p>SEC. 15. Process to compel the attendance of witnesses.</p> <p>SEC. 16. Attendance of judge-advocate; provision for his absence.</p> <p>SEC. 17. Duty of judge-advocate.</p> <p>SEC. 18. Statements, motions and objections to be in writing.</p> <p>SEC. 19. Records to be deposited in office of Adjutant-General; copies, &amp;c.</p> <p>SEC. 20. Fees at courts martial.</p> <p>SEC. 21. Pay roll to be furnished and certified by judge-advocate, and paid by Governor.</p> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

## OF COURTS OF INQUIRY.

- |                                                                                                                                                                                                        |                                                                                                                                                                                  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>SECTION 1. Courts of inquiry may be ordered by the Governor.</p> <p>SEC. 2. Constitution of such courts.</p> <p>SEC. 3. Form of oath to members.</p> <p>SEC. 4. Form of oath to judge-advocate.</p> | <p>SEC. 5. Notice to parties interested provided for.</p> <p>SEC. 6. Proceedings to be transmitted to Governor.</p> <p>SEC. 7. Powers of courts of inquiry; fees of members.</p> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

## OF THE QUARTERMASTER-GENERAL.

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>SECTION 1. Quartermaster-General, how appointed, and his duties.</p> <p>SEC. 2. To have charge of arsenals, of ordnance, arms, munitions of war, &amp;c.</p> <p>SEC. 3. To receive and deposit State's quota of arms.</p> <p>SEC. 4. To deliver arms to companies, &amp;c.</p> <p>SEC. 5. To cause arms to be repaired.</p> <p>SEC. 6. To give bond, and account for whatever comes to his hands, &amp;c.</p> <p>SEC. 7. To furnish standards, camp equipage, musical instruments, &amp;c.</p> | <p>SEC. 8. To distribute the militia laws.</p> <p>SEC. 9. To sue for penalties, &amp;c.</p> <p>SEC. 10. To provide for camp quarters, transportation and subsistence.</p> <p>SEC. 11. To submit estimate of annual expense to Governor, who is to draw his warrants therefor.</p> <p>SEC. 12. To furnish funds to quartermasters; how pay rolls are to be certified and approved.</p> <p>SEC. 13. To submit statement of expenditures and vouchers to Governor</p> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

<p>and Council annually, who are to audit the same, &amp;c.                  SEC. 14. To make annual report in May.                  SEC. 15. Regimental quartermasters to give bond, &amp;c.                  SEC. 16. Regulations of array of United</p>	<p>States pertinent, to apply to Quartermaster-General's department.                  SEC. 17. Legal custody of stores and materials belonging to Quartermaster-General's department to be transferred to him.</p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

OF THE ADJUTANT-GENERAL.

<p>SECTION 1. Office to be kept at Concord; his duties prescribed.                  SEC. 2. To sue for penalties for not making returns, unless remitted by Governor.</p>	<p>SEC. 3. To account for moneys received, and for fines and forfeitures.                  SEC. 4. To give bond, with sureties.</p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------

OF ARMS, EQUIPMENTS AND UNIFORMS.

<p>SECTION 1. Volunteer militia to furnish their own uniforms, as prescribed by the Governor.                  SEC. 2. Commissioned officers to furnish their own arms and equipments; non-commissioned officers to be supplied by State, except cavalry, who are to furnish their own horses, &amp;c.                  SEC. 3. Governor to order arms on receipt of roll; to be receipted for to</p>	<p>Quartermaster-General by officers of company, &amp;c.                  SEC. 4. Governor may order return of arms now in possession of any company, to arsenals.                  SEC. 5. Governor to procure additional arms for volunteers.                  SEC. 6. Governor to allow expense of armory to each company.</p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

OF RULES AND ARTICLES FOR GOVERNING THE ACTIVE MILITIA OF THE STATE.

<p>SECTION 1. Offences, punishable by death, or such other punishment as courts martial may inflict, defined.                  SEC. 2. Offences enumerated, officers</p>	<p>guilty of which are to be cashiered, in addition to other punishment.                  SEC. 3. Offences enumerated, punishable at discretion of court martial.</p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------

OF DISCIPLINE AND ENCAMPMENTS.

<p>SECTION 1. Volunteer militia to be governed by the system of discipline and field exercise in force in the army of the United States.                  SEC. 2. Quartermaster-General to provide a set of camp equipage for a</p>	<p>single regiment, the Governor furnishing funds.                  SEC. 3. Repealing clause.                  SEC. 4. Act to take effect upon its passage.</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------

*Be it enacted by the Senate and House of Representatives, in General Court convened, as follows :*

OF EXEMPTIONS.

SECTION 1. The following persons are exempted from enrollment and military duty: The Vice-President of the United States; the officers, judicial and executive, of the government of the United States; members and officers of both Houses of Congress; all custom-house officers and their clerks; all post-officers and stage drivers, who are employed in the care and conveyance of the mail of the United States; all ferrymen necessarily employed at any ferry on any post road; keepers of light-houses; conductors and engine men of railroad trains,

necessarily employed in running the same ; all inspectors of exports ; all pilots ; all mariners actually employed in the sea service of any citizen or merchant within the United States ; the members and officers of the Legislature, while in session ; all persons who, having held commissions in the army or navy of the United States, or in the militia of any State for the term of five years, shall have been regularly discharged or superseded ; all persons who, having held a warrant as drum or fife major, shall have done duty as such for the term of five years ; all persons who shall have served five years in the volunteer militia ; fire engineers or hosemen, who shall, on or before the twentieth day of April, annually, produce to the selectmen of the town, or mayor and aldermen of the city within whose limits they reside, a certificate of the fire-ward that they have been legally appointed, and are bound to perform the duty of enginemen or hosemen ; all persons while employed as officers or keepers in the State Prison ; the superintendent of the House of Reformation and his assistants ; clergymen of every religious denomination ; officers and keepers of jails and houses of correction, idiots, lunatics, common drunkards, vagabonds, and persons convicted of any infamous crime in this or any other State ; every person of the religious denomination of Quakers and Shakers, who shall, on or before the twentieth day of April, annually, produce to the selectmen of the town, or mayor and aldermen of the city, within whose limits he shall reside, a certificate, signed by two or more of the elders, or overseers, and the clerk of the meeting or society with which he meets for worship, in substance as follows :

We, the subscribers, elders (or overseers, as the case may be) of the meeting of the society of \_\_\_\_\_, do hereby certify that \_\_\_\_\_ frequently and usually attends with said society for public worship, is a regular member thereof, and we believe he is conscientiously scrupulous of bearing arms.

A. B. } Elders,  
 or  
 C. D. } Overseers.

E. F., *Clerk.*

And any persons who shall produce a certificate from the clerk of any society or meeting of the people called Friends, that he is a member of such society or meeting, in good standing ; the members of the executive council ; judges and clerks of all courts of record ; judges and registers of probate ; registers of deeds ; the Attorney-General ; the Secretary, Deputy Secretary and Treasurer of the State ; physicians and surgeons, on whom has been conferred the degree of doctor of medicine,

or who shall be recommended by any regular medical society; and the attendants upon the insane, employed in the New-Hampshire Asylum for the Insane, shall not be liable to enrollment.

OF ENROLLMENTS AND RETURNS OF INACTIVE MILITIA.

SECTION 1. Every free, able-bodied, white male citizen of this State, resident therein, of the age of eighteen years, and under the age of forty-five years, not now by law exempt from doing military duty, shall be enrolled in the town or city within whose limits he may reside, unless he shall be regularly enlisted in some volunteer company.

SEC. 2. This enrollment shall be made annually, in the month of April, by the selectmen of each town, or the assessors of each city, and a record thereof deposited with the clerk of said town or city, and an abstract of the same forwarded by the clerk to the Adjutant-General previous to the twentieth day of May.

SEC. 3. If any person, when applied to by the captain or any officer of the company in which he is enlisted, or by the selectmen of the town, or the officers of the city within whose limits he resides, shall neglect or refuse to give information, or shall give false answers in relation to his name or age, with intent to discharge himself from performing military duty, he shall forfeit five dollars for each offence. If such person is a minor, his parent or guardian shall be liable to such forfeiture.

SEC. 4. If any person, when applied to by an officer as above, shall neglect or refuse to give information, or shall give any false information in relation to the name of any person liable to do military duty, residing in his or her house or family, he or she shall forfeit the sum of five dollars.

SEC. 5. If the selectmen of any town, or the city council of any city, shall neglect or refuse to perform any duty imposed upon them by the preceding section, every selectman and every member of the city council, so neglecting or refusing, shall forfeit the sum of twenty dollars for each and every offence, to be recovered by the Adjutant-General, or any other person suing therefor; one half to the use of the person who shall sue for the same, the other half to the use of the State.

OF THE VOLUNTEER MILITIA.

SECTION 1. The active militia of the State shall be composed of volunteers raised in the manner hereafter prescribed.

SEC. 2. For the raising, organizing and disciplining of the volunteer militia, the State is hereby divided into three military

districts, corresponding with the congressional districts. The first congressional district shall be the first military district; the second congressional district shall be the second military district, and the third congressional district shall be the third military district.

SEC. 3. Measures shall be taken to raise one regiment of volunteer militia in each of the military districts, in manner as prescribed in the foregoing [following] fifth [sixth] section.

SEC. 4. Each regiment of volunteer militia shall consist of ten companies of infantry, each company of not less than forty-eight nor more than sixty-four rank and file, four sergeants and four corporals, who shall all be able-bodied men, not less than eighteen years of age, and at the time when they volunteer not more than forty years of age; also one drummer and fifer. The commanding and subaltern officers of the company shall be a captain, a first and second lieutenant. Commissioned officers may be of an age exceeding forty years.

SEC. 5. The regiment raised in the first district shall be named the first regiment; the regiment raised in the second district shall be named the second regiment; the regiment raised in the third district shall be named the third regiment.

SEC. 6. Any person may file with the Adjutant-General his application for authority to raise a company of volunteer militia in any district; and the Governor, if he approve the application, shall issue an order giving the applicant authority for that purpose. The Governor may recall any such order at any time before a company shall have been enlisted and accepted under the order. Not more than twenty such orders shall be issued and remain in force at the same time in the same district.

SEC. 7. When any such enlisting officer shall file with the Adjutant-General a certified list of the names, ages and places of residence of the men by him enlisted for his company, and it shall appear to the Governor, by the same list and other satisfactory evidence, that the required number of duly qualified men have volunteered in that company, the company shall be accepted by the Governor, and his certificate to that effect, made upon the list aforesaid, shall be filed, together with the list, in the office of the Adjutant-General.

SEC. 8. No volunteer under the age of twenty-one years shall be accepted as a member of any volunteer company, without the written assent of his parent or guardian.

SEC. 9. The captain or other commanding officer of any volunteer company may at any time receive volunteers into his company, but the rank and file of any company shall not at any time exceed the number of sixty-four.

SEC. 10. When ten companies shall have been accepted in any district, which, in the opinion of the Governor, shall be

conveniently situated to form a regiment, he shall make his order, forming such companies into a regiment, which order shall be filed with the Adjutant-General.

SEC. 11. When any ten companies shall be formed into a regiment, the Adjutant-General shall cause notice thereof to be given to each of the enlisting officers who enlisted the several companies of the regiment; and each of the enlisting officers shall thereupon call a meeting of the men enlisted in his company, by a notice which shall state the time, place and object of the meeting, and be served on each man in the company, if such service can be made, at least three days before the meeting. The enlisting officer, who called the meeting, shall preside at it. The company may, at that meeting, by ballot and major vote, choose candidates for the captain and subaltern officers of the company. The officer presiding at the meeting shall forthwith make and file with the Adjutant-General a certified list of the candidates thus chosen for captain and subaltern officers of his company. If in any case it shall appear to the Governor that the enlisting officer who enlisted any company, cannot or will not call and preside at a meeting of the company for the choice of candidates, as is provided in this section, the Governor shall appoint some other person to act in the place of such enlisting officer.

SEC. 12. The candidate thus chosen for captain of the company that was first accepted in the regiment by the Governor, shall call a meeting of all the candidates thus chosen for captains and subalterns of the several companies in the regiment, by a notice served at least three days before the meeting, and shall preside at the meeting. At that meeting the candidates for captains and subaltern officers of the regiment may nominate, by ballot and major vote, candidates for the field officers of the regiment, and the presiding officers shall certify the nominations to the Governor.

SEC. 13. If the Governor and Council approve the candidates thus nominated for field officers of the regiment, the candidates shall be appointed to the respective offices for which they were nominated, and commissioned accordingly.

SEC. 14. The field officers, if they shall approve the candidates thus chosen for captains and subalterns of the several companies in the regiment, shall recommend them to the Governor for appointment to the several offices for which they were chosen candidates, and the Governor shall issue their commissions accordingly.

SEC. 15. The Governor and Council, if in their judgment the public good shall in any case require it, may proceed, without any such nomination of candidates, to appoint field officers of any regiment, and the field officers of any regiment may in

like case proceed to recommend to the Governor captains and subalterns of their regiment, without any choice of candidates for those officers by the several companies; and the Governor, in such case, shall issue commissions to the captains and subalterns recommended by the field officers.

SEC. 16. Officers and soldiers of the volunteer militia shall be bound to serve in the several companies, regiments and brigades to which they belong, for the term of five years, unless sooner discharged.

SEC. 17. The volunteer militia shall constitute part of the enrolled militia of the State, and as such shall be subject to the laws of the State, and of the United States, now in force or hereafter enacted, relating to the enrolled militia of the State.

SEC. 18. Each colonel of a regiment may raise, by voluntary enlistment, and organize within his regiment, a band of musicians, not to exceed twenty-four in number, including one master and one deputy master, and may grant to the master, the deputy master and privates, warrants as such.

SEC. 19. Whenever the rank and file of any company shall be reduced below the number of forty-eight, it shall be the duty of the clerk of the company to give notice thereof, in writing, to the colonel or other commanding officer of the regiment, in order that measures may be taken to supply the deficiency. If the deficiency shall not be supplied within thirty days after such notice, it shall be the duty of the clerk of the company to file notice thereof with the Adjutant-General, and the Governor shall thereupon be authorized to disband the company, and empower the field officers of the regiment to raise another company in its place.

SEC. 20. The Governor may at any time authorize a company of artillery, or a company of cavalry, or a company of riflemen, to be raised by volunteer enlistment, and attached to any regiment of volunteer infantry; such company to have the same number and description of men, and the same officers as a company of infantry, except that in a company of cavalry, instead of a drummer and fifer, there shall be two buglers or two trumpeters; and the captains and subaltern officers of companies attached to regiments of infantry shall be appointed by the Governor, on recommendation of the field officers of the regiment.

SEC. 21. All the regiments in the State shall constitute one division, commanded by a Major-General.

SEC. 22. Nothing in this act contained shall affect the organization of any existing regiment, battalion or company of volunteers, organized under any charter or special act.

SEC. 23. The Major-General shall be appointed by the Governor and Council.

## OF RETURNS OF VOLUNTEER MILITIA.

SECTION 1. The captain of each volunteer company shall, at the annual inspection of his company in May (the fourth Tuesday of May), make out and sign a correct return, in such form as may be prescribed, of the number of persons enrolled in his company, and cause it to be recorded in the orderly book of his company, signed by the clerk and transmitted to the adjutant of his regiment.

SEC. 2. The captain shall also, at the same time, make out and sign a correct return, in such form as may be prescribed, of the camp equipage, ordnance, arms, military stores, musical instruments and public property of every description in his company, which have been furnished by the State, and add thereto a requisition for such articles as may be wanting; shall cause the same to be signed and recorded by the clerk, and transmit the same to the quartermaster of his regiment.

SEC. 3. The clerk shall assist the captain in making his returns, and shall sign and record the same in his orderly book.

SEC. 4. The clerk of every volunteer company shall annually, in the month of March, file with the clerk of each town and city in which any members enrolled in his company are bound to do military duty, a certified list of such members, and a certified copy of such certificate from the clerk's office shall be evidence of enrollment in the company; but other evidence of enrollment may be received.

SEC. 5. The adjutant shall furnish the captains with blank forms of returns to be made by them, and explain how they should be made; shall consolidate the returns made to him in a regimental return, record the same in his orderly book, and, within the time prescribed by law, transmit the same to the Adjutant-General, and keep the returns made to him on file.

SEC. 6. The quartermaster shall consolidate the returns made to him into a regimental return; add thereunto the articles of public property in his own keeping, for the use of the regiment, and such as are further required; record the same in his orderly book, and transmit it, countersigned by the colonel, to the Adjutant-General, and keep the returns made to him on file.

SEC. 7. The returns of captains to the adjutants and quartermasters shall be made within ten days after the annual inspection in May (fourth Tuesday of May), and the returns of adjutants and quartermasters to the Adjutant-General within twenty days after said inspection; and if either of said officers shall neglect to make his return within the times aforesaid, he shall forfeit for each neglect the sum of twenty dollars.

SEC. 8. Adjutants shall receive two dollars for making the regimental returns, to be paid by the Quartermaster-General.

Sec. 9. Postage, and other reasonable expenses incurred in the transmission of orders and returns, and transmission of public property, shall be paid by the Quartermaster-General, on satisfactory evidence that the expense was actually and necessarily incurred, and was just and reasonable.

Sec. 10. The Adjutant-General shall immediately consolidate the adjutants' returns of the several regiments, and record and transmit the same to the Commander-in-Chief, and a duplicate thereof to the Secretary of War of the United States.

Sec. 11. He shall consolidate the returns of the regimental quartermasters, and add to the same a return of all articles of public property in his possession, or issued to the regimental quartermasters, record the same, and transmit it to the Commander-in-Chief.

#### OF ORDERLY BOOKS AND ROSTERS.

SECTION 1. The division inspector, each brigade major, adjutant and clerk of a company, shall keep an orderly book, and record therein all orders and official communications received or issued by his commanding officer, and all returns which shall be signed by him, and distribute all orders of his commanding officers.

Sec. 2. Each quartermaster shall keep an orderly book, and record therein all orders and official communications received by him relating to his office; all communications written by him relating to the public property in his charge; all receipts for public property distributed by him, and all returns of public property made by him.

Sec. 3. The adjutant of each regiment shall keep in his orderly book a roster of the officers and non-commissioned officers of the regiment, with the dates of their appointments; and the clerk of each company shall keep a like roster of all the officers of the company.

Sec. 4. The clerk of each company shall record all permits and sergeants' certificates presented to him for that purpose, in his orderly book.

#### OF WARNINGS.

SECTION 1. Whenever the captain shall parade his company, he shall issue his orders to one or more of the sergeants, if any, not being the orderly sergeant, otherwise to one or more privates of his company, requiring them to warn the officers and privates whose names are inserted in or annexed to the order, to appear at the time and place appointed.

Sec. 2. Such sergeant or private shall warn every person whose name is so inserted, by delivering to him in person, or

leaving at his usual place of abode, a written or printed order, at least four days previous to the time of such parade.

SEC. 3. The return, under oath, of the sergeant or private upon the order directed to him, stating that such notice was given, or a copy of the record of such order and return in the company books, certified by the clerk, shall be evidence that due notice was given of enrollment and of such parade.

SEC. 4. Such return or record may be amended by such sergeant, private or clerk respectively, at any time, so that all the facts may appear.

SEC. 5. Any sergeant or private who shall be convicted of making a false return, shall be liable to the punishment prescribed in other cases of perjury.

SEC. 6. If any sergeant or private shall neglect or refuse to warn any officer or private whom he shall be ordered to warn, he shall forfeit the sum of two dollars for each person not warned.

SEC. 7. The captain may verbally warn his company, when paraded, to appear on some day, not more than thirty days after; and a record of such warning, and of the names of the officers and privates then present being made in the orderly book of the company, and signed by the captain and clerk, said record or a certified copy shall be evidence of due notice to all then present.

SEC. 8. If any sergeant or private shall refuse or neglect to make due return, under oath, of any order to him directed, agreeably to such order, he shall forfeit two dollars for each person whose name is inserted in or annexed to such orders, and who shall not appear at such parade, to be recovered by action of debt by the captain; but the captain, for good cause shown within fifteen days, may excuse him.

#### OF FINES FOR NON-APPEARANCE, AND DEFICIENCIES OF EQUIPMENTS.

SECTION 1. If any non-commissioned officer or private, after due notice, shall unnecessarily neglect to appear at any training, inspection or review, or shall be at any time absent from his guard, platoon or company, without leave from the captain, before such company shall be dismissed, he shall pay a fine of three dollars at each encampment, and three dollars at each company inspection and training.

SEC. 2. If any non-commissioned officer or private shall, after due notice, appear at any training, inspection or review, without the uniform or arms and equipments of his company, he shall pay a fine of five dollars at each encampment, and three dollars at each company inspection and training.

SEC. 3. If any non-commissioned officer or private shall come on parade with his musket, rifle or pistol, loaded with powder and ball, slugs or shot, he shall pay a fine of five dollars.

SEC. 4. If any officer or private shall, after due notice, neglect to obey any legal order to turn out and march for the suppression of a riot, or in case of an invasion, or threatened invasion, or to enforce the execution of the laws of the State, or of the United States, he shall pay a fine of fifty dollars.

OF EXCUSES AND CERTIFICATES OF DISABILITY.

SECTION 1. If any non-commissioned officer or private shall be confined to his house by sickness at the time of any training or encampment, or shall be absent from town at the time he is warned, and remain absent till after such training or encampment, or shall have any other reasonable excuse, the captain may excuse him for non-appearance.

SEC. 2. No excuse shall be received unless the same is made in writing and filed with the clerk within twenty days after such training, unless it is proved that, by reason of continued sickness or absence, such officer or soldier was unable to make the same within that time, and that the same was made immediately on his return or recovery.

SEC. 3. No evidence of any excuse shall be received in any legal process, until it is shown that notice was given of the same, as herein provided.

SEC. 4. No evidence of any disability, by reason of bodily infirmity or debility, except in cases when the party is confined to his house by sickness, shall be admitted in any case; but the certificate of the surgeon or surgeon's mate of the regiment, or, in case there shall be no surgeon or surgeon's mate in commission, a like certificate of some regular physician within the regiment.

SEC. 5. The certificate of the surgeon or surgeon's mate that any person is, in his opinion, unable to perform the duty required by law of soldiers in the militia, by reason of any bodily infirmity or debility therein described, being duly recorded in the orderly book of the company, shall be *prima facie* evidence of such disability; and if such surgeon or surgeon's mate shall consider such disability to arise from causes of a continuing or permanent nature, the certificate may express the time that such disability will probably continue.

SEC. 6. If any surgeon or surgeon's mate shall directly or indirectly receive any compensation for any examination or certificate as aforesaid, he shall forfeit fifty dollars, to be recovered by action of debt, two thirds to the use of the prosecutor and one third to the use of the county.