

SENATE No. 182.

[House No. 330 as amended and with proposed amendments—also with proposed substitute.]

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Seventy-Six.

AN ACT

To reduce the Expenses and increase the Efficiency of the Militia.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

1 SECT. 1. In time of peace, the active militia
2 shall consist of [A] fifty companies of infantry, two
3 [B] companies of cavalry, [C] two companies of
4 light artillery and two corps of cadets. [F] To
5 reduce the present force to the number herein
6 provided, the commander-in-chief shall imme-
7 diately upon the passage of this act cause a thor-
8 ough inspection to be made by or under the super-
9 vision of the inspector-general, and the companies
10 disbanded by the provisions of this act shall be the
11 lowest in the order of inspection.

1 SECT. 2. The maximum number of officers, non-
2 commissioned officers, musicians and privates in a
3 company of infantry shall be fifty-one; and in
4 companies of cavalry and artillery, eighty.

1 SECT. 3. The commander-in-chief shall, within
2 three months after the passage of this act, arrange
3 the companies, exclusive of the cadet corps, into
4 regiments of eight companies each, and battalions
5 of two or more companies each, and form them into
6 two brigades. The two brigades thus constituted,
7 together with the two corps of cadets, shall be
8 under the immediate orders of the commander-in-
9 chief. Commanding officers thereof shall be held
10 responsible by the commander-in-chief for the
11 discipline and efficiency of their commands.

1 SECT. 4. The commissions of all general and
2 field officers, with their respective staffs (with the
3 exception of the staff of the commander-in-chief)
4 now serving in the militia, shall expire upon the
5 passage of this act, and they shall receive from
6 the commander-in-chief an honorable discharge
7 from the service.

8 During the reorganization of the militia, as
9 herein before provided, the commander-in-chief
10 shall, at such times as seem to him advisable,
11 order elections to fill vacancies.

[G]

1 SECT. 5. All officers of the militia shall
2 be commissioned for the term of five years
3 only. But every officer shall be eligible to a re-
4 election, and if so reelected shall take rank ac-

5 cording to the date of his first commission of the
6 same grade.

1 SECT. 6. The commander-in-chief shall appoint
2 upon his staff an inspector-general, who shall be
3 other than the adjutant-general, with the rank of
4 brigadier-general, and shall receive the same pay
5 and allowances as other officers of the same rank,
6 and in addition, the sum of five cents a mile for
7 necessary travel to and from the place of inspec-
8 tion. He shall present his accounts for expenses
9 incurred in the performance of his duty to the
10 auditor of accounts for allowance.

1 SECT. 7. At each encampment the troops shall
2 be inspected by the inspector-general, his assist-
3 ants, or such other officer as he shall indicate.
4 Assistant inspectors-general shall make their re-
5 ports in duplicate, forwarding one to the inspector-
6 general direct, and the other to the adjutant-gen-
7 eral through the usual military channels.

1 SECT. 8. Every officer whose duty it is, under
2 section seventy of chapter three hundred and twenty
3 of the acts of the year eighteen hundred and sev-
4 enty-four, to make return on the first day of De-
5 cember, annually, of all property received by him,
6 and for which he is by law accountable, shall be
7 required to make a like return also on the first
8 day of July, annually. And any such officer who
9 shall not make the required return within fifteen
10 days after the same is due, shall be reported to the
11 commander-in-chief for such action as the case
12 may require.

1 SECT. 9. From and after the first day of June
2 of the present year, the pay and allowances of
3 officers and enlisted men shall be reduced twenty
4 per cent. from the rates established by existing
5 laws.

1 SECT. 10. So much of sections fifty-seven, fifty-
2 eight and fifty-nine of chapter three hundred and
3 twenty of the acts of the year eighteen hundred
4 and seventy-four as authorizes the purchase of
5 uniforms for the militia at the expense of the
6 Commonwealth, is hereby repealed.

1 SECT. 11. [D] The commander of each regiment
2 or battalion of not less than four companies of in-
3 fantry, or of each company of cavalry or light artil-
4 lery, may raise by voluntary enlistment, and warrant
5 and organize, to be under his direction and com-
6 mand at encampments, or at any parade ordered by
7 the commander-in-chief, a band of musicians, not to
8 exceed eighteen, inclusive of a drum-major. Each
9 member of the band shall keep himself provided
10 with such uniform as may be directed by the com-
11 mander-in-chief, and such instrument as the com-
12 mander of his brigade prescribes, under penalty for
13 each neglect or deficiency, or for misconduct, of
14 dismissal from the band by such commander, and
15 a fine of not less than ten nor more than twenty
16 dollars, to be recovered on complaint by the
17 assistant adjutant-general of the brigade to which
18 such band is attached, or the brigade commander.
19 Members of bands need not be mustered in as
20 provided for enlisted men, unless by special orders
21 of the commander-in-chief. Section forty-nine of

22 chapter three hundred and twenty of the acts of
23 the year eighteen hundred and seventy-four is
24 hereby repealed.

1 SECT. 12. The volunteer militia shall no longer
2 be required to parade annually on the last
3 Wednesday in May for inspection, company drill
4 and manœuvre.

1 SECT. 13. The judge-advocate-general shall re-
2 ceive, when on duty, the same pay and allowances
3 as other officers of his grade, and, in addition, the
4 fees allowed to judge-advocates, as provided in
5 section one hundred and sixty-three of chapter
6 three hundred and twenty of the acts of the year
7 eighteen hundred and seventy-four, and shall
8 receive no other compensation.

1 SECT. 14. [E] All sales of condemned public
2 property shall be by public auction, unless the com-
3 mander-in-chief shall otherwise direct, and the
4 proceeds of such sales shall be paid into the
5 treasury.

1 SECT. 15. Section one hundred and thirty-four
2 of chapter three hundred and twenty of the acts
3 of the year eighteen hundred and seventy-four, is
4 hereby repealed.

1 SECT. 16. This act shall take effect upon its
2 passage.

*

The following amendments have been adopted :—

At [A] strike out " fifty " and insert " seventy ."

At [B] strike out " two " and insert " four ."

At [C] strike out " two " and insert " four ."

At [D] strike out section 11.

At [E] strike out section 14, and insert in place thereof the following :—

1 SECT. 14. All condemned public property may
2 be sold by the quartermaster-general under the
3 direction of the governor and council, and the
4 proceeds paid into the treasury of the Common-
5 wealth, or such proceeds may be applied to the
6 purchase of other property for the use of the
7 militia, as the governor and council may direct,
8 without further appropriation.

9 The inspector-general and two other officers,
10 designated by the commander-in-chief, shall con-
11 stitute a board to inspect and condemn the public
12 property which has or may become unfit for use,
13 and no public property shall be sold until it has
14 been inspected and condemned as herein provided,
15 and such condemnation approved by the com-
16 mander-in-chief.

Mr. FISKE proposes the following amendments :—

Strike out at [F] in section 1, the words,—

1 " To reduce the present force to the number herein
2 provided, the commander-in-chief shall immedi-

3 ately upon the passage of this act cause a thorough
4 inspection to be made by or under the supervision
5 of the inspector-general, and the companies dis-
6 banded by the provisions of this act shall be the
7 lowest in the order of inspection.”

At [G] insert a new section to stand as section 5 of the bill:—

1 SECT. 5. Upon the passage of this act the in-
2 spector-general and such assistants as may be
3 necessary for the early accomplishment of the
4 purpose, shall proceed to the inspection of the
5 companies of artillery, cavalry and infantry. The
6 inspection shall be made with relation to numbers,
7 discipline, drill, records, condition of public prop-
8 erty in possession, and any other matters affecting
9 the character and efficiency of the organization.
10 The inspector-general shall report to the com-
11 mander-in-chief the result of the inspections made
12 by him or his assistants, and therein designate the
13 companies which in his opinion should be dis-
14 banded. The commander-in-chief shall in orders
15 direct the muster-out or disbandment of such
16 designated companies and proceed to reorganize
17 the force of the state upon the basis provided in
18 section nineteen, chapter three hundred and twen-
19 ty, acts of eighteen hundred and seventy-four, not
20 exceeding two brigades.

21 Upon the completion of such reorganization, all
22 field and staff officers of regiments and battal-
23 ions shall be honorably discharged, and elec-
24 tions ordered by the commander-in-chief to fill
25 vacancies, and in case any officer now in com-

26 mission shall be reelected in the same grade,
27 he shall take rank from the date of the commission
28 held by him at the date of his discharge; and any
29 staff officer discharged by virtue of the reorgan-
30 ization required in this act, who shall be reap-
31 pointed to the grade in which he was serving,
32 shall take rank from the date of the commission
33 then held by him. In battalions of four or six
34 companies, elections shall not be authorized for
35 officers of higher grade than major and lieutenant-
36 colonel respectively.

Mr. LORING proposes the following Resolve as a substitute for the Bill, to wit:—

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Seventy-Six.

RESOLVE

To provide a plan for Reducing the Expenses and Increasing the Efficiency of the Militia.

Resolved, That the governor, with the advice and consent of the council, is hereby ordered to appoint a commission consisting of three persons skilled in military affairs, who shall report to the next general court upon the condition of the present militia system of the Commonwealth, and shall present a bill by which the expenses of the militia may be reduced and its efficiency increased.

