

HOUSE....No. 236.

Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, April 20, 1865.

The Committee on Military Affairs, to whom was committed the Petition of Charles Robinson, Jr., and others, concerning the Militia Act of 1864, have considered the subject, and respectfully submit their views, as follows :

The Act of 1864, chapter 238, which, in its main provisions, contemplates a drafted or enforced militia, was framed and passed at a time when all the energies of the Commonwealth were needed to maintain its quotas and preserve the efficiency of its troops in the field of the national service. In those dark, if not doubtful days, it seemed essential, or surely advisable, to turn the whole current of military spirit and enterprise into the wider channels of the country. Our vigorous and patriotic young men, the class upon which the Commonwealth mainly relied for State service in her militia, had sought or were seeking the scenes of actual war, and could not be brought to engage in the comparatively mild exercises of preliminary drill or holiday parade. By the Act of 1863, chapter 243, the governor had been authorized to organize from the enrolled militia a force consisting of at least one regiment of cavalry, of twelve troops or companies ; one regiment of artillery, of not more than twelve batteries ; and eight regiments of

infantry, of ten companies each. The usual proclamations were issued in pursuance of the Act, but for the reasons already suggested, little or no practical response was made; and when the legislature of 1864 assembled, it was found that, with the exception of a few long-established companies, we were without a militia. From all portions of the Commonwealth it was demanded that this ancient force should be restored, and placed upon a proper footing, not only for its efficiency in the prevention of invasion, the suppression of insurrection, and the enforcement of the law, but for its utility as a preparatory school of military science, and as a nucleus around which the people could gather, as they did gather, when summoned to actual war. But inasmuch as the men of military age did not respond to what, under the Act of 1863, was strictly a *volunteer* system of militia, the Act of 1864, constituting the present Militia Act, was adopted by the legislature. This Act, although recognizing and adapted to organizations of *volunteer* militia, is chiefly noticeable for those features which provide for an enrolment of the militia, under which all (not specially exempt,) between the ages of 18 and 24, are *compelled* to serve and to do military duty. This class constitutes the *active* militia, while persons between the ages of 24 and 45 are *reserved*, without the benefits of drill and discipline, for special emergencies. Under the Act the Commonwealth has been divided into 249 company districts, in each of which the two enrolments of active and reserved militia have been made, and elections of captain and subalterns ordered. In many of the districts, the elections have resulted in the choice of suitable officers. In others, for various reasons, the elections have not been successful. It is quite obvious that the original districting of the territory of the State, although very carefully made, must be revised, and perhaps altogether reformed, if the Act is to be continued in force; because the numbers of men liable to duty, as ascertained by the enrolment, are so widely various in the several districts. Of the intrinsic value and probable efficacy of the Act of 1864, in the constitution of a State militia, your Committee do not feel called upon to pronounce an absolute judgment. It is certain, however, that under the stimulus of a provision which enforced military duty from those who would not render it voluntarily, the Militia Act

has been entirely successful in bringing to light at least the elements of a militia. For no less than forty-one volunteer companies of infantry, mostly as yet unattached, have been organized, and are now to be relied upon as State militia. So far, then, the Act has been productive of good results, for it has been instrumental in raising a force of over four thousand militia men. In other words, if this paradox may be pardoned, it has *compelled them to volunteer*. And thus, so far as numbers go, the Commonwealth has now a militia nearly as strong as before the war.

Your Committee, in further testimony of their appreciation of the Act of 1864, desire to express their approbation of its methods of *organization* of the militia, its adjustment and balance of the various portions of the system, and its arrangement of the staffs.

Notwithstanding, however, the good already accomplished by the Act and its valuable features as to mere organization, which should be substantially retained under any system, the Committee are of the opinion that it would be wise to suspend, for a year, the operation of the law, so far as it relates to the district system, but to continue the law in respect to the *volunteer* companies already organized, and to provide, within certain limits, for the formation of others. The Committee are led to this conclusion mainly for two reasons. In the first place, a compulsory system seems to be somewhat repugnant to the genius of our people, and however necessary for the exigencies of war, is, at least, far less applicable to a peaceful period and to State service, and is perhaps not likely to produce that *esprit du corps* necessary to make a militia efficient and respectable.

Secondly. The expense of maintaining the militia under the present Act, should the Act be thoroughly carried out through the Commonwealth, will be necessarily very large; in fact, upon a greater scale than the benefits likely to be derived from it. And as this subject bears so directly and strongly upon the finances, it is well to consider that the volunteer companies of the militia, though limited in number, if properly cherished by the legislature, will probably accomplish all that could be reached under the most favorable circumstances by the district militia, at a vastly decreased expenditure of money.

Experience having shown that a large force is not necessarily a strong one, we may trust that, with the numbers of Massachusetts citizens already trained in the severest schools of the present rebellion, we can at any time within the next twenty years, should the trumpet of war again sound, form with alacrity and certainty upon a small and well-trained militia.

Your Committee are therefore unanimous in their conviction, that while the Act of 1864 should be suspended so far as it relates to enforced military duty in the several districts of the Commonwealth, as provided for through the organization of the standing or district companies, it should be kept alive in respect to the existing *volunteer* companies, and that these companies should, with all possible dispatch, be organized into regiments. They also believe that in those districts in which companies are already organized under the compulsory system, an opportunity for conversion into volunteer companies should be afforded, which, doubtless in many cases, will be eagerly embraced. The enrolments of all the districts should be completed, thus giving full and reliable lists of all the legal militia of the Commonwealth, lists which will be valuable without reference to the Act of 1864. In behalf of the volunteer companies which will thus constitute the militia of the State, the Committee recommend a more liberal provision than the Act of 1864 affords, proposing a scale of remuneration to officers and soldiers for their prescribed military duties, which has been agreed upon after much deliberation and consideration of evidence. All the companies which the governor may be authorized to accept, should be adequately supported, and the Committee can discover no reason why the members of the militia should be called upon to bear personally any portion of the expense necessary to the discharge of a duty which concerns the whole public, no less than the performance of civil functions.

If it be objected that the propositions of the Committee, if carried out, will tend to make only a few thousands of our population soldiers, while the majority will be still untrained and unfitted for military service, your Committee can only observe that more reliance is to be placed upon the facilities for military drill and exercise to be found in public and private schools, and upon the stimulus and emulation in the military

art which the times afford, than upon the best contrived plan by which the youth is drawn to his duty as to a burden or a task.

In pursuance of these views, your Committee recommend the passage of the accompanying Bill.

T. P. CHEEVER, *for the Committee.*

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Sixty-Five.

AN ACT

To amend certain Acts concerning 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. So much of the two hundred and thirty-
2 eighth chapter of the acts of eighteen hundred and
3 sixty-four, as requires the active militia to perform
4 military duty, is hereby suspended; and the said
5 active militia shall be subject to active duty, only as
6 provided for the reserve militia in section twelve of
7 the same chapter.

1 SECT. 2. The operation of so much of the several
2 acts concerning the militia as requires cities and
3 towns to furnish armories to the active militia, and of
4 so much of the said acts as requires arms and uni-

5 forms to be issued to the active militia, is suspended
6 so long as the first section of this act remains in
7 force.

1 SECT. 3. The volunteer militia shall perform all
2 duties required of the active and volunteer militia by
3 chapter two hundred and thirty-eight of the acts of
4 eighteen hundred and sixty-four; and any existing
5 company of the active militia may become a volunteer
6 company, in the discretion of the commander-in-chief.

1 SECT. 4. The whole number of volunteer compa-
2 nies in the Commonwealth, exclusive of the two corps
3 of cadets, shall not exceed seventy companies of
4 infantry or heavy artillery, twelve companies of cav-
5 alry, twelve companies or batteries of light artillery,
6 and one company of engineers.

1 SECT. 5. Section one hundred and forty-three of
2 chapter two hundred and thirty-eight of the acts of
3 eighteen hundred and sixty-four, is hereby amended
4 so as to provide that the pay of the officers therein
5 enumerated for each day's duty in camp shall be six
6 dollars, and the pay of the non-commissioned officers
7 therein enumerated for each day's duty in camp shall
8 be four dollars.

1 SECT. 6. Section one hundred and forty-five of
2 chapter two hundred and thirty-eight of the acts of
3 eighteen hundred and sixty-four, is hereby amended
4 so as to provide that the pay of the several officers
5 and soldiers therein mentioned shall be as follows:—
6 Every officer shall receive for each day's duty in camp,
7 and for the duty required to be performed upon the

8 first Wednesday in May, three dollars; and each non-
9 commissioned officer and soldier shall receive two
10 dollars and fifty cents. Every member of a band
11 shall receive, for services performed in obedience to
12 orders, at the rate of two dollars and fifty cents a day,
13 while on duty. Every member of a mounted company
14 shall receive seven dollars a day, in addition to the
15 compensation herein before provided, which shall
16 include keeping and forage for horses.

1 SECT. 7. Section twenty-four of chapter two hun-
2 dred and thirty-eight of the acts of eighteen hundred
3 and sixty-four, is hereby amended by striking out the
4 word "brigade," wherever it occurs, and inserting
5 the word "regiment," and by striking out the word
6 "brigade inspector," and inserting the word "adju-
7 tant."

1 SECT. 8. Every captain of a standing company
2 shall return to the clerk of each town within his
3 military district, a roll of the soldiers of his company
4 residing in said town. The return shall be made
5 during the month of June, in each year; and the
6 clerk shall make record of said roll.

1 SECT. 9. A company may remain unattached to
2 any regiment, brigade, or division, whenever, in the
3 opinion of the commander-in-chief, the interests of the
4 service require it; and the commanding officer of any
5 such unattached company, shall sign the warrants of
6 the non-commissioned officers of said company who
7 may have been duly appointed, and any warrant so
8 signed shall be in all respects valid.

1 SECT. 10. Whenever any such unattached company
2 is so situated that the soldiers cannot be conveniently
3 assembled at one place for monthly drills, the com-
4 manding officer of said company may order the same
5 to be drilled in squads, not exceeding three to a com-
6 pany, under the provisions and restrictions of section
7 one hundred, of chapter two hundred and thirty-eight
8 of the acts of eighteen hundred and sixty-four; and
9 each of said squads shall be commanded by a com-
10 missioned officer of the company.

1 SECT. 11. Whenever any company is legally
2 divided into squads, the mayor and aldermen and
3 selectmen of the cities and towns wherein said squads
4 are ordered to drill, shall provide within the limits
5 of said town a suitable armory or place of deposit
6 for the arms, equipments, and equipage of said
7 squad: *provided*, that the expense of all of said
8 armories shall not exceed the reasonable cost or
9 expense of an armory for the entire company. Each
10 of said armories shall be under the immediate super-
11 vision of the officer in command of the squad, who
12 shall be responsible for the safety and proper care of
13 said arms, equipments and equipage of his squad.

1 SECT. 12. Whenever a volunteer company is
2 formed, the signatures of the members thereof to an
3 enlistment roll, issued from the office of the adjutant-
4 general, shall constitute a legal enlistment.

1 SECT. 13. The commander of a regiment may dis-
2 charge any non-commissioned officer or private within
3 the regiment, whenever the captain of his company

4 unreasonably refuses to make application therefor,
5 under the provisions of chapter two hundred and
6 thirty-eight, section twenty-three, of the acts of
7 eighteen hundred and sixty-four.

1 SECT. 14. The commander-in-chief may, whenever
2 in his opinion the interests of the service require it,
3 discharge any non-commissioned officer or private of
4 a volunteer company.

1 SECT. 15. For any offence mentioned in section one
2 hundred and fourteen of chapter two hundred and
3 thirty-eight of the laws of eighteen hundred and
4 sixty-four, the delinquent may be put and kept under
5 guard, by the commander of the company, regiment
6 or of the field, for a time not extending beyond the
7 time of service for which he is ordered out.

1 SECT. 16. Associations of soldiers honorably dis-
2 charged from the service of the United States may
3 parade in public with arms, upon public anniversa-
4 ries, upon the reception of any regiments or compa-
5 nies of soldiers returning from said service, and for
6 the purpose of infantry escort duty at the burial of
7 deceased soldiers, anything in the provisions of section
8 one hundred and seventy-seven, chapter two hundred
9 and thirty-eight of the acts of eighteen hundred and
10 sixty-four, to the contrary notwithstanding.