

## HOUSE...No. 57.

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### Commonwealth of Massachusetts.

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HOUSE OF REPRESENTATIVES, March 1, 1854.

The Committee on the Militia, to whom was referred the Adjutant-General's Report, (Senate Document No. 4,) and also the Petition of Thomas C. Amory and another, officers of the Divisionary Company of Cadets, attached to the First Division of Massachusetts Militia, having considered the said Petition, and so much of the said Adjutant-General's Report, (upon the 31st and 32d pages thereof,) as refers to the two Companies of Cadets, attached to the First and Second Divisions,

#### REPORT:

That in the year 1785, the legislature of Massachusetts—first declaring, by preamble, that “whereas it hath been found promotive of military knowledge to encourage the formation of Cadet Companies and other military corps”—enacted a law authorizing the governor, with the advice and consent of the council, to raise at large, and organize in each division of the militia of this Commonwealth, one or more companies of Cadets, or other corps; such companies or corps, when so raised and organized, to be under the command of the major-general

of the Division in which they should be respectively formed; and it appeared in evidence before your committee that the two companies of Cadets now attached to the First and Second Divisions respectively, were raised and organized in the year 1786, under the law above referred to. It seems to have been the intention of the general court in thus providing for the organization of these independent companies, to establish in each division of the militia, one or more schools for military instruction and discipline, in which those who were so disposed might have an opportunity to qualify themselves to assume and discharge the duties devolving upon commissioned officers of the general militia of the Commonwealth—an institution which at that time was looked upon with the greatest favor by all classes of the people—and to hold office in which, even one of the lowest grades, was deemed a most honorable distinction. The result was, that besides the two companies above named, several others of a similar character were raised and organized in different parts of the State under the same law; but all such have long since ceased to exist as independent companies, having either surrendered their charters and been disbanded, or voluntarily become merged and incorporated into the general military organization of the State, and the Boston Cadets and Salem Cadets are now the only surviving companies in the Commonwealth, claiming independent charters, that were raised and organized under the Act of 1785.

At the time of the formation of these companies in 1786, the militia law then in force would have entitled them to but three commissioned officers, viz.: a captain, one lieutenant, and an ensign. All companies of militia were, and had been for a long period of time, under the Provincial as well as the State government, thus officered. But the general court, with the idea, as it would seem, of carrying out the supposed original object of the organization of Cadet Companies, and the more distinctly and entirely to separate them from the general militia of the State, in the month of July, 1786, passed a Resolve—"that the governor be, and he hereby is authorized and empowered to commission one captain, one captain-lieutenant, one first lieutenant, one second lieutenant, and one ensign, to every Cadet Company which shall be raised within this Common-

wealth," and in the course of the same month of July, the Salem Cadets, were organized, and their officers were chosen and commissioned according to the provisions of said last named Resolve. But the Boston Cadets, although raised and organized under the authority of the law of 1785, claimed to be, in fact, a reorganization of a corps which existed prior to the Revolution, with but three commissioned officers, and therefore did not avail themselves of the provisions of the Resolve of 1786, entitling them to five officers of the peculiar rank specified in said Resolve, but petitioned the general court for some special legislation in their behalf, touching the number and grade of their officers. No direct evidence was submitted to the committee, tending to show the fact whether or not the general court at that time recognized the claim of the Boston Cadets to be the successors of the pre-existing corps above referred to, but your committee are led to infer such a recognition from subsequent acts of legislation, taken in connection with certain well established historical facts in relation to this company. These facts are, that in the year 1741, a company of young men were organized in Boston as the body guard of the provincial governor, and known as the Governor's Company of Cadets, having three commissioned officers ranking as field officers; that this company continued its existence until 1774, when it was disbanded by Governor Gage, in consequence of the active part taken by its commanding officer, (Lt.-Colonel John Hancock,) and other officers and members of the corps, in the then pending revolutionary struggle; and that among the most prominent of those who formed the new company in 1786, were those who were members of the old company in 1774. These facts were made the ground work of "the petition of Samuel Bradford and others, officers of the Company of Cadets in Boston," hereinbefore referred to, upon which petition the general court in October, 1786, passed the following Resolves:—

"*Resolved*, That the governor be, and he hereby is, authorized and empowered to *commissionate* the officers of the Independent Company of Cadets in Boston, with the following

rank, viz. : the captain, with the rank of lieutenant-colonel, and the lieutenant and ensign, each with the rank of major.

“*Resolved*, That said Company of Cadets be, and hereby is, entitled to an adjutant, and that the governor be, and he hereby is authorized and empowered to ‘*commissionate*’ the said adjutant, with the rank of captain.”

Under the authority of these Resolves, the officers of the Boston Cadets were at once commissioned, and the company made its first parade under this new organization, on the 19th of October, 1786.

The Constitution of the United States, which went into operation March 4th, 1789, provided that Congress should have power to provide for organizing, arming, and disciplining the militia of the several States, and under this power, an Act of Congress was passed, May 8th, 1792, entitled, “*An Act more effectually to provide for the National Defence, by establishing an uniform Militia System throughout the United States.*” This Act contains the following provision, which has never been repealed or abrogated, and still remains in full force, viz. : “*And whereas, sundry corps of artillery, cavalry, and infantry, now exist in several of the said States, which, by the laws, customs or usages thereof have not been incorporated with, or subject to the general regulations of the militia: Be it further enacted*, That such corps retain their accustomed privileges, subject, nevertheless, to all other duties required by this Act, in like manner with the other militia.”

Your committee have thus traced the history of the organization of the two companies of Cadets attached to the First and Second Divisions, and cited the different acts and resolves both of the General and State governments, to show the authority under which these two companies claim and hold an existence entirely independent of and apart from the rest of the militia of the State. Both corps existed prior to the Act of Congress passed in 1792, and both are therefore entitled to all the privileges enjoyed by them at and before the passage of that Act. Among these privileges are, that they shall not be subject to the orders of an officer of inferior rank to a major-

general; that their officers are of superior rank to other company officers in the State; and that being organized as schools of instruction in the various battalions as well as company movements and exercises, they are severally entitled to have a sufficient number of men to enable them to manoeuvre successfully as battalions. The acts and resolves cited, show their claim to the two first of these to be well founded; nor are your committee disposed to dispute their claim to the latter, although this does not seem to be so well established as the two former, except by inference arising out of the express object of their formation.

The commanders of both corps appeared before the committee and testified that their records prior to 1792, were either lost or destroyed, and they had, therefore, no means of showing, by said records, the number of men originally enlisted into their respective corps, nor could they show the number that was accustomed to parade in their ranks from time to time, during the earlier years of their organization, except from tradition; but, both commanders were equally certain, from information derived from older members, and from other gentlemen old enough to remember some of the earliest parades of the respective companies, that they were then accustomed to appear with very full ranks—sometimes to the extent of one hundred to one hundred and twenty men. If such be the fact, there would seem to be no occasion for legislation upon that portion of the petition referred to your committee, wherein said company of Boston Cadets asks permission to increase its enlistments; but both that company, and the Salem company, have now the privilege reserved to them, under the Act of 1792, of enlisting into their respective ranks such a number of men as is necessary to constitute a battalion of such size as the rank of the commanding officer of each corps entitles him by military law and usage to command. Without, however, expressing any opinion upon this point, your committee deem it inexpedient, in the present state of the militia of this Commonwealth, to make any further provisions of law in regard to the number of men to which either of these companies may be entitled. But, the committee unanimously coincide in the opinion expressed by the adjutant-general in

the pages of his report, hereinbefore referred to,—that some further legislation should be had in regard to both these companies, to enable them more fully to carry out the objects of their original organization, and at the same time to perform with greater facility the various duties devolving upon them under the present militia laws of the Commonwealth.

Being attached to no regiment or brigade, each of these companies of Cadets, is, to all intents and purposes, a battalion by itself, manœuvring and drilling as such, on all occasions of public parade; and being subject to the present militia law of the State, which requires all the troops to perform three days duty in camp, each company must perform this duty alone by itself, except only in cases where the whole division to which each is attached, goes into camp together. And in all cases, whether they go by themselves, or with their respective divisions, they are obliged to comply with all the rules and regulations of the camp applicable to regiments and separate battalions—which rules and regulations require the performance of certain staff duties not properly devolving upon any office now in commission in either of said companies. To remedy this difficulty, therefore, your committee are of opinion, and respectfully recommend that both of said companies should be recognized hereafter as separate battalions, and be allowed such staff officers as will enable them to perform all the duties of separate battalions, both in the field and in camp, as prescribed by law and the rules and regulations of military service. The staff officers thus required, are an adjutant, a quartermaster, and a surgeon. The Boston Cadets are already entitled to, and are provided with an adjutant and a surgeon,—the former under the Resolve of October, 1786, hereinbefore cited, and the latter, under a Resolve of the general court passed on the 28th of February, 1803. But the Salem company have neither of these officers. It is proposed, therefore, and the committee recommend, that each of said companies be provided with the three staff officers above named—that is to say—the Boston company with a quartermaster, and the Salem company with an adjutant, quartermaster, and surgeon. The committee further propose to change the rank of three of the officers of the Salem Cadets, so that they may conform, in

some degree, to the rank of other officers in the militia of the State, holding similar positions. It will be perceived that said company have two commissioned officers above the rank of first lieutenant—the highest grade of a subaltern officer either in the army of the United States or State militia,—viz : a captain-lieutenant and a captain-commandant ; and they have also one commissioned officer below the rank of fourth lieutenant,—the lowest grade of a subaltern now recognized,—viz. : an ensign. The captain-commandant, in all battalion movements and evolutions, necessarily acts as a field officer, and the captain-lieutenant as captain ; and it is proposed that these two officers shall be commissioned with the rank corresponding to their respective duties, in order the more fully to carry out the battalion formation. It is also proposed to raise the rank of the ensign to that of third lieutenant, so that the several company officers shall descend in regular gradation.

Your committee further propose and recommend, that the governor be authorized and empowered, from time to time, to increase the number of company officers, non-commissioned officers, and musicians in either or both of the said companies of Cadets, whenever it may seem to him necessary or expedient so to do in order to enable them the more effectually to carry out the object of their organization—limiting their rank, however, so that in no case the newly created officer shall out rank any previously existing officer. This authority, if granted, will, without doubt, always be exercised by the commander-in-chief, with a due regard to the best interest and welfare of the whole militia of the State, as well as to that of these ancient companies ; and your committee cannot perceive any ground upon which to base an objection to the course they here recommend. Both companies have full ranks and have attained a very high degree of efficiency, and both are animated with the determination to maintain their well earned reputation for drill and discipline ; and an examination of their records, for more than half a century, will show, that the intention of the general court in providing for their organization as schools for officers has been fully carried out, and that many of the most distinguished officers in the Commonwealth,

received their earliest military instruction in the ranks of one or the other of these ancient corps.

With these views, your committee submit and recommend the adoption of the subjoined Resolves.

For the Committee,

NEWELL A. THOMPSON.

## Commonwealth of Massachusetts.

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In the Year One Thousand Eight Hundred and Fifty-Four.

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### RESOLVES,

Concerning the Independent Companies of Cadets, attached to the First and Second Divisions of the Massachusetts Volunteer Militia.

*Resolved*, That in addition to the officers now allowed, by law or usage, to the Independent Company of Cadets, attached to the First Division of the Massachusetts Volunteer Militia, the said company may have a Quartermaster, who shall be elected by the members of said company, in manner prescribed by the constitution and laws for the election of company officers, and commissioned by the governor with the rank of First-Lieutenant; and may also have such number of company officers, sergeants, corporals, and musicians, as the commander-in-chief shall, from time to time, deem expedient for the proper drill and discipline of said company, in the school of the battalion. The said company officers to be elected by the members of said company, in the manner prescribed by the constitution and laws for the election of officers of similar grade; and to be commissioned by the governor with such rank as he shall determine,—not however, above the rank of

First-Lieutenant : and the said sergeants, corporals, and musicians, to be appointed by the commanding officer of said company of Cadets, in manner now provided by law, for the appointment of non-commissioned officers and musicians in other companies of the volunteer militia of this Commonwealth.

*Resolved*, That the governor be, and he hereby is authorized and empowered, to commission the officers of the Independent Company of Cadets, attached to the Second Division of the Massachusetts Volunteer Militia, with the following rank, viz.: the captain-commandant with the rank of *major*, the captain-lieutenant with the rank of *captain*, and the ensign with the rank of *third-lieutenant*.

*Resolved*, That in addition to the officers now allowed, by law or usage, to the said Independent Company of Cadets, attached to the second division, the said company may have an Adjutant, a Quartermaster, and a Surgeon, severally to be elected by the members of said company, in manner prescribed by the constitution and laws for the election of company officers, and to be commissioned by the governor, with the same rank of staff officers of similar grade in the volunteer militia of this Commonwealth. And said company may also have such an additional number of company officers—sergeants, corporals, and musicians, as the commander-in-chief shall, from time to time, deem expedient for the proper drill and discipline of said company in the school of the battalion. The said company officers to be elected by the members of said company, in manner prescribed by the constitution and laws for the election of officers of similar grade; and to be commissioned by the governor, with such rank as he shall determine,—not however, above the rank of fourth-lieutenant. And the said sergeants, corporals, and musicians, to be appointed by the commanding officer of said company of Cadets, in manner now provided by law for the appointment of non-commissioned officers and musicians in other companies of the volunteer militia of this Commonwealth.