

**SENATE NO.1. SPECIAL MESSAGE OF  
HIS EXCELLENCY JOHN A. ANDREW:  
TO THE TWO BRANCHES OF THE  
LEGISLATURE OF MASSACHUSETTS,  
JANUARY 3, 1866**

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Senate No.1. Special Message of His Excellency John A. Andrew: to the Two Branches of the Legislature of Massachusetts, January 3, 1866 by John A. Andrew

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**JOHN A. ANDREW**

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SPECIAL MESSAGE

OF

HIS EXCELLENCY

JOHN A. ANDREW,

TO THE

TWO BRANCHES

OF THE

Legislature of Massachusetts,

JANUARY 3, 1866.

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With accompanying Documents.

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## SPECIAL MESSAGE.

EXECUTIVE DEPARTMENT, BOSTON, }  
January 3, 1866. }

*To the Honorable the Senate:—*

I have the honor to communicate to the Senate, by this message, a variety of documents, for use of the General Court, which it is important to place within its possession and in print, for the elucidation of several branches and particulars of administrative work, which will be left by me, either wholly or nearly complete, at the expiration of my term of office.

### *The Militia.*

I especially avail myself of the earliest practicable opportunity in the present session to lay before the General Court, several reports which it is my own duty to transmit, although upon the eve of retirement from the Executive department, concerning the Militia, viz.:

1. A copy of a special report made to the Governor, by Brig. Gen'l *William Schouler*, Adjutant-General of the Commonwealth, exhibiting the num-

bers of companies of the militia, and their organization, up to the 30th day of December, just past.

2. A copy of a report made by Brig. Gen'l *R. A. Peirce*, Asst. Q. M. G. and Chief of Ordnance, exhibiting schedules of the arms, equipments, uniforms, ordnance, and all the Quartermaster's and ordnance stores in his custody on the 18th day of the same December.

3. A copy of a report made by Col. *J. W. Gelray*, Ass't Inspector-General, of a thorough and detailed inspection of all militia organizations of the Commonwealth, concluded on the 30th day of the same month.

My object, in bringing these reports personally to the attention of the Legislature, is to enable it to know, as early as may be, the precise condition of the militia, and the quantity and value of the military property under the administration of the military bureaus, and to appreciate the just wishes of the members of the militia itself in reference to its present state of organization.

I should have thought my proper office fulfilled by communicating only with the able and distinguished citizen who is to succeed me in the Executive chair; were it not that certain peculiarities in the present statutes concerning the militia have lately embarrassed my own action, and delayed the completion of regimental organizations. It is due, alike to the militia and to my successor in office, that I should myself assume the task of explanation.

THE Act of 1864, chapter 238, section 72, required that "the non-commissioned officers and privates of the active and volunteer militia, upon being enrolled or organized, shall be furnished, at the expense of the State, with the proper uniforms of their regiments and corps, by the quartermaster-general's department, upon a requisition of the commander of the company, countersigned by the commander of the regiment." Section 73, of the same chapter, provided that "such uniforms shall be deposited in the armories of the several companies for safe keeping, and worn only in the discharge of military duty; and every person to whom such a uniform is issued shall receive half pay only for his services in the discharge of military duty, under the laws of the State, until the expense is liquidated by such service, when the uniform shall become the property of such person."

It was provided in the 7th section of the same Act, that all persons liable to enrolment in the militia, under the age of twenty-four years, should constitute "the active militia." And the 16th section provided that, "the commander-in-chief may authorize the continuance or formation of volunteer companies, formed of members of the active or of the reserve militia, who shall be liable to all the duties of the active militia, but shall be excused from duty in the standing company in which they are enrolled, so long as they shall continue members of such volunteer companies."



It was also provided in section 145 of the same Act, in respect of the compensation of non-commissioned officers and soldiers of the militia, that for each day's duty in camp, they should each receive \$1.30; with \$3 in addition to the daily pay of members of mounted companies, keeping and forage inclusive.

The General Court of 1865 was apparently of the opinion, that the Act of 1864, if fully executed in all its provisions, would furnish a larger militia force than existing circumstances rendered desirable. That opinion was expressed by the very able and experienced Committee on Military Affairs, in their report to the House of Representatives, dated April 20th, 1865, (House Document, No. 236.) The committee, however, declared their express approbation of the Act of 1864, in respect to "its methods of *organization* of the militia, its adjustment and balance of the various portions of the system, and its arrangements of the staffs," which, they observed, "should be substantially retained under any system." The committee were "of the opinion that it would be wise 'to *suspend*' 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 result was the adoption of chapter 250, of the Acts of 1865;—by the first section of which, the

laws of 1864, concerning the "*active militia*" were "*suspended*." By the third and fourth sections of this Act, the "*volunteer militia*" were rendered subject to all the duties required of the volunteer militia by chapter 238, of the Acts of 1864;—and the maximum force of the volunteer militia, exclusive of the two corps of Cadets, was fixed at 100 companies of Infantry and Heavy Artillery, 5 of Cavalry, 5 of Light Artillery, and 1 of Engineers.

This law, while it "suspended" the operation of all the compulsory portion of the Act of 1864, still retained in service all those persons who had become members of the volunteer militia, prior to the date of its going into operation, viz., June 16th, 1865. The result has been that, under this *volunteer system*, we in fact have *compulsory military service*; since persons had felt "compelled to volunteer" to enlist in organizations they preferred, who were subject by the Act of 1864, to be assigned to duty, under "the district system," in organizations less to their choice. Many young men, having volunteered under this compulsion, and finding the law suspended—the expected operation of which had controlled their minds—have felt, and not without just grounds, a sense of hardship and inequality in being held to the terms of their enlistment. Such persons have contended that if the volunteer system is the policy of the Commonwealth, and not a compulsory system, they also ought to be free to volunteer or not, according to

their own pleasure; and that they ought not to be held as if they had really become volunteers, when in truth, and in fact, they had only exercised their election as to which organization they would enter, under a statute compelling them to perform militia duty somewhere. This state of things during the last few months has occasioned some uneasiness.

While, as a citizen, I could not be insensible to the equitable character of the objection made; nevertheless as Commander-in-Chief of the militia of the Commonwealth, it was my duty to maintain the law, and to hold them in service, subject to all the possible exigencies for which militia might be required.

Again, chapter 250, of the Acts of 1865, increased the daily compensation of a non-commissioned officer and soldier from \$1.30 to \$2.50, with \$5 instead of \$3 a day, in addition, to members of mounted companies. And yet by an amendment, (being section 15, of chapter 250, introduced while the committee's Bill was in progress,) all that part of the 73d section of chapter 238, in the Acts of 1864, hereinbefore recited, which provided a mode of payment by the soldier for his uniform, was repealed.

Now, there are five sections of chapter 238 of the Acts of 1864, "*concerning articles furnished by and to soldiers,*" viz.: sections 71 to 75, inclusive. These five sections contain provisions which contemplate, 1, the procurement of their own arms and equipments by commissioned officers; 2, the furnishing by the