

MAINE STATE LEGISLATURE

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PUBLIC ACTS

OF THE

STATE OF MAINE,

PASSED BY THE

SEVENTH LEGISLATURE,

AT ITS SESSION

HELD IN JANUARY, 1827.

PUBLISHED AGREEABLY TO THE RESOLVE OF THE 28TH OF JUNE, 1820.

PORTLAND.

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1827.

Wednesday in January, eighteen hundred and thirty-two, at Augusta aforesaid.

SECT. 3. *Be it further enacted*, That the Governor and Council, be authorized to obtain a conveyance to the State, of a suitable lot of land in said Augusta, on which the Public Buildings may be erected, provided the same can be had without expense to the State.

Governor and Council authorized to receive a conveyance of a site for the Public Buildings.

SECT. 4. *Be it further enacted*, That the sum of five hundred dollars be appropriated and placed at the disposal of the Governor, to enable him to cause such lot as may be conveyed to the State, to be improved, fenced and ornamented with forest trees, as the Governor and Council may direct.

Appropriation for certain purposes.

SECT. 5. *Be it further enacted*, That all laws and resolves inconsistent with the provisions of this Act, be, and the same are hereby repealed.

Repeal of other laws, &c.

[*Approved by the Governor, Feb. 24, 1827.*]

This Bill was presented to, signed and approved by the Governor subsequently to the Resolve, entitled "Resolve fixing the place for the meeting of the next Legislature of this State."

CHAPTER CCCLXVII.

AN ACT establishing Circuit Courts Martial.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in Legislature assembled*, That Circuit Court Martials [Courts Martial] be constituted for the trial of officers holding commissions in the Militia of this State, during time of peace, with the same power which has heretofore been exercised in cases within the cognizance of General and Division Courts Martial: And for that purpose, the State shall be divided into three Military Circuits, in manner following, viz: The

Courts constituted.

State divided into Districts.

First Circuit, to consist of the First, Fifth and Sixth Divisions of the Militia ; the Second Circuit to consist of the Second, Fourth and Eighth Divisions ; and the Third to consist of the Third and Seventh Divisions.

SECT. 2. *Be it further enacted,* That each of said Circuit Courts shall consist of three members, holding or having held commissions in the Militia above the rank of captain, and being persons of virtue, learning and discretion, to be appointed by the Governor, with advice of Council, to hold their offices for the term of seven years, unless sooner discharged : And one of the members of each Court, appointed as aforesaid, shall be designated in his commission as the President thereof : And two of the number, the President being one, shall constitute a quorum for the trial of all causes within their jurisdiction ; and in case the President of any Court shall be held to trial for any offence cognizable by said Court, the senior officer, being a member of the Court, shall exercise the office of President.

Each Court to consist of three members ; to be appointed by the Governor and Council ; and one to be designated President thereof

Jurisdiction.

SECT. 3. *Be it further enacted,* That there shall be appointed and commissioned by the Governor, a Division Advocate for the Militia of suitable learning in the law, in each Division, with the rank of Major, whose duty it shall be to prosecute such complaints as shall be exhibited to the Adjutant General and instituted by the Commander in Chief.

Division Advocate to be appointed for each Division with the rank of Major.

SECT. 4. *Be it further enacted,* That the Court hereby authorized, shall be held from time to time, according to the appointment of the Commander in Chief, at some place within a Division, to be by him designated for the trial of any cause of complaint arising within such Division. And it shall be the duty of the Division Advocate, whenever any complaint is lodged with him against any officer, to reduce the charges and specifications of charges to proper form, and to transmit the same to the Adjutant Gene-

Court to be convened by the Commander in Chief.

Mode of procedure when complaints are made, &c.

ral's Office, for the consideration of the Commander in Chief. And whenever a Court Martial is ordered, the Advocate shall be furnished with a copy of the order therefor, and of the charges and specifications exhibited, and cause the respondent to be served with a copy thereof thirty days at least before the time of trial. And the respondent shall be held to answer said charges and specifications in writing, and deliver his answers to the Advocate, fifteen days at least before the time of trial.

SECT. 5. *Be it further enacted,* That all persons summoned to testify, in any cause, which may be ordered for trial before either of said Circuit Courts Martial, by virtue of a subpœna issued by a Justice of the Peace within the same Division, if for the respondent, or by the Division Advocate, if for the State, shall be held to obey such subpœna, under the same penalties and liabilities for neglect, as are provided in other public prosecutions: And all oaths required of persons testifying in the Court aforesaid, may be administered by either member thereof: And depositions may be taken and used in like manner, as in cases pending in Courts of common law, by consent of the Advocate and respondent; and if the respondent shall admit the truth of the charges, without producing satisfactory evidence in justification of the facts admitted, or in extenuation of the offence charged against him, or if, on trial, he shall be found guilty, the Court shall sentence him, either to be reprimanded in orders, or removed from office: And if any officer shall be removed from office, the Court shall adjudge him to be disqualified for, and incapable of holding any military office under this State for life, or for a term of years, according to the aggravation of the offence. And the judgment or sentence of the Court shall, as soon as may be, be certified by the President, under the seal of the Court, to the Commander in Chief, to be promulgated and carried into effect.

Witnesses, how summoned, &c.

Oaths to be administered.

Depositions may be used.

Sentence may be awarded.

—to be certified to the Commander in Chief.

SECT. 6. *Be it further enacted,* That, at any session of the Court aforesaid, the President thereof shall have power to appoint a Marshal, whose duty it shall be to preserve order therein, and observe the directions of the Court ; and the President of said Court may also, if he thinks proper, appoint a warrant officer to attend upon the same as an orderly.

Marshal may be appointed, &c.

SECT. 7. *Be it further enacted,* That it shall be the duty of the Presidents of the respective Courts hereby constituted, to prepare from time to time, compendious reports of the trials had in said Courts, and of the decisions of all questions arising on such trials, stating, in substance, so much of the evidence as may be necessary for a correct understanding of the cases settled : And such reports shall be annually, in the month of January, deposited in the office of the Adjutant General, that the same may be published, as the Legislature may from time to time determine.

Presidents of the Court to prepare Reports, to be deposited in the Adjutant General's Office.

SECT. 8. *Be it further enacted,* That the Commander in Chief shall have power to appoint any member of said Court to make a summary inquiry into the truth and circumstances of any matter contained in any complaint or allegation against the conduct of any officer or corps of the Militia, whose duty it shall be to report the result of such inquiry and investigation to the Commander in Chief, as soon as may be after he shall have completed such investigation, and file his account for such service in the Adjutant General's Office, to be presented to the Legislature for allowance and payment.

Any member may be appointed to make summary inquiries.

SECT. 9. *Be it further enacted,* That each member of the Court shall receive three dollars for each day's attendance at any Court hereby authorized, and the Advocate shall receive three dollars and the Marshal two dollars a day each, for their attendance respectively, and the orderly officer such allowance as to the Court may appear reasonable ; and all witnesses duly sum-

Compensation to the members and others.

moned and attending any Court as aforesaid, shall be allowed one dollar and fifty cents a day, for attendance, and eight cents a mile for travel to and from the Court; but no witness shall be taxed against the State, unless summoned by direction of the Advocate. And for travel to and from any Court to be held as aforesaid, the members and Advocate shall each be allowed ten cents a mile. And the pay roll shall be made up at the close of each session of the Court, certified by the President and Advocate, and filed in the Adjutant General's Office, to be presented to the Legislature for allowance and payment.

Pay Roll to be made, &c.

SECT. 10. *Be it further enacted,* That the Presidents of the several Circuit Courts Martial constitute and compose a board for settling military questions and other purposes relative to good order and discipline, proposed to them by the Commander in Chief.

Presidents made a Board for settling military questions.

SECT. 11. *Be it further enacted,* That so much of an Act, entitled "An Act to organize, govern, and discipline the Militia of this State," passed March twenty-first, one thousand eight hundred and twenty one, as relates to Courts Martial, from the thirty-seventh to the forty-fourth section inclusively, be, and the same is hereby repealed.

Part of former act repealed.

[*Approved by the Governor, Feb. 24, 1827.*]

CHAPTER CCCLXVIII.

AN ACT making further provision respecting the punishment of Convicts.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That when any person shall, before the Supreme Judicial Court, or Court of Common Pleas, be convicted of an offence, and thereon

Convicts in certain cases, may be sentenced to imprisonment in county gaols.