

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE,

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1838.

EIGHTEENTH LEGISLATURE.

NO. 11.

SENATE.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED
AND THIRTY-EIGHT.

AN ACT additional to the several Acts now in force, to organize, govern and discipline the Militia of this State.

SECTION 1. *Be it enacted by the Senate and House of Representatives in Legislature assembled,* That whenever the Commander-in-Chief shall deem it proper to assemble any General Court Martial, it shall be lawful for him to appoint the President and members thereof, from any Division or Divisions of the Militia, which the circumstances of the case and the ends of justice may, in his opinion, require.

SECT. 2. *Be it further enacted,* That all non-commissioned officers, musicians and pri-

3 vates, between the ages of twenty-one and
4 thirty-five years, who shall have equipped them-
5 selves, and shall have been constantly equipped,
6 with the arms of their several corps, and shall
7 have regularly attended all regimental and com-
8 pany musters of their companies, and shall have
9 performed all military duty required by law,
10 sickness and unavoidable accident excepted,
11 shall, on presenting to the Assessors of the city,
12 town or plantation where they are assessed, a
13 certificate thereof from the commanding officer
14 of such companies where said military duty was
15 performed, be entitled to an abatement of all
16 state, county and town poll taxes, except for
17 highways, for the year during which the afore-
18 said duty shall have been performed.

SECT. 3. *Be it further enacted,* That the
2 commanding officer of any company who shall
3 refuse a certificate to any non-commissioned
4 officer, musician or private, of the performance
5 of the duty mentioned in the second section of
6 this act, when it shall have been performed, shall
7 forfeit to the person injured thereby, twice the
8 amount of the tax to be abated, which shall be
9 recovered by an action of debt before any Judge or
10 Justice of competent jurisdiction to try the same.

SECT. 4. *Be it further enacted,* That the
2 fine or forfeiture for the non-appearance of any
3 non-commissioned officer, musician or private, at
4 the May inspection, or any battalion, regimental
5 or brigade review, shall be eight dollars, instead
6 of the sum now fixed by law; and for non-ap-
7 pearance at any company training six dollars,
8 instead of the sum now fixed by law; and for
9 non-appearance at election of officers four dol-
10 lars, instead of the sum now fixed by law.

SECT. 5. *Be it further enacted,* That if any
2 non-commissioned officer, musician or private
3 in any military company in this State, shall, on
4 any day of parade, appear with such company
5 in a fantastic or improper dress, or with any
6 article attached to his dress, arms or accoutre-
7 ments, calculated or intended to excite ridicule,
8 such non-commissioned officer, musician or pri-
9 vate shall forfeit a sum not less than ten nor
10 more than twenty dollars for each offence.

SECT. 6. *Be it further enacted,* That the
2 *Proviso* contained in the thirteenth section of an
3 Act to which this is additional, passed March
4 twenty-eighth, one thousand eight hundred and
5 thirty-seven, be, and the same is hereby repealed.

SECT. 7. *Be it further enacted,* That in all

2 Courts Martial for the trial of officers of and
3 under the rank of Captain, the Major General
4 ordering the Court, shall regularly detail the
5 members thereof, from the roster of his Division,
6 according to rank: *Provided however*, that it
7 shall be lawful for, and the duty of, each Major
8 General to pass such officer or officers as, in his
9 opinion, may be interested or implicated in the
10 result of the trial. And all officers so detailed
11 shall, while in the same office, be ineligible to
12 serve on such Court Martial a second time, until
13 all other officers in the Division, who are not
14 legally disqualified, shall have been detailed as
15 aforesaid.

STATE OF MAINE.

IN SENATE, March 7, 1838.

THIS Bill (laid on the table by Mr. Emery) was read
once, and

ORDERED, That 500 copies of the same be printed for
the use of the Legislature.

[Extract from the Journal.]

ATTEST: WILLIAM TRAFTON, *Secretary*.