

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1839.

VOL. 2.

AUGUSTA:
SMITH & ROBINSON, PRINTERS TO THE STATE.

1839.

NINETEENTH LEGISLATURE.

NO. 35.

HOUSE.

AN ACT

ADDITIONAL TO AN ACT

RELATING TO THE

M I L I T I A .

[SMITH & ROBINSON,.....Printers to the State.]



STATE OF MAINE.

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

AN ACT additional to an Act to organize, govern
and discipline the Militia of this State.

SEC. 1. *Be it enacted by the Senate and
2 House of Representatives in Legislature
3 assembled,* That it shall be the duty of the
4 Surgeon and Surgeon's mate, if there be but
5 one of them in commission, sometime in the
6 month of March in each year, to post up at one
7 or more public places in each town, in their
8 regiment, a notice in writing that they will
9 attend at such times as shall be stated in such
10 notice, between the tenth and twentieth days of
11 April in each year, and at such places to be
12 designated in such notice, not less than three in
13 each regiment as will best accommodate the
14 soldiers in such regiment, to receive and examine
15 such applications, as may be made to them for
16 certificates of exemption from military duty on
17 account of bodily infirmity. And it shall be the

18 duty of such Surgeon and Surgeon's mate to
19 attend at the times and places stated in such
20 notice, and there publicly to receive such appli-
21 cations as may be made to them, which shall be
22 in writing stating concisely the disease or infirm-
23 ity, under oath, and to make a critical examina-
24 tion into the nature and degree of such infirmity,
25 and if they shall be of opinion, upon such exam-
26 ination, that the person so applying, is unable to
27 perform the duties required by law, of soldiers
28 in the Militia, they shall give to the person so
29 applying a certificate thereof, which being
30 recorded in the Orderly book of the Company
31 in which such applicant would otherwise be
32 liable to do military duty, shall exempt him
33 from the performance of military duty for such
34 term as they may think such disability will con-
35 tinue, not exceeding one year. *Provided, That*
36 if such Surgeon and Surgeon's mate shall be
37 of opinion that the infirmity of any person is
38 incurable and of such a nature that he can never
39 be able to perform military duty, they may give
40 to such person a certificate thereof, which being
41 recorded as aforesaid, shall absolutely exempt
42 such person from military duty.

SEC. 2. *Be it further enacted,* That no
2 certificate shall be granted by such Surgeon or
3 Surgeon's mate at any other time or place than
4 those designated in such notice, unless the per-
5 son so applying shall satisfy such Surgeon or Sur-
6 geon's mate by his statement under oath in his
7 said application, that such infirmity has arisen
8 since the times so appointed, or that he had no
9 notice or was unable to attend at either of such
10 times. And it shall be the duty of the Surgeon
11 and Surgeon's mate to file with the Adjutant of
12 the regiment, as soon as practicable, all the origi-
13 nal applications made to them, with a minute
14 thereon whether a certificate was granted or not,
15 and if granted, for what period.

SEC. 3. *Be it further enacted,* That if any
2 Surgeon or Surgeon's mate shall demand or
3 receive of any non-commissioned officer or pri-
4 vate, any fee or reward for any certificate or
5 examination, he shall forfeit and pay a fine equal
6 to four times the amount of the fee so received
7 or demanded, to be recovered in an action of
8 debt before any Court of competent jurisdiction,
9 in the name of the commanding officer of the
10 Company in which such person so paying or

11 causing to be paid such fee would be liable to
12 do duty, to be appropriated in the same manner
13 as other military fines.

SEC. 4. *Be it further enacted,* That the
2 thirty-fourth section of the Act to which this
3 Act is additional, be and the same is hereby
4 repealed.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
March 2, 1839. }

This Bill, (laid on the table by Mr. Bennett, of Parsonsfield,) was read once, laid on the table, and three hundred copies of the same ordered to be printed for the use of the Legislature.

GEO. ROBINSON, *Clerk.*