

MAINE STATE LEGISLATURE

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PUBLIC ACTS

OF THE

STATE OF MAINE,

PASSED BY THE

NINETEENTH LEGISLATURE,

JANUARY SESSION, 1839.

PUBLISHED AGREEABLY TO THE RESOLVE OF JUNE 28, 1820.

AUGUSTA:
SMITH & ROBINSON, PRINTERS TO THE STATE.

1839.

Chapter 399.

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 House of Representatives in Legislature assembled,* That it shall be the duty of the Surgeon and Surgeon's mate, if there be but one of them in commission, sometime in the month of March in each year, to post up at one or more public places in each town, in their regiment, a notice in writing that they will attend at such times as shall be stated in such notice, between the tenth and twentieth days of April in each year, and at such places to be designated in such notice, not less than three in each regiment as will best accommodate the soldiers in such regiment, to receive and examine such applications, as may be made to them for certificates of exemption from military duty on account of bodily infirmity. And it shall be the duty of such Surgeon or Surgeon's mate to attend at the times and places stated in such notice, and there publicly to receive such applications as may be made to them, which shall be in writing stating concisely the disease or infirmity, under oath, and to make a critical examination into the nature and degree of such infirmity, and if they shall be of opinion, upon such examination, that the person so applying, is unable to perform the duties required by law, of soldiers in the Militia, they shall give to the person so applying a certificate thereof, which being recorded in the Orderly Book of the Company in which such applicant would otherwise be liable to do military duty, shall exempt him from the performance of military duty for such term as they may think such disability will continue, not exceeding one year. *Provided,* That if such Surgeon and Surgeon's mate shall be of opinion that the infirmity of any person is incurable and of such a nature that he can never be able to perform military duty, they may give to such

Duties of Surgeons, &c. in giving notice of times of renewing certificates, &c. of exemptions from military duty.

Duties of same to attend, &c.

Proviso.

person a certificate thereof, which being recorded as aforesaid, shall absolutely exempt such person from military duty.

SEC. 2. *Be it further enacted,* That no certificate shall be granted by such Surgeon or Surgeon's mate at any other time or place than those designated in such notice, unless the person so applying shall satisfy such Surgeon or Surgeon's mate by his statement under oath in his said application, that such infirmity has arisen since the times so appointed, or that he had no notice or was unable to attend at either of such times. And it shall be the duty of the Surgeon and Surgeon's mate to file with the Adjutant of the regiment, as soon as practicable, all the original applications made to them, with a minute thereon whether a certificate was granted or not, and if granted, for what period.

SEC. 3. *Be it further enacted,* That if any Surgeon or Surgeon's mate shall demand or receive of any non-commissioned officer or private, any fee or reward for any certificate or examination, he shall forfeit and pay a fine equal to four times the amount of the fee so received or demanded, to be recovered in an action of debt before any Court of competent jurisdiction, in the name of the commanding officer of the Company in which such person so paying or causing to be paid such fee would be liable to do duty, to be appropriated in the same manner as other military fines.

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

No certificate to be granted at other times or places than those designated in notice—unless.

Applications, &c. to be filed with Adjutant of Regiment.

Fine imposed for any fee being demanded by any Surgeon, &c.

Thirty-fourth section of original act repealed.

[Approved by the Governor, March 20, 1839.]