

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

112

PASSED BY THE

FORTIETH LEGISLATURE

OF THE

STATE OF MAINE.

1861.

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PUBLIC LAWS

OF THE

STATE OF MAINE.

EXTRA SESSION, 1861.

Chapter 64.

An act additional to chapter ten of the revised statutes, relating to the militia.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :

Number of volunteers limited. —how apportioned.

SECT. 1. The whole number of volunteers composing the uniformed or active militia of this state, shall not exceed three thousand men, and shall be apportioned throughout the state; as the governor and council may determine.

Recruits after organization of company shall sign book of enlistment, &c.

SECT. 2. After the organization of a company, recruits shall sign their names in a book of enlistment kept by the company for the purpose, which signing shall be a legal enlistment, and render them liable for all penalties prescribed by the constitution and by-laws of such company, as well as the laws of the state, for a violation of any provisions thereof. All such enlistments heretofore made, if continued after the passage of this act, shall be held equally valid and binding, with those made hereafter.

Enlistments heretofore made, &c., held valid.

Commander-in-chief, &c., may detach troops to aid in suppressing riots and mobs.

SECT. 3. When there is in any county a tumult, riot, mob, or any body of men acting together by force with intent to commit a felony, or to offer violence to persons or property, or by force and violence, to break and resist the laws of the state, or when such tumult, riot or mob is threatened, and the fact is made to appear to the commander-in-chief, or mayor of a city, or to a court of record sitting in said county, or if no such court is sitting therein, then to a justice of such court, or if no such justice is within the county, then to the sheriff thereof, the commander-in-chief may issue his order, or such mayor, court, justice or sheriff may issue a precept directed to any commander of a division, brigade, regiment, battalion or corps, directing him to order his command, or a part thereof (describing the kind and number of troops) to appear at a time and place therein specified to aid the civil authority in suppressing such violence and supporting the laws; which precept, if issued by a court, shall be in substance as follows :

STATE OF MAINE.

[L. S.] To (insert the officer's title) A. B. commanding (insert his command :)

Form of precept.

WHEREAS, it has been made to appear to our justices of our —, now holden at —, within and for the county of —, that, (here state one or more of the above causes mentioned,) in our county of —, and that military force is necessary to aid the civil authority in suppressing the same; now therefore, we command you, that you cause (here state the number and kind of troops required) armed, equipped, and with ammunition as the law directs, and with proper officers, either attached to the troops or detailed by you, to parade at —, on —, then and there to obey such orders as may be given them, according to law.

Hereof fail not at your peril ; and have you there this writ with your doings returned thereon.

Witness, A. B., Esq., at —, on the — day of —, in the year —.

C. D., *Clerk.*

And if the same is issued by a mayor, justice, or sheriff, it shall be under his hand and seal, and otherwise varied to suit the circumstances of the case.

SECT. 4. The commander of every regiment, battalion and detached company, shall annually order out the commissioned and non-commissioned officers under his command for elementary drill, two separate days between the middle of May and the middle of September, at such place as he deems most convenient ; for which they shall receive the same compensation as hereinafter specified for encampments ; and if the place of any such officer in a company is vacant, the commander thereof shall detail from the privates under his command, a sufficient number to make up the deficiency. Every person unnecessarily neglecting to attend at the time and place appointed for such drill, shall forfeit to the use of his regiment, battalion, or company, three dollars, to be recovered by any commissioned officer thereof in an action of tort.

Annual drill of commissioned and non-commissioned officers.

—vacancy, privates to be detailed.

Penalty for neglect to attend drills.

SECT. 5. Each company of foot artillery shall be provided by the quartermaster general, with the battery of manœuvre prescribed for that arm by the war department of the United States ; with caissons, harness, implements, laboratory and ordnance stores, which may from time to time be necessary for their complete equipment for the field ; and when a state of war or danger thereof, renders target practice expedient in the opinion of the commander-in-chief, such quantity of ammunition, annually, as he deems necessary to be expended in experimental gunnery. The commissioned officers of each company shall be accountable for the preservation of the pieces, apparatus and ammunition aforesaid, and for the proper expenditure of the ammunition.

Artillery to be provided with battery, &c.

Ammunition to be furnished for target practice.

Officer of company shall be accountable for preservation of pieces, &c.

SECT. 6. The commanding officer of such company, when it is ordered to march out of the city or town where the gun house is situated, and on occasions of parade for experimental gunnery, or camp duty, shall provide horses to draw the field pieces and caissons, and present his account of the expenses thereof as provided in section sixteen of this act.

Commanding officer to provide horses.

—expenses of, how paid.

SECT. 7. The mayor and aldermen of cities, and selectmen of towns, shall provide for each company of militia within the limits of their respective places, a suitable armory or place of deposit for the arms, equipments and equipage furnished it by the state. When a company is formed from different places, the location of such armory or place of deposit, shall be determined by a majority of its members.

Mayor and aldermen, &c., to provide armory.

—location of.

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Loaded rifle or pistol on parade, &c.

SECT. 8. A soldier who unnecessarily, or without order from a superior officer, comes to any parade with his musket, rifle or pistol loaded with ball, slug or shot, or so loads the same while on parade, or unnecessarily, or without order from a superior officer, discharges the same when going to, returning from, or upon parade, shall forfeit not less than five, nor more than twenty dollars, to be recovered on complaint of the clerk, one half to his use, and one half to the use of the commanding officer.

Penalty, how recovered and appropriated.

Soldier quitting guard, &c.

SECT. 9. A soldier quitting his guard, section, platoon or company, shall forfeit not less than two, nor more than four dollars, to be recovered, if the offence is committed at a regimental or battalion parade, on complaint by the commander of the regiment or battalion, or the company clerk; if at any other parade, by the clerk.

Penalty, how recovered.

Allowance to officers and soldiers.

SECT. 10. The following shall be the annual allowance to be paid to the officers and soldiers of the volunteer militia hereinafter mentioned. General, field, and commissioned staff officers shall receive for each day's duty in camp, not exceeding two days in each year, and according to the returns of the inspecting officers of encampments, three dollars, and non-commissioned staff officers, one dollar and fifty cents per day, to be paid them from the state treasury, upon the warrant of the governor and council, and according to a pay roll, made up in the office of the adjutant general. Every officer and soldier of the volunteer militia, except as aforesaid, shall receive for each day's duty in camp, not exceeding two days in each year as aforesaid, one dollar. All troops duly present at encampments, from towns other than those in which the same shall be ordered and held, shall be paid four cents per mile to each individual, for travel, going to, and returning from said encampment, the distance to be computed from the armory or place of rendezvous of said company, to the camp; the number of miles travel being the same for all members of each company, and written upon the pay roll of service at encampments.

General, field and commissioned staff officers, pay of.

—non-commissioned staff officers, pay of.

—how to be paid.

—officers and soldiers of volunteer militia, pay of. Certain troops to be allowed for travel.

Company drills, officers and soldiers, pay of.

SECT. 11. For each company drill, not exceeding two each year, officers and soldiers to receive one dollar per day, to be paid according to a pay roll made up by the clerk of the company, and certified to by the captain of said company.

Neglect of duty, not to receive any compensation.

SECT. 12. No person shall receive compensation, who does not remain in camp and perform all duties required during the period of encampment in an orderly and soldier like manner, and strictly conform to the requirements of the militia law of the state, and the by-laws of the corps of which he is a member; *provided*, that a person who once appears, and is excused from further duty by reason of sickness, shall be entitled to compensation for travel, and the time he is actually engaged in service. No officer or soldier in the volunteer militia, shall receive compensation unless he person-

Proviso.

No compensation to officer or soldier,

ally performs the duties required by law, nor shall excuses granted for absence from, or non-performance of, military duty, entitle the person excused to receive such compensation.

unless he personally performs duties.

SECT. 13. Each officer and soldier, appearing at an elementary drill, shall receive for his necessary travel, to, and from the place of drill, four cents a mile. The travel of every such person shall, annually, on or before the first day of October, be certified and returned to the adjutant general by the commander of his regiment, battalion or detached company, and the sums due members therefor shall be computed by the adjutant general on such returns, and be paid through the treasurers of towns and cities, and reimbursed them from the state treasury, as hereinafter provided.

Officer and soldier to receive pay for travel at elementary drill.

—certificate of travel to be returned to adjutant general.

—how to be paid.

—reimbursed by state.

SECT. 14. Officers, obliged to go out of the city or town of their residence, to attend a military election, shall be allowed four cents a mile each way for travel.

Military election, officer attending to receive pay for travel.

SECT. 15. If an officer or soldier is wounded or otherwise disabled, or is killed or dies of wounds received while doing military duty, he, his widow or children, shall receive from the legislature, just, reasonable and speedy relief.

Officer or soldier wounded, &c., to receive relief.

SECT. 16. All military accounts shall, annually, on or before the fifth day of January, be transmitted to the adjutant general, and examined, and if found correct, certified by him; they shall then, unless it is otherwise specially provided by law, be presented to the governor and council for allowance, and upon such allowance, shall be paid to the persons to whom they are severally due, or to their order, by the acting quartermaster general; and no military account shall be certified by the adjutant general, or allowed by the governor and council, unless presented to the adjutant general for allowance within the time prescribed by law.

Military accounts to be examined and certified by adjutant general to governor and council for allowance, &c.

—account not to be certified by adjutant general unless presented as prescribed by law.

SECT. 17. The officer commanding any volunteer company upon each of the days of encampment, shall, after the conclusion of the military exercises of the day, cause the roll of the company to be called by the clerk of such company, or in his absence by some non-commissioned officer of such company, and duplicated alphabetical lists of those members of the company present, who have performed military duty, to be made, which said lists, containing also travel of said company, shall be subscribed and sworn to by the clerk or non-commissioned officer calling the roll, and also by such commanding officer, before some trial justice. The correctness of company pay rolls shall be certified by commanding officers of regiments, provided the department of respective companies, and discipline, general good conduct, and subordination, are correct and soldier-like; and said pay rolls shall be approved by reviewing officers only upon same contingency, and no compensation shall be allowed, and payments made to companies, unless such certificates and approvals of said officers appear upon said

Commanding officer to cause roll of company to be called on each day of encampment.

—duplicate lists of members present to be made, &c.

—to be subscribed and sworn to.

Company pay rolls to be certified by commanding officers of regiments.

—to be approved by reviewing officers, &c.

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One list of pay roll to be transmitted to adjutant general, and one deposited with major general, &c.

—major general to transmit certified copy to adjutant general.
Proviso.

Adjutant general shall transmit annually to mayor, &c., pay roll, &c.

—mayor, &c., to draw warrants for amount due members of companies, on their respective treasurers.

—to remit roll to adjutant general.
Penalty for neglect.

Adjutant general to ascertain amount due cities and towns and submit same to governor.

Commanders of divisions, brigades, &c., shall each day of encampment, cause to be made duplicate certified rolls of field and staff officers, &c.

—lists to be certified by adjutants, &c.

—and approved by commanding officers of battalions, &c.

—lists to be transmitted to adjutant general, &c.

pay rolls. One of said lists, thus certified, shall be transmitted by the commanding officer of companies to the adjutant general, within ten days after the close of such encampment, and the other list shall, at the same time, be deposited with the major general or receiving officer at such encampment, who shall, within ten days after receiving the same, transmit a certified copy thereof to the adjutant general, *provided* the same shall have been certified and approved as hereinbefore provided.

SECT. 18. The adjutant general shall, annually, in the month of November, after receiving the lists made at the encampments and elementary drills, transmit to the mayor and aldermen of any city, and the selectmen of any town, in which the company, armory, or place of assembling of the company, is situated, a pay roll made out from all of said lists, in which shall appear the names of those members of the company who are entitled by law to receive pay, and the amount which each is to receive placed opposite his name; and the mayor and aldermen, and selectmen aforesaid, shall thereupon draw their warrants upon their respective treasurers, directing them to pay the amount due to the persons named in said roll; and shall, on or before the thirty-first day of December, annually, under a penalty of thirty dollars for neglect in so doing, remit said roll to the adjutant general, with a certificate endorsed thereon, setting forth that a warrant has by them been drawn on their respective treasurers in favor of the several persons whose names are recorded in said roll.

SECT. 19. The adjutant general shall, annually, on or before the fifteenth day of January, ascertain from the returns made to him, the amount of money which will be necessary to reimburse the several towns and cities, and submit the same to the governor of the state, who is hereby authorized to draw his warrant on the treasurer of the state for re-payment of the sum advanced.

SECT. 20. Commanders of divisions, brigades, regiments and battalions, shall, on each of the days of encampment, after the conclusion of the military exercises of the day, cause to be made duplicate certified rolls of the field and staff officers, and non-commissioned staff officers of their several commands on duty each day, specifying the names, rank and duty done by each officer, who appeared armed, uniformed and equipped on any day, and performed military duty in a proper manner, and in strict conformity to the requirements of the militia law of this state, which lists shall be certified, if correct and true, by the adjutants of battalions and regiments, and the inspecting officers of brigades and divisions, and approved by the respective commanding officers of such battalions, regiments, brigades and divisions; and within ten days from the close of such encampments, said commanding officers shall cause one of each of said lists to be transmitted to the adju-

tant general, and the other to be retained and recorded in the orderly books of their respective commands.

SECT. 21. Commanders of battalions, regiments and brigades shall, annually, on or before the fifteenth day of October, make and transmit to the major generals, or commanding officers of their respective divisions, a certified roll of the general, field and staff officers in their respective commands, specifying the name, rank and duty done by each one, who has appeared armed, uniformed and equipped, and performed duty on any day, as well as the names and rank of those by whom no duty has been performed; and major generals or commanding officers of divisions, shall, on or before the first day of November, annually, transmit to the adjutant general certified copies of the same, as also a like certified roll of the division staff, specifying names, rank, duty performed, and neglect and non-performance of duty.

Commanders of battalions, &c., to make annual returns to major generals.

Major generals to make annual returns to adjutant general.

SECT. 22. Officers, required by this act to make returns, who neglect said duty, shall forfeit fifty dollars, and for fraudulently making a false return in any case, shall forfeit one hundred dollars, to be sued for in an action of debt, by and in the name of the officer to whom such returns should be made, and the recovery be had for the use of the state; and any officer, making a false return, shall be dishonorably discharged from service.

Penalty for neglect to make returns.

—for making false return.

SECT. 23. The governor and commander-in-chief is authorized, in anticipation of any emergency, to order encampments of the volunteer militia of this state, or meetings of all or any portion thereof not less than a company for drill and instruction in military science, and for any other purpose, at times other than, and in addition to, those already prescribed, for which service, said volunteer militia shall receive the same rate of travel and per diem compensation, as that herein provided for duty at encampments.

Commander-in-chief may order encampments, &c.

—pay for service.

SECT. 24. The major generals of divisions, and the colonels, or commanding officers of regiments, shall constitute a board of officers, whose duty it shall be to prescribe and establish uniforms of the same pattern for the companies of each of the respective arms of service in the volunteer militia of this state, and promulgate the details and orders for the same, throughout their respective commands, and said orders shall be enforced in all existing ununiformed companies, all newly organized companies, and all companies voting to change their present uniforms. The neglect of such companies for a period of six months to comply with the regulations and orders prescribing such uniforms as aforesaid, shall debar them from receiving any and all compensation for military services as provided in this act. The board aforesaid shall assemble at Augusta, within thirty days from the passage of this act for the discharge of the duties herein enjoined, and shall each be paid from

Major generals, &c., to constitute a board to establish uniforms, &c.

—companies neglecting to comply with regulations, &c., not to receive compensation for services.

Board of officers, meeting of.

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—pay of officers.

Fines and forfeitures, how collected.

Clerk, duty of, to make complaint.

Form of complaint.

the treasury of the state upon the warrant of the governor and council, four cents per mile each way for necessary travel, and two dollars per day not exceeding four days service under this act.

SECT. 25. Fines and forfeitures, incurred by members of volunteer companies under their constitutional articles of agreement and by-laws, as also in virtue of the laws of this state, shall be collected by the clerks of such companies, and disposed of in such manner, for the benefit of said companies, as a majority of the members thereof determine. The clerk of each company after the expiration of twenty days, and within forty days after the day of parade or election of officers, shall in those cases where fines are to be collected upon his complaint, make and subscribe an information against the offending soldiers who have not been excused by the commander of the company, or who have not, within the twenty days aforesaid, paid to him the forfeitures they have incurred; which information shall be left with some trial justice, or filed in some municipal or police court in the county in which the offender resides. Such information shall be in substance, as follows:

To A. B., Esq., trial justice within and for the county of —, or to the justice of the municipal or police court within and for —.

I, the subscriber, clerk of the company commanded by —, do hereby give information against the following person (or persons) who, being duly enrolled in said company, and being duly notified to meet with said company, on the — day of —, in the year —, (for inspection or review, election of officers, special duty, or as the case may be,) was guilty of the offence, and did incur the forfeitures set against his name:

<i>Names.</i>	<i>Offences.</i>	<i>Forfeitures. Sums.</i>
A. B., non-commissioned officer—C. D., private,	{ For unnecessarily neglecting to appear on said day, . . . }	{ has forfeited —
E. F., . . .	{ For being deficient of a — on said day, . . . }	{ has forfeited —
G. H., . . .	{ For being on said day guilty of coming on to the parade with his arms loaded, . . . }	{ has forfeited —
J. K., . . .	{ For unnecessarily discharging his musket (rifle or pistol) in going to (or returning from, or on the place of) parade, without the orders of an officer, . . . }	{ has forfeited —
L. M., . . .	{ For leaving his guard (section, platoon or company) without the leave of an officer, . . . }	{ has forfeited —

(And in the same manner substantially, all other offences are to be set forth against offending non-commissioned officers and privates.)

I therefore, agreeably to my oath of office, and in compliance with the requisitions of the law in this behalf, request you to issue a summons, directed to the person named in the above information, to appear before you, and show cause, if any he has, why it should

not be adjudged that he pay the forfeiture set against his name, for the offence which he is therein alleged to have committed.

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Dated at —, this — day of —, in the year —.

A. B., clerk of the company commanded by —.

The justice or court shall file the same; and upon motion of the clerk, shall within nine months, and not afterwards, issue a summons to each person informed against, to be served at least seven days before the time appointed for showing cause.

—to be filed by
justice in court.

The summons, if issued by a trial justice, shall be in substance as follows:

—, ss.

[L. S.] To the sheriff of said — county, or either of his deputies, or either of the constables of the town of —, in the county aforesaid,

Form of sum-
mons for trial
justice.

GREETING.

In the name of the State of Maine, you are hereby required to summon C. D. of —, in the county aforesaid, to appear before me, E. F., one of the trial justices for the county aforesaid, at —, in —, on the — day of —, at — of the clock in the — noon, then and there to show cause, if any he has, why judgment should not be rendered that he has forfeited — for, (here insert the offence, and the time when, and place where it was committed.)

Hereof fail not, and make due return of this writ and your doings thereon, unto myself, on or before the said hour of the day of —.

Dated at — aforesaid, the — day of — in the year —.

E. F., *Trial Justice.*

If issued from a municipal or police court, as follows:

STATE OF MAINE.

—, ss.

[L. S.] To the sheriff of the county of —, or either of his deputies, or either of the constables of the town of —, in said county,

Form of sum-
mons for mu-
nicipal or
police court.

GREETING.

We command you to summon C. D., of —, in said county, to appear before our justices of our — court, to be holden at —, within and for our —, on —, then and there to show cause, if any he has, why judgment should not be rendered, that he has forfeited — for (here insert the offence, and the time and place where it was committed.)

Hereof fail not, and have you there this writ, with your doings thereon.

Witness, U. S., Esq., at —, on the — day of —, in the year —.

T. P., *Clerk.*

(or witness my hand and seal at —, on the — day of —, in the year of our Lord.)

A. B., *Justice of said Court.*

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Trial and proceedings. Authority of clerk to act, how established.

When the person summoned appears, he may plead that he is not guilty, and give any special matter in evidence. Upon the trial of such complaint, made by the clerk of a company, it shall be sufficient for the complainant to prove that he is clerk of the company; for which purpose he shall produce his warrant as a non-commissioned officer, and prove the signature thereto of the colonel or commanding officer of the regiment or battalion, and that, at the time of signing such warrant, he was reputed to be, and acted as such colonel or commanding officer; which shall be prima facie evidence that such complainant was appointed a non-commissioned officer by the captain or commanding officer of such company, and that a legal return of such appointment was made to the colonel or commanding officer of the regiment. He shall then show upon the back of his warrant, a legal certificate of his appointment as clerk, and a qualification as such, by taking the oaths required by law. For which purpose he shall prove the signature of the captain or commanding officer of such company, and that he is such captain or commanding officer, by producing his commission as such; but if the clerk is appointed clerk pro tempore, his appointment may be proved by the records of the company.

—clerk pro tempore.

—shall produce roll of company.

—shall produce order for notifying meeting, &c.

He shall then produce the roll of the company, and prove that the defendant resided within the limits of the company, and was enrolled or enlisted therein at the time he was notified of such meeting. He shall then produce the order of the commanding officer of such company to notify the said meeting or meetings thereof, and prove his signature thereto, and that the defendant was legally notified of the time and place of such meeting or meetings.

—if required by law shall produce order of superior officer.

—orders shall be proved.

—how to be proved.

If it is required by law that the order for such military duty shall in such case be given by any officer superior to the commanding officer of a company, then the orders of such superior officer, and all intermediate orders of officers transmitting the same to the commanding officer of the company, shall be proved, and that the persons purporting by said orders to be such officers, are such; for which purpose, it shall be sufficient to produce the transmitted written or printed copies of such orders, and the regimental, battalion, or other last order, transmitting the same; and to prove that all the officers above mentioned are reputed to be such officers and act as such.

Absence or offence shall be proved.

—in case of absence burden of proof shall be on defendant, &c.

Secondary evidence may be received in certain cases.

The absence or offence of the defendant shall then be proved, to show that he is liable to the fine alleged to be incurred by him; and, in case of absence, the burden of proof shall be upon him to show that his absence was necessary. The evidence above described shall be taken to be prima facie sufficient to support the complaint. When it appears that a document or paper above mentioned cannot be produced, satisfactory secondary evidence

thereof shall be received. Upon the hearing of such case, the testimony of the clerk, or other person who was ordered to notify the whole or part of the company, shall be prima facie evidence of notice to the defendant, and that he neglected to appear.

Evidence of clerk.

The certificate of the surgeon of the regiment that the defendant was unable to perform military duty at the time of his absence, shall be prima facie evidence that he ought to be excused for a particular absence; but any permanent disability, which rendered the enrolment of the defendant illegal, or such temporary excuse, may be proved by parol.

Certificate of surgeon shall be prima facie evidence for excuse.

The commanding officer of a company may be a witness to prove any fact whatever. If the defendant makes default, or judgment is rendered against him, and he neglects for twenty days after to satisfy the same, with legal costs, execution shall be issued therefor; which execution, if issued by a trial justice, shall be in substance, as follows; but if by a municipal or police court, shall be so altered as to conform to the summons:

Commanding officer may be witness.

STATE OF MAINE.

—, ss.

[L. S.] To the sheriff of said county, or either of his deputies, or either of the constables of the town of —, in the same county,

Form of execution.

GREETING.

WHEREAS, E. L., clerk of the company commanded by —, in said county, on the — day of —, before J. D., Esq., one of our trial justices for our county aforesaid, recovered judgment against T. P. of —, for the sum of — fine or forfeiture, and — costs of prosecution, as to us appears of record, whereof execution remains to be done: We command you, therefore, that of the money of the said T. P., or of his goods or chattels, within your precinct, at the value thereof in money, you cause to be levied, paid and satisfied, unto the said E. L., the aforesaid sums, being — in the whole; and also, out of the money, goods and chattels of the said T. P., you levy twenty-five cents more for this writ, together with your own fees.

Hereof fail not, and make return of your doings therein unto our said justice, within twenty days next coming.

Witness our said justice at B., the — day of —, in the year one thousand eight hundred and —.

J. D., *Trial Justice.*

The complaint or summons may be amended in any stage of the proceedings without payment of costs; and the defendant shall be allowed an adjournment or continuance of the case, if justice requires it.

Complaint and summons may be amended, &c.

The clerks shall not be liable to pay costs to a defendant in a case in which the commanding officer of his company has certified, upon the information of the clerk, his approval of the same. And

Clerk not liable for costs. No appeal allowed for

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judgment less than \$10.

Complaint by any other officer, prosecution of, &c.

no appeal shall be allowed from any judgment, unless the forfeiture adjudged exceeds ten dollars, exclusive of costs.

A complaint by any other officer shall be prosecuted in the like manner, so far as the same is applicable thereto, the forms being varied accordingly; and he shall prove his authority by producing his commission, and other competent evidence which may be necessary.

Inconsistent acts repealed.

SECT. 26. All acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

SECT. 27. This act shall take effect from and after its approval.

[Approved April 25, 1861.]