

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE.

1861.



AUGUSTA:
STEVENS & SAYWARD, PRINTERS TO THE STATE.
1861.

FORTIETH LEGISLATURE.

HOUSE.

[EXTRA SESSION.]

No. 5.

STATE OF MAINE.

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

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 :*

SECTION 1. The whole number of volunteers com-
2 posing the uniformed or active militia of this state,
3 shall not exceed three thousand men, and shall be
4 apportioned throughout the state, as the governor and
5 council may determine.

SECT. 2. After the organization of a company, re-
2 cruits shall sign their names in a book of enlistment
3 kept by the company for the purpose, which signing
4 shall be a legal enlistment, and render them liable for
5 all penalties prescribed by the constitution and by-

6 laws of such company, as well as the laws of the state,
7 for a violation of any provisions thereof. All such
8 enlistments heretofore made, if continued after the
9 passage of this act, shall be held equally valid and
10 binding, with those made hereafter.

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

21 STATE OF MAINE.

22 [L. s.]

23 *To* (insert the officer's title) *A. B. commanding* (in-
24 sert his command):

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

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

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

41

C. D., *Clerk.*

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

SECT. 4. The commander of every regiment, bat-

2 talion, and detached company, shall annually order
3 out the commissioned and non-commissioned officers
4 under his command for elementary drill, two separate
5 days between the middle of May and the middle of
6 September, at such place as he deems most convenient ;
7 for which they shall receive the same compensation as
8 hereinafter specified for encampments ; and if the place
9 of any such officer in a company is vacant, the com-
10 mander thereof shall detail from the privates under his
11 command, a sufficient number to make up the defi-
12 ciency. Every person unnecessarily neglecting to
13 attend at the time and place appointed for such drill,
14 shall forfeit to the use of his regiment, battalion, or
15 company, three dollars, to be recovered by any com-
16 missioned officer thereof in an action of tort.

SECT. 5. Each company of foot artillery shall be
2 provided by the quartermaster general, with the bat-
3 tery of manœuvre prescribed for that arm by the war
4 department of the United States ; with caissons, har-
5 ness, implements, laboratory and ordnance stores,
6 which may from time to time be necessary for their
7 complete equipment for the field ; and when a state of
8 war or danger thereof, renders target practice expedi-
9 ent in the opinion of the commander-in-chief, such
10 quantity of ammunition, annually, as he deems neces-

11 sary to be expended in experimental gunnery. The
12 commissioned officers of each company shall be ac-
13 countable for the preservation of the pieces, apparatus
14 and ammunition aforesaid, and for the proper expendi-
15 ture of the ammunition.

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

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

SECT. 8. A soldier who unnecessarily, or without
2 order from a superior officer, comes to any parade with
3 his musket, rifle or pistol loaded with ball, slug or
4 shot, or so loads the same while on parade, or unne-
5 cessarily, or without order from a superior officer, dis-

6 charges the same when going to, returning from, or
7 upon parade, shall forfeit not less than five, nor more
8 than twenty dollars, to be recovered on complaint of
9 the clerk, one half to his use, and one half to the use
10 of the commanding officer.

SECT. 9. A soldier quitting his guard, section, pla-
2 toon, or company, shall forfeit not less than two, nor
3 more than four dollars, to be recovered, if the offence
4 is committed at a regimental or battalion parade, on
5 complaint by the commander of the regiment or bat-
6 talion, or the company clerk ; if at any other parade,
7 by the clerk.

SECT. 10. The following shall be the annual allow-
2 ance to be paid to the officers and soldiers of the vol-
3 unteer militia hereinafter mentioned. General, field,
4 and commissioned staff officers shall receive for each
5 day's duty in camp, not exceeding three days in each
6 year, and according to the returns of inspecting officers
7 of encampments, three dollars, and non-commissioned
8 staff officers, one dollar and fifty cents per day, to be
9 paid them from the state treasury, upon the warrant
10 of the governor and council, and according to a pay
11 roll, made up in the office of the adjutant general.
12 Every officer and soldier of the volunteer militia, ex-
13 cept as aforesaid, shall receive for each day's duty in

14 camp, not exceeding three days in each year as afore-
15 said, one dollar and fifty cents. All troops duly pres-
16 ent at encampments, from towns other than those in
17 which the same shall be ordered and held, shall be
18 paid four cents per mile to each individual, for travel,
19 going to, and returning from said encampment, the
20 distance to be computed from the armory or place of
21 rendezvous of said company, to the camp; the num-
22 ber of miles travel being the same for all members of
23 each company, and written upon the pay roll of service
24 at encampments.

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

SECT. 12. No person shall receive compensation,
2 who does not remain in camp and perform all duties
3 required during the period of encampment in an orderly
4 and soldier like manner, and strictly conform to the
5 requirements of the militia law of the state, and the
6 by-laws of the corps of which he is a member; *pro-*
7 *vided*, that a person who once appears, and is excused
8 from further duty by reason of sickness, shall be enti-
9 tled to compensation for travel, and the time he is

10 actually engaged in service. No officer or soldier in
11 the volunteer militia, shall receive compensation un-
12 less he personally performs the duties required by law,
13 nor shall excuses granted for absence from, or non-
14 performance of, military duty, entitle the person ex-
15 cused to receive such compensation.

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

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

SECT. 15. If an officer or soldier is wounded or
2 otherwise disabled, or is killed or dies of wounds re-
3 ceived while doing military duty, he, his widow or
4 children, shall receive from the legislature, just, rea-
5 sonable and speedy relief.

SECT. 16. All military accounts shall, annually, on 2 or before the fifth day of January, be transmitted to 3 the adjutant general, and examined, and if found correct, certified by him; they shall then, unless it is 4 otherwise specially provided by law, be presented to 5 the governor and council for allowance, and upon such 6 allowance, shall be paid to the persons to whom they 7 are severally due, or to their order, by the acting 8 quartermaster general; and no military account shall 9 be certified by the adjutant general, or allowed by the 10 governor and council, unless presented to the adjutant 11 general for allowance within the time prescribed by 12 law. 13

SECT. 17. The officer commanding any volunteer 2 company upon each of the days of encampment, 3 shall, after the conclusion of the military exercises of 4 the day, cause the roll of the company to be called by 5 the clerk of such company, or in his absence by some 6 non-commissioned officer of such company, and duplicated alphabetical lists of those members of the com- 7 pany present, who have performed military duty, to 8 be made, which said lists, containing also travel of 9 said company, shall be subscribed and sworn to by the 10 clerk or non-commissioned officer calling the roll, and 11 also by such commanding officer, before some justice 12

13 of the peace. The correctness of company pay rolls
14 shall be certified by commanding officers of regiments,
15 provided the deportment of respective companies, and
16 discipline, general good conduct, and subordination,
17 are correct and soldier-like ; and said pay-rolls shall
18 be approved by reviewing officers only upon same con-
19 tingency, and no compensation shall be allowed, and
20 payments made to companies, unless such certificates
21 and approvals of said officers appear upon said pay
22 rolls. One of said lists, thus certified, shall be trans-
23 mitted by the commanding officer of companies to the
24 adjutant general, within ten days after the close of
25 such encampment, and the other list shall, at the same
26 time, be deposited with the major general or receiving
27 officer at such encampment, who shall, within ten days
28 after receiving the same, transmit a certified copy
29 thereof to the adjutant general, *provided* the same
30 shall have been certified and approved as hereinbefore
31 provided.

SECT. 18. The adjutant general shall, annually, in
2 the month of November, after receiving the lists made
3 at the encampments and elementary drills, transmit to
4 the mayor and aldermen of any city, and the selectmen
5 of any town, in which the company, armory, or place
6 of assembling the company, is situated, a pay roll

7 made out from all of said lists, in which shall appear
8 the names of those members of the company who are
9 entitled by law to receive pay, and the amount which
10 each is to receive placed opposite his name ; and the
11 mayor and aldermen, and selectmen aforesaid, shall
12 thereupon draw their warrants upon their respective
13 treasurers, directing them to pay the amount due to
14 the persons named in said roll ; and shall, on or be-
15 fore the thirty-first day of December, annually, under
16 a penalty of thirty dollars for neglect in so doing,
17 remit said roll to the adjutant general, with a certifi-
18 cate indorsed thereon, setting forth that a warrant has
19 by them been drawn on their respective treasurers in
20 favor of the several persons whose names are recorded
21 in said roll.

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

SECT. 20. Commanders of divisions, brigades, regi-
2 ments and battalions, shall, on each of the days of

3 encampment, after the conclusion of the military ex-
4 ercises of the day, cause to be made duplicate certified
5 rolls of the field and staff officers, and non-commis-
6 sioned staff officers of their several commands on
7 duty each day, specifying the names, rank and duty
8 done by each officer, who appeared armed, uniformed
9 and equipped on any day, and performed military duty
10 in a proper manner, and in strict conformity to the
11 requirements of the militia law of this state, which
12 lists shall be certified, if correct and true, by the ad-
13 jutants of battalions and regiments, and the inspecting
14 officers of brigades and divisions, and approved by the
15 respective commanding officers of such battallions,
16 regiments, brigades and divisions ; and within ten days
17 from the close of such encampments, said commanding
18 officers shall cause one of each of said lists to be
19 transmitted to the adjutant general, and the other to
20 be retained and recorded in the orderly books of their
21 respective commands.

SECT. 21. Commanders of battalions, regiments and
2 brigades shall, annually, on or before the fifteenth day
3 of October. make and transmit to the major generals,
4 or commanding officers of their respective divisions, a
5 certified roll of the general, field and staff officers in
6 their respective commands, specifying the name, rank

7 and duty done by each one, who has appeared armed,
8 uniformed and equipped, and performed duty on any
9 day, as well as the names and rank of those by whom
10 no duty has been performed; and major generals or
11 commanding officers of divisions, shall, on or before
12 the first day of November, annually, transmit to the
13 adjutant general certified copies of the same, as also a
14 like certified roll of the division staff, specifying names,
15 rank, duty performed, and neglect and non-perform-
16 ance of duty.

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

SECT. 23. The governor and commander-in-chief is
2 authorized, in anticipation of any emergency, to order
3 encampments of the volunteer militia of this state, or
4 meetings of all or any portion thereof not less than a
5 company for drill and instruction in military science,
6 and for any other purpose, at times other than, and in
7 addition to, those already prescribed, for which service,

8 said volunteer militia shall receive the same rate of
9 travel and per diem compensation, as that herein pro-
10 vided for duty at encampments.

SECT. 24. The major generals of divisions, and the
2 colonels, or commanding officers of regiments, shall
3 constitute a board of officers, whose duty it shall be to
4 prescribe and establish uniforms of the same pattern
5 for the companies of each of the respective arms of
6 service in the volunteer militia of this state, and pro-
7 mulgate the details and orders for the same, through-
8 out their respective commands, and said orders shall
9 be enforced in all existing ununiformed companies, all
10 newly organized companies, and all companies voting
11 to change their present uniforms. The neglect of such
12 companies for a period of six months to comply with
13 the regulations and orders prescribing such uniforms
14 as aforesaid, shall debar them from receiving any and
15 all compensation for military services as provided in
16 this act. The board aforesaid shall assemble at Au-
17 gusta, within thirty days from the passage of this act
18 for the discharge of the duties herein enjoined, and
19 shall each be paid from the treasury of the state upon
20 the warrant of the governor and council, four cents
21 per mile each way for necessary travel, and two dol-

22 lars per day not exceeding four days service under this
23 act.

SECT. 25. Fines and forfeitures, incurred by mem-
2 bers of volunteer companies under their constitutional
3 articles of agreement and by-laws, as also in virtue of
4 the laws of this state, shall be collected by the clerks
5 of such companies, and disposed of in such manner,
6 for the benefit of said companies, as a majority of the
7 members thereof determine. The clerk of each com-
8 pany after the expiration of twenty days, and within
9 forty days after the day of parade or election of offi-
10 cers, shall in those cases where fines are to be collected
11 upon his complaint, make and subscribe an information
12 against the offending soldiers who have not been ex-
13 cused by the commander of the company, or who have
14 not, within the twenty days aforesaid, paid to him the
15 forfeitures they have incurred; which information
16 shall be left with some justice of the peace, or filed in
17 some police court in the county in which the offender
18 resides. Such information shall be in substance, as
19 follows :

20 To A. B., Esq., justice of the peace within and for
21 the county of —, or to the justice of the police
22 court within and for —.

23 I, the subscriber, clerk of the company commanded

24 by —, do hereby give information against the fol-
 25 lowing person (or persons) who, being duly enrolled
 26 in said company, and being duly notified to meet with
 27 said company, on the — day of —, in the year
 28 —, (for inspection or review, election of officers,
 29 special duty, or as the case may be) was guilty of the
 30 offence, and did incur the forfeitures set against his
 31 name :

NAMES.	OFFENCES.	FORFEITURES.	SUMS.
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	—

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

36 I therefore, agreeably to my oath of office, and in
 37 compliance with the requisitions of the law in this
 38 behalf, request you to issue a summons, directed to
 39 the person named in the above information, to appear
 40 before you, and show cause, if any he has, why it
 41 should not be adjudged that he pay the forfeiture set
 42 against his name, for the offence which he is therein
 43 alleged to have committed.

44 Dated at _____, this _____ day of _____, in the
45 year _____.

46 A. B., clerk of the company commanded by _____.

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

52 The summons, if issued by a justice of the peace,
53 shall be in substance as follows :

54 _____, ss.

55 [L. s.] To the sheriff of said _____ county, or either of
56 his deputies, or either of the constables of the town
57 of _____, in the county aforesaid, GREETING.

58 In the name of the State of Maine, you are hereby
59 required to summon C. D. of _____, in the county
60 aforesaid, to appear before me, E. F., one of the jus-
61 tices of the peace for the county aforesaid, at _____,
62 in _____, on the _____ day of _____, at _____ of the clock
63 in the _____ noon, then and there to show cause, if any
64 he has, why judgment should not be rendered that he
65 has forfeited _____ for, (here insert the offence, and the
66 time when, and place where it was committed.)

67 Hereof fail not, and make due return of this writ and

18

HOUSE.—No. 5.

68 your doings thereon, unto myself, on or before the said
69 hour of the day of —.

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

72 *E. F., Justice of the Peace.*

73 If issued from a police court, as follows :

74 STATE OF MAINE.

75 —, ss.

76 [L. s.] To the sheriff of the county of —, or either
77 of his deputies, or either of the constables of the town
78 of —, in said county, GREETING.

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

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

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

90 *T. P., Clerk.*

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

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

94 When the person summoned appears, he may plead
95 that he is not guilty, and give any special matter in
96 evidence. Upon the trial of such complaint, made
97 by the clerk of a company, it shall be sufficient for
98 the complainant to prove that he is clerk of the com-
99 pany ; for which purpose he shall produce his war-
100 rant as a non-commissioned officer, and prove the
101 signature thereto of the colonel or commanding offi-
102 cer of the regiment or battalion, and that, at the
103 time of signing such warrant, he was reputed to be,
104 and acted as such colonel or commanding officer ;
105 which shall be prima facie evidence that such com-
106 plainant was appointed a non-commissioned officer by
107 the captain or commanding officer of such company,
108 and that a legal return of such appointment was
109 made to the colonel or commanding officer of the reg-
110 iment. He shall then show upon the back of his
111 warrant, a legal certificate of his appointment as
112 clerk, and a qualification as such, by taking the
113 oaths required by law. For which purpose he shall
114 prove the signature of the captain or commanding
115 officer of such company, and that he is such captain,
116 or commanding officer, by producing his commission
117 as such ; but if the clerk is appointed clerk pro tem-

118 pore, his appointment may be proved by the records
119 of the company.

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

129 If it is required by law that the order for such mil-
130 itary duty shall in such case be given by any officer
131 superior to the commanding officer of a company,
132 then the orders of such superior officer, and all inter-
133 mediate orders of officers transmitting the same to
134 the commanding officer of the company, shall be
135 proved, and that the persons purporting by said
136 orders to be such officers, are such; for which pur-
137 pose, it shall be sufficient to produce the transmitted
138 written or printed copies of such orders, and the
139 regimental, battalion, or other last order, transmitting
140 the same; and to prove that all the officers above
141 mentioned are reputed to be such officers and act as
142 such.

143 The absence or offence of the defendant shall then
144 be proved, to show that he is liable to the fine alleged
145 to be incurred by him ; and, in case of absence, the
146 burden of proof shall be upon him to show that his
147 absence was necessary. The evidence above described
148 shall be taken to be prima facie sufficient to support
149 the complaint. When it appears that a document or
150 paper above mentioned cannot be produced, satisfac-
151 tory secondary evidence thereof shall be received.
152 Upon the hearing of such case, the testimony of the
153 clerk, or other person who was ordered to notify the
154 whole or part of the company, shall be prima facie
155 evidence of notice to the defendant, and that he neg-
156 lected to appear.

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

164 The commanding officer of a company may be a
165 witness to prove any fact whatever. If the defendant
166 makes default, or judgment is rendered against him,
167 and he neglects for 20 days after to satisfy the same,

168 with legal costs, execution shall be issued therefor ;
 169 which execution, if issued by a justice of peace, shall
 170 be in substance, as follows ; but if by a police court,
 171 shall be so altered as to conform to the summons :

172 STATE OF MAINE.

173 ———, ss.

174 [L. s.] To the sheriff of said county, or either of his
 175 deputies, or either of the constables of the town of
 176 ———, in the same county, GREETING.

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

192 Hereof fail not, and make return of your doings

193 therein unto our said justice, within twenty days
194 next coming.

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

197 J. D., *Justice of the Peace.*

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

202 The clerks shall not be liable to pay costs to a de-
203 fendant in a case in which the commanding officer of
204 his company has certified, upon the information of
205 the clerk, his approval of the same. And no appeal
206 shall be allowed from any such judgment, unless the
207 forfeiture adjudged exceeds ten dollars, exclusive of
208 costs.

209 A complaint by any other officer shall be prosecuted
210 in the like manner, so far as the same is applicable
211 thereto, the forms being varied accordingly ; and he
212 shall prove his authority by producing his commis-
213 sion, and other competent evidence which may be
214 necessary.

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

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
April 23, 1861. }

Reported by Joint Select Committee on Governor's Address, and
350 copies ordered to be printed for the use of the Legislature.

CHARLES A. MILLER, *Clerk.*