

## CHAP. XCII.

An Act in further addition to an Act, entitled "An Act for regulating, governing, and training the Militia of this Commonwealth."

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the following persons, notwithstanding their being above the age of eighteen, and under the age of forty five years, be, and they are hereby conditionally exempted from military duty, as Exempts. follows, viz.: licensed physicians and surgeons, all officers who have held, or may hereafter hold, a commission or commissions, in the army or navy of the United States, or in the militia of this, or any other of the United States, for a term less than five years; and all persons who are, or may hereafter be, between the ages of thirty five and forty five years, be, and they are hereby exempted from all military duty, except that of keeping themselves constantly furnished with the arms and equipments required by the laws of Must keep arms, &c. the United States, and the duty of carrying or sending them, on the first Tuesday of May, annually, to the place of inspection or view of arms, of the company, within whose bounds they may reside, and in which they are enrolled; and the duty of attending elections of company officers, and that of paying the sum of two dollars into the town treasury, as heretofore provided.

SEC. 2. *Be it further enacted*, That the uniform of Uniforms. the militia, (except that portion thereof, whose uniforms are regulated by the laws of the United States,) shall be such as His Excellency the Commander in Chief shall prescribe, and be subject to such restrictions, limitations, and alterations, as he may order.

SEC. 3. *Be it further enacted*, That it shall be the duty of each Brigadier General, within whose brigade a band of music is organized and established, to order Music. at least one section of said band to attend each regimental review, within his brigade.

Training.

SEC. 4. *Be it further enacted,* That every commanding officer of a company, shall have the same power and authority to train and discipline his company on the first Tuesday in May, in each year, as he has on other days, when his company is paraded for exercise.

Company orders.

SEC. 5. *Be it further enacted,* That hereafter, when any non commissioned officer or officers, private or privates, shall be ordered to notify and warn any portion of the company to which he belongs, to parade for any military duty, it shall be the duty of such non commissioned officer or officers, private or privates, so ordered as aforesaid, to give notice of the time and place of parade of said company, to each and every man, he or they shall have been ordered to notify, either by giving to each man personal notice, or by leaving at his usual place of abode, a written or printed order.

Part of act repealed.

SEC. 6. *Be it further enacted,* That so much of the twenty second section of the act to which this is in addition, as requires every town and district in this Commonwealth, to provide and deposit sixty four pounds of good gun powder, for every sixty four soldiers enrolled within said town or district, be, and the same is hereby repealed.

Supply of Gun Powder.

SEC. 7. *Be it further enacted,* That whenever, in the opinion of the Commander in Chief, the exigencies of the Commonwealth shall require, it shall be his duty to issue his proclamation, calling upon the several towns and districts to provide and deposit in some convenient place within said towns or districts, sixty four pounds of good gun powder, for every sixty four soldiers enrolled within said towns or districts, and the same proportion for a greater or less number of soldiers, enrolled as aforesaid, until His Excellency the Governor, by his proclamation, shall declare it unnecessary that the said towns and districts should be any longer provided with powder as aforesaid: and every town or district which shall neglect, upon the proclamation of the Governor as aforesaid, to provide, and keep itself provided with gun powder as aforesaid, shall forfeit and pay to the use of the Commonwealth, a sum not exceeding five hundred dollars, nor less than twenty

dollars, according to the nature and degree of the neglect, to be recovered by indictment or information, in any court of competent jurisdiction; and it shall be the duty of each Brigade Quarter Master, in his own brigade, to cause such delinquent town or district to be prosecuted or presented.

SEC. 8. *Be it further enacted*, That it shall be the duty of the Selectmen, in every town and district in this Commonwealth, annually, in the month of August, to make out a schedule of all the articles of military stores with which their respective towns and districts are supplied, and deliver the same to the Colonel or commanding officer of the regiment within which such town or district is situated; and it shall be the duty of such Colonel or commanding officer, with his next regimental return, to state the same, that it may be transmitted to the office of the Adjutant General.

SEC. 9. *Be it further enacted*, That all General Courts Martial shall be constituted of a President, a Judge Advocate, six Members, and a Marshal; and the officer appointing a Court Martial, may, at his discretion, order a number of officers, not exceeding three, to be detailed, as supernumeraries, in addition to the six intended to serve as members, to attend the court at the organization thereof: And all Division Courts Martial, hereafter appointed, shall consist of a President, Judge Advocate, three Members and a Marshal; and the officer ordering such Court Martial, may, at his discretion, order one officer to be detailed, in addition to the three intended to serve as members, as a supernumerary to attend the court at the organization thereof: and each General or Division Court Martial, hereafter ordered as aforesaid, shall have power to inflict such fine on any officer, by said court convicted, as under the circumstances of the case, to said court shall seem reasonable, not exceeding the sum of two hundred dollars, to be sued for and recovered by the Judge Advocate who served on said court, before any court proper to try the same, and for the use of the Commonwealth.

SEC. 10. *Be it further enacted*, That any non-commissioned officer or private, who shall refuse, or wilfully neglect to give any notice or warning, when

Forfeitures.

ordered thereto by the commanding officer of the company to which he belongs, shall, for such offence, forfeit not less than twenty, nor more than fifty dollars.

Excuses.

SEC. 11. *Be it further enacted*, That all excuses for non appearance of any non commissioned officer or private, shall be made within twenty days after any training, view of arms, or other military duty, to the commanding officers of their respective companies: And on the delinquent's producing satisfactory evidence of his inability to appear, his commanding officer may excuse him; but no excuse shall avail such non commissioned officer or private, on any prosecution for the recovery of a fine or forfeiture, unless made to the commanding officer aforesaid, before the expiration of twenty days aforesaid, or unless said delinquent shall satisfy the Justice before whom the case may be tried, that it was not in his power to make said excuse within twenty days as aforesaid.

Former act relating to Brigade Quarter Masters, repealed.

SEC. 12. *Be it further enacted*, That so much of the twenty second section of the act, entitled "an act for regulating, governing and training the militia of this Commonwealth," as relates to the duty of the Brigade Quarter Masters, in the month of September, to view and inspect the military stores in each town and district within their brigade, be, and the same is hereby repealed.

Compensation to Staff Officers.

SEC. 13. *Be it further enacted*, That the staff officers herein after named, shall be entitled to receive, annually, as full compensation for the services which appertain to their respective offices, the following sums, to wit: the senior Aid de Camp to each Major General, the sum of twenty five dollars; the Brigade Major and Inspector, the sum of forty dollars; each Adjutant of a regiment, the sum of twenty five dollars; and each Adjutant of a battalion of artillery, cavalry, or infantry, the sum of fifteen dollars.

Courts Martial.

SEC. 14. *Be it further enacted*, That whenever the Adjutant General shall be a complainant against any officer, for neglect of duty in making his returns, he shall not be required to be present to prosecute his complaint before the Court Martial which shall have cognizance of the same; and in all cases in which returns are required by law or general orders, to be

made to the Adjutant General, his certificate, that the same was, or was not made, shall be sufficient evidence of the fact.

SEC. 15. *Be it further enacted*, That the act, entitled "an act regulating the time for inspecting military stores, parading the troops, and fixing the compensation of certain staff officers," passed on the twenty-fourth day of February, in the year of our Lord one thousand eight hundred and twenty, be, and the same is hereby repealed. Former act repealed.

SEC. 16. *Be it further enacted*, That all division, brigade and regimental staff officers, who are now in commission, not having been appointed by the present commanding officers of divisions, brigades and regiments, shall be discharged by His Excellency the Governor, upon the application of their respective commanding officers aforesaid; which discharges shall operate as an absolute exemption from military duty. Discharges.

SEC. 17. *Be it further enacted*, That all laws heretofore made, so far as they are inconsistent with the provisions of this act, be, and the same are hereby repealed. Repeal of acts.

[Approved by the Governor, February 21st, 1822.]

## CHAP. XCIII.

### An Act to incorporate the Town of Monroe.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That all that tract of land called the Gore, lying north of Florida, being bounded west by Clarksburgh, and north by Vermont line, together with all that part of Rowe lying west of Deerfield River, and extending to the middle of said river, be, and hereby is incorporated as a town, by the name of Monroe, and be annexed to the County of Franklin; and the inhabitants of said Town of Monroe, are