

SENATE No. 146

To accompany the petition of Edgar C. Erickson for legislation to further regulate the calling out of the volunteer militia as an aid to the civil power of the Commonwealth. Military Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Thirty-Five.

An Act further regulating the Calling Out of the Volunteer Militia as an Aid to the Civil Power of the Commonwealth.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter thirty-three of the General
2 Laws is hereby amended by striking out section
3 twenty-six, as appearing in the Tercentenary edition,
4 and inserting in place thereof the following:—

5 *Section 26.* In case of a tumult, riot, mob or a
6 body of persons acting together by force to violate
7 or resist the laws of the commonwealth, or when such
8 tumult, riot or mob is threatened, or in case of public
9 catastrophe or when the usual police provisions are
10 inadequate to preserve order and afford protection to
11 persons and property, and the fact appears to the
12 commander-in-chief, to the sheriff of a county, to the
13 mayor of a city or to the selectmen of a town, the
14 commander-in-chief, upon his initiative or at the

15 request of such sheriff, mayor or selectmen, may
16 issue his order directed to any commander of a
17 brigade, regiment, naval brigade or battalion, bat-
18 talion, squadron, corps of cadets or company, direct-
19 ing him to order his command, or any part thereof,
20 to appear at a time and place therein specified to aid
21 the civil authority in suppressing such violations and
22 supporting the laws.

1 SECTION 2. Section twenty-seven of said chapter
2 thirty-three, as so appearing, is hereby amended by
3 striking out in the second line the following words
4 “, or a precept as aforesaid,” — so as to read as
5 follows: — *Section 27.* The officer to whom the order
6 of the commander-in-chief or brigade commander is
7 directed shall forthwith order the troops therein called
8 for to parade at the time and place appointed, and
9 shall immediately notify the commander-in-chief of
10 his order, in the most expeditious manner, and also
11 by letter through the usual military channels.

1 SECTION 3. Section twenty-eight of said chapter
2 thirty-three, as so appearing, is hereby amended by
3 striking out, in the second and third lines, the words
4 “or precept”, — so as to read as follows: — *Sec-*
5 *tion 28.* If an officer neglects or refuses to obey such
6 order, or if any officer or soldier fails to obey an order
7 issued in pursuance thereof, he shall be punished as
8 a court-martial may direct.

1 SECTION 4. Section twenty-nine of said chapter
2 thirty-three, as so appearing, is hereby amended by
3 striking out all after the word “commander-in-chief”
4 in the fourth and fifth lines, — so as to read as fol-

5 lows:— *Section 29.* Such troops shall appear at the
6 time and place appointed, armed, equipped, and with
7 ball ammunition, and shall obey and execute such
8 orders as they have received, or such additional orders
9 as they may then and there or thereafter receive from
10 the commander-in-chief.

1 SECTION 5. Said chapter thirty-three is hereby
2 further amended by striking out section thirty, as so
3 appearing.

1 SECTION 6. Said chapter thirty-three is hereby
2 further amended by striking out section thirty-two,
3 as appearing in the Tercentenary edition, and insert-
4 ing in place thereof the following:—

5 *Section 32.* Upon the termination of any service of
6 the land or naval forces upon the order of the com-
7 mander-in-chief at the request of the sheriff of a
8 county, the mayor of a city or the selectmen of a
9 town, under the seven preceding sections, the adju-
10 tant general shall certify to the state treasurer the
11 expense of said service, and the state treasurer shall
12 thereupon assess said expense upon any such city or
13 town as an addition to its share of the state tax next
14 to be assessed, or shall collect said expense from the
15 treasurer of any such county, as the case may be.

