

HOUSE No. 2166

The Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, May 11, 1915.

The committee on Military Affairs, to whom was referred the message from His Excellency the Governor recommending certain changes in the militia laws (Senate, No. 547), report, in part, the accompanying bill.

For the committee,

JAMES TRACY POTTER.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Fifteen.

AN ACT

Relative to the Massachusetts Volunteer Militia.

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. Section sixteen of chapter six hundred
2 and four of the acts of the year nineteen hundred and
3 eight is hereby amended to read as follows:—*Sec-*
4 *tion 16.* In time of peace the numerical strength of the
5 active volunteer militia shall not exceed ten thousand
6 officers and men in the national guard, and one thou-
7 sand officers and men in the naval militia.

1 SECTION 2. Section twenty-six of chapter six hun-
2 dred and four of the acts of the year nineteen hun-
3 dred and eight is hereby amended to read as follows:
4 — *Section 26.* The commander-in-chief may from
5 time to time prescribe in orders the organization of
6 the Massachusetts volunteer militia, and the numbers,
7 titles, rank and duties of all officers, noncommissioned
8 staff officers, noncommissioned officers, musicians, artifi-
9 cers, cooks and other enlisted men as the interests of
10 the service, in his opinion, from time to time demand:
11 *provided, however,* that the organization shall be kept
12 so it shall not conflict with the requirements, for the

13 volunteer militia, of the laws of the United States. He
14 shall, subject to the limitations of the constitution of
15 this commonwealth, and to the laws made in pursuance
16 thereof, prescribe how such officers and enlisted men
17 shall be elected or appointed to office.

1 SECTION 3. Section thirty-two of chapter six hun-
2 dred and four of the acts of the year nineteen hundred
3 and eight is hereby amended by striking out the words
4 “whole number of companies”, in the eighth line
5 thereof, and inserting in place thereof the words:—
6 total of officers and men,—so that the said section
7 shall read as follows:—*Section 32.* Petitions for
8 organizing volunteer companies, accompanied by the
9 approval of the mayor and aldermen of cities or of the
10 selectmen of towns in which a majority of the peti-
11 tioners reside, may be granted by the commander-in-
12 chief, due regard being had to a proper distribution
13 of the force throughout the commonwealth; but no
14 new company shall be organized except as provided in
15 section eleven, if thereby the total of officers and men
16 would exceed the number established by this act.

1 SECTION 4. Section ninety-nine of chapter six
2 hundred and four of the acts of the year nineteen hun-
3 dred and eight is hereby amended by changing the
4 period at the end thereof to a comma, and adding the
5 following words:—or to the roster of officers of the
6 militia,—so that the said section shall read:—*Section*
7 *99.* The names and records of all retired officers shall
8 annually be printed in a separate register in the order
9 of their retired rank, to be appended to the report of
10 the adjutant general, or to the roster of officers of the
11 militia.

1 SECTION 5. Section one hundred and one of chap-
2 ter six hundred and four of the acts of the year nine-
3 teen hundred and eight is hereby amended by inserting
4 after the word "crime", in the second line thereof,
5 the words:— or who has been absent without leave
6 and whose whereabouts is unknown for a period of
7 three months, and by inserting after the word "dis-
8 missed", in the third line thereof, the words:— or is a
9 deserter,— so as to read as follows:— *Section 101.*
10 The commander-in-chief may dismiss an officer who has
11 been convicted of crime or who has been absent without
12 leave and whose whereabouts is unknown for a period
13 of three months, or who has been dishonorably dis-
14 charged or dismissed or is a deserter from the service of
15 the United States, or from the militia of this or any
16 other state; and he may dismiss an officer in order to
17 carry out the sentence of a court martial.

1 SECTION 6. Section one hundred and forty-two of
2 chapter six hundred and four of the acts of the year
3 nineteen hundred and eight is hereby amended by in-
4 serting after the word "threatened", in the fourth line
5 thereof, the words:— or in case of public catastrophe
6 when the usual police provisions are inadequate to pre-
7 serve order and afford protection to persons and prop-
8 erty,— so that the said section shall read:— *Sec-*
9 *tion 142.* In case of a tumult, riot, mob or a body of
10 men acting together by force to violate or resist the
11 laws of the commonwealth, or when such tumult, riot
12 or mob is threatened or in case of public catastrophe
13 when the usual police provisions are inadequate to pre-
14 serve order and afford protection to persons and prop-
15 erty and the fact appears to the commander-in-chief, to
16 the sheriff of the county, to the mayor of the city or to

17 the selectmen of the town, the commander-in-chief may
18 issue his order, or such sheriff, mayor or selectmen may
19 issue a precept, directed to any commander of a brigade,
20 regiment, naval brigade, battalion, squadron, corps of
21 cadets or company, within their jurisdiction, directing
22 him to order his command or a part thereof to appear
23 at a time and place therein specified to aid the civil au-
24 thority in suppressing such violence and supporting the
25 laws, which precept shall be in substance as fol-
26 lows:—

27 COMMONWEALTH OF MASSACHUSETTS.

28 To (insert the officer's title) A. B., commanding (in-
29 sert his command):—

30 *Whereas*, it appears to (the sheriff, mayor or the
31 selectmen) of the (county, city or town) of ,
32 that (here state one or more of the causes above men-
33 tioned) in our of and that military
34 force is necessary to aid the civil authority in sup-
35 pressing the same. Now, therefore, we command you
36 that you cause (your command, or such part thereof as
37 may be desired), armed and equipped with ammunition
38 and with proper officers, to parade at ,
39 , then and there to obey such orders as may
40 be given according to law. Hereof fail not at your
41 peril, and have you there this precept with your doings
42 returned thereon.

43 This precept shall be signed by such sheriff, mayor
44 or selectmen and may be varied to suit the circumstances
45 of the case; and a copy of the same shall immediately
46 be forwarded by such sheriff, mayor or selectmen to the
47 commander-in-chief.

1 SECTION 7. Section one hundred and ninety-one of

2 chapter six hundred and four of the acts of the year
3 nineteen hundred and eight is hereby amended by add-
4 ing at the end thereof the following:— Regimental, bat-
5 talion, squadron, company, mess, band or detachment
6 funds shall be maintained and conducted as the com-
7 mander-in-chief may prescribe in regulations. The ad-
8 ministration of each fund by the officer designated in
9 regulations to have the custody thereof shall be one of
10 the duties pertaining to his office and for the proper per-
11 formance of which he furnishes bond to the common-
12 wealth. The commonwealth shall be responsible to the
13 organization to the extent of the amount of the bond for
14 any misappropriation of such fund by the officer having
15 custody thereof, — so that the said section shall read: —
16 *Section 191.* For the government of matters relating
17 to the interior economy of their respective organizations;
18 the assessment of dues; the regulation of fines for non-
19 performance of duty and of excuses therefrom, com-
20 panies, troops, batteries, corps of cadets, the staff corps
21 and departments, may adopt by-laws not repugnant to
22 the law or to the regulations for the government of the
23 militia, subject to the approval of the commander-in-
24 chief. Headquarters of brigades, regiments, separate
25 battalion, squadron and the naval brigade may also
26 adopt by-laws in like manner. All organizations of the
27 militia shall be supplied by the quartermaster general
28 with a treasurer's account book, to be kept as the com-
29 mander-in-chief prescribes. The books of the treasurer
30 of any command may at any time be examined by in-
31 specting officers, on whose report they shall be subject to
32 the action of the commander-in-chief. Regimental, bat-
33 talion, squadron, company, mess, band or detachment
34 funds shall be maintained and conducted as the com-

35 mander-in-chief may prescribe in regulations. The
36 administration of each fund by the officer designated in
37 regulations to have the custody thereof shall be one of
38 the duties pertaining to his office, and for the proper per-
39 formance of which he furnishes bond to the common-
40 wealth. The commonwealth shall be responsible to the
41 organization to the extent of the amount of the bond for
42 any misappropriation of such fund by the officer having
43 custody thereof.

1 SECTION 8. This act shall take effect upon its passage.

