

# SENATE . . . . No. 57

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To accompany the petition of the National Guard Association of Massachusetts for legislation relative to the seniority of certain officers in the militia. Military Affairs.

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## The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Eleven.

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### AN ACT

Relative to the Seniority of Officers in the Militia Transferred from one Officer or Organization to Another.

*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 forty-one of chapter six hun-  
2 dred and four of the acts of the year nineteen hun-  
3 dred and eight is hereby amended by inserting after  
4 the word " without ", in the thirteenth line thereof,  
5 the words:— increase of grade or, — so as to read  
6 as follows:— *Section 41.* Commissioned officers  
7 shall rank according to the date of their commis-  
8 sions. Between officers of the same grade and date  
9 of appointment or commission, where there has  
10 been no previous military service, the relative rank  
11 shall be determined by lot. Such previous service

12 shall count, as in the army or navy of the United  
13 States, and in the volunteer militia or reserve  
14 militia of this commonwealth only, and in the order  
15 herein named.

16 The day of the appointment or election of an  
17 officer shall be expressed in his commission and  
18 shall be considered as the date thereof. When an  
19 officer is appointed, elected, or transferred from  
20 one office or organization to another, without in-  
21 crease of grade or loss of grade or continuous serv-  
22 ice, he shall rank in his grade according to the date  
23 of his original commission, which shall be stated  
24 in his new commission. The provisions of this  
25 section shall not apply when a commissioned officer  
26 is transferred by election or appointment from the  
27 staff to the line.

1 SECTION 2. This act shall take effect upon its  
2 passage.