

HOUSE...No. 53.

[Reported by the Committee on the Militia.]

Commonwealth of Massachusetts.

In the Year of our Lord One Thousand Eight Hundred
and Thirty-Four.

AN ACT

In further addition to the several Acts for Regulating,
Governing and Training the Militia of this Common-
wealth.

1 SEC. 1. **BE** it enacted by the Senate and House
2 of Representatives in General Court assembled, and by
3 the authority of the same, That so much of the sev-
4 eral Acts for regulating, governing and training the
5 Militia of this Commonwealth, as requires that the
6 commanding officers of the several companies of the

7 Militia shall parade their respective companies for
8 company discipline on any other day except that of
9 the Annual Inspection in May ; and so much of said
10 several Acts as requires the Selectmen of the several
11 towns to furnish blank cartridges, to be used at the
12 Reviews, by the Militia of their respective towns ; and
13 also so much of said several Acts as requires the com-
14 manding officers of divisions, brigades, regiments, or
15 separate battalions, to assemble, or order the assem-
16 bling of their respective commands, or any part there-
17 of, for Review and Inspection once in each year, are,
18 so far as respects the standing companies of Infantry,
19 hereby repealed. And so much of the several Acts
20 aforesaid as requires the commanding officers of regi-
21 ments or separate battalions to assemble the officers,
22 non-commissioned officers, and musicians of their re-
23 spective commands, for drill and practice once in each
24 year ; and so much thereof as provides for the repay-
25 ment, from the treasuries of the several towns, and of
26 the city of Boston, of the amount of poll taxes assessed
27 upon, and paid by those who are enrolled in the Mi-
28 litia, and perform certain duties therein ; and also so
29 much thereof as provides for the conditional exemp-
30 tion from military duty of all persons between the
31 ages of thirty and forty-five years, are hereby totally
32 repealed.

1 SEC. 2. *Be it further enacted,* That it shall be the
2 right of every member of any volunteer corps in this
3 Commonwealth, at any time within six months after
4 the passage of this Act, to dissolve his connexion with
5 such company ; *Provided,* he shall signify, in writing,
6 to the commanding officer of the same, his wish so to
7 do, and said officer shall notify the commanding offi-

8 cer of the standing company within the bounds of
9 which such member may reside, that he has ceased
10 to be a member of such volunteer corps. And it shall
11 be the duty of the commanding officer of said stand-
12 ing company, forthwith to enrol such person in his
13 company.

1 SEC. 3. *Be it further enacted*, That the several
2 volunteer companies of light infantry, riflemen and
3 grenadiers, in each brigade of the Militia in which
4 they shall exist in sufficient numbers and be conve-
5 niently located for the purpose, may be organized by
6 the Commander in Chief, with the advice of the Coun-
7 cil, into regiments or separate battalions, which shall
8 be officered in the same manner as regiments or sepa-
9 rate battalions of Cavalry and Artillery now are, and
10 shall be reviewed in regiments, battalions or smaller
11 bodies, as the Brigadier General shall order. And when-
12 ever such companies of Light Infantry, Riflemen or
13 Grenadiers shall not exist in sufficient numbers or be so
14 located, as to render such separate organization expe-
15 dient, in the opinion of the Commander in Chief,
16 they shall be attached to the several regiments of In-
17 fantry to which they now belong, or to which it may
18 be convenient hereafter to attach them; and they
19 shall be reviewed, as shall also the several companies
20 of Cavalry and Artillery which may be in like man-
21 ner attached to regiments of Infantry, by such officer
22 or officers as shall be detailed by the Brigadier Gen-
23 eral for that purpose.

1 SEC. 4. *Be it further enacted*, That the same du-
2 ties shall be required of the several volunteer compa-
3 nies of Militia as are now by law required of them.
4 And there shall be paid from the Treasury of the city

5 or town to which the members of such companies may
6 respectively belong, the sum of four dollars annually
7 to each member thereof; *provided*, he shall keep
8 himself constantly armed, uniformed, and equipped,
9 and shall perform all the active duty required by law.
10 And it shall be the duty of the commanding officers
11 of said companies, on or before the first day of No-
12 vember, in each year, to make out and certify to the
13 Mayor and Aldermen of the City of Boston, or to the
14 Selectmen of the several towns, a list of all persons
15 in their respective companies, residing within the said
16 city or towns respectively, who have entitled them-
17 selves, during the preceding year, to the pay provided
18 in this Act. And the said Mayor and Aldermen or
19 Selectmen, shall, within ten days thereafter, examine
20 said lists, and order the Treasurer of their city or
21 town, to pay to each person the sum to which he is
22 entitled by the provisions of this Act; and upon the
23 refusal of any Treasurer to pay the same, the persons
24 entitled thereto shall severally have an action of the
25 case in assumpsit, against the city or town whose
26 Treasurer shall refuse to pay the same on demand,
27 for the recovery thereof. And if any commanding
28 officer shall wilfully refuse to certify as aforesaid, or
29 shall intentionally make a false certificate, or if the
30 Mayor and Aldermen of the city of Boston, or the
31 Selectmen of any town, shall refuse to perform their
32 duty as is herein provided, he or they so offending,
33 shall forfeit and pay a sum not less than twenty, nor
34 more than one hundred dollars, to be recovered by
35 indictment in any Court of competent jurisdiction, to
36 the use of the person or persons injured by such neg-
37 lect or misconduct. And the amount of money paid

38 according to the provision of this Act, from the Treas-
39 ury of any town or city, shall be reimbursed to such
40 town or city from the Treasury of this Commonwealth,
41 upon an order drawn by the Treasurer of the town or
42 city, in form, substantially, as follows, viz :

43 *To the Treasurer of the Commonwealth of Massachu-*
44 *setts.*

45 Pay to the sum of
46 being the amount of money paid out of the Treasury
47 of the town (or city, as the case may be) of
48 by order of the Selectmen, (or Mayor and Aldermen)
49 of said town, (or city) to (here insert the number of
50 persons paid) individuals, for Militia services per-
51 formed by them during the past year.

52 A. B., *Treasurer of*

53 And to the truth of the facts stated in said order, the
54 Treasurer shall make oath, before some Justice of
55 the Peace, who shall certify the same upon said
56 order.

1 SEC. 5. *Be it further enacted*, That all fines
2 which shall hereafter be collected of the persons en-
3 rolled in the standing companies of Infantry, shall
4 enure, one half to the use of the Clerks thereof, re-
5 spectively, and the remainder to the use of the Officer
6 having command of such company at the time when
7 such forfeitures were incurred.

1 SEC. 6. *Be it further enacted*, That in lieu of the
2 sums heretofore paid to the several Staff Officers
3 hereinafter mentioned, there shall be annually paid

4 to them, out of the Treasury of this Commonwealth,
 5 for the services required of them, the sums following,
 6 viz: to each Brigade Major and Inspector, twenty-
 7 five dollars; to the senior Aid-de-Camp of each
 8 Major General, twelve dollars; to the Adjutant of
 9 each regiment or separate battalion, twelve dollars.