

HOUSE No. 328

Bill accompanying the petition of James P. Parker for an amendment of the law relative to military examining boards. Military Affairs. January 11.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Fifteen.

AN ACT

Creating a Separate Examining Board for Naval Militia Officers.

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 four hundred and sixty-four of
2 the acts of the year nineteen hundred and twelve is here-
3 by amended by striking out section four and inserting in
4 place thereof the following new section: — *Section 4.*
5 Except as provided in section three, all examinations as
6 to professional and general qualifications shall be con-
7 ducted by boards of examiners which shall be detailed by
8 the commander-in-chief. The board for examination of
9 National Guard officers shall consist of eight officers in
10 active commission as follows: one general officer of the
11 line when one is eligible and available, otherwise one

12 colonel of the line ; three field officers of the line ; four
13 captains of the line : *provided*, that no officer, shall be el-
14 igible to serve on said board for more than three years
15 in the aggregate in any period of nine consecutive years.
16 The board of examination for naval militia officers shall
17 consist of three officers, one of whom shall be an engineer
18 officer. Whenever the system of schools for the instruc-
19 tion of the militia in professional and technical subjects
20 shall be under the supervision of one or more academic
21 boards, the commander-in-chief may, in his discretion,
22 require such academic board or boards to conduct all ex-
23 aminations as to the professional qualifications of officers,
24 and to certify to the boards of examiners or to any special
25 board of examiners appointed under the provisions of
26 section seventy-two of chapter six hundred and four of the
27 acts of the year nineteen hundred and eight the professional
28 standing of persons whose competency to hold commis-
29 sioned office in the militia is under investigation. The
30 boards of examiners shall administer the oaths prescribed
31 by section seventy-three of said chapter six hundred and
32 four.

1 SECTION 2. Said chapter four hundred and sixty-four
2 is further amended by striking out the word " board " in
3 the tenth line of section five and inserting in place thereof
4 the word : — boards, — so that the said section five shall
5 read : — *Section 5.* The commander-in-chief shall make
6 regulations for the examination of officers in accordance
7 with law, and may alter and amend the same from time to
8 time in his discretion ; but such regulations shall provide
9 methods whereby a just and reasonable opportunity shall
10 be given to all officers to challenge statements of fact or
11 opinion which they deem to be untrue or unfair in any
12 data relating to their personal history or military record

13 which may be on file in the military archives of the com-
14 monwealth before the same are passed upon by the boards
15 of examiners or any special board of examiners ; and such
16 regulations shall further provide that no action predicated
17 upon facts derogatory to the character, reputation or abil-
18 ity of an officer shall be taken by the board of examiners
19 to the prejudice of such officer until after a fair and im-
20 partial hearing before such board, or before some other
21 appropriate board, court of inquiry or court-martial if a
22 hearing is demanded.

1 SECTION 3. Said chapter four hundred and sixty-four
2 is further amended by striking out the word "the" in
3 the first line of section seven and inserting in place there-
4 of, the word :— each, — so that the said section shall
5 read :— *Section 7.* Each board of examiners shall keep a
6 full record of its proceedings and findings in the case of
7 each officer appearing before it for examination, which
8 shall be signed by the president of the board and by the
9 recorder who shall be first sworn in the manner provided
10 for recorders of courts of inquiry. All oral examinations
11 and investigations shall be recorded verbatim, as nearly
12 as possible, and all examination papers, certificates, re-
13 ports, communications and other documents considered
14 by the board in reaching its finding shall be attached to the
15 record as exhibits. The records of each meeting of the
16 board shall be submitted to it at its next meeting for ap-
17 proval or correction, and, together with the exhibits at-
18 tached thereto, shall be transmitted to the adjutant general
19 who shall preserve the same for a period of not less than
20 five years, and shall, when so ordered, lay the same before
21 the commander-in-chief.

1 SECTION 4. Said chapter four hundred and sixty-four

2 is further amended by striking out the word "the" in the
3 first line of section eight and inserting in place thereof
4 the word :— each,— so that the said section shall read :—
5 *Section 8.* Each board of examiners shall certify to the
6 commander-in-chief the names of all officers whom it finds
7 to be competent, and the commander-in-chief shall there-
8 upon order such officers to duty.

1 SECTION 5. This act shall take effect upon its passage.