

the same, that from & after the passing of this Act, no noncommissioned officer or private soldier, belonging to any Company of Militia in this Commonwealth, shall be exempted from military duty on account of bodily infirmity unless he shall obtain a Certificate from the Surgeon, or Surgeon's mate of the Regiment to which he belongs, if either of those officers are authorized in said Regiment, if not, from a reputable Surgeon or physician living within the limits of the same, that he is unable to do military duty by reason of bodily infirmity, the cause of which is to be described in said Certificate; & the Officer commanding said Company may upon the back of said Certificate, discharge the person named therein from doing military duty in said Company for such term of time as he shall judge reasonable; which Certificate if approved & countersigned by the Officer commanding the Regiment, Battalion or Squadron to which said disabled person belongs, shall intitle him to a full exemption from military duty for the term therein specified.

Exemption from military duty to; be allowed upon a surgeon's certificate of bodily infirmity.

And be it further Enacted by the Authority aforesaid, that from & after the passing of this Act no appeal shall be allowed to either party from the Judgment of a Justice of the Peace, upon any prosecution or complaint brought by any Clerk of a Company of Infantry, Artillery or Cavalry within this Commonwealth which the Militia Law of this Commonwealth requires to be made and prosecuted by said Clerks.

No appeal allowed from judgments in cases brought under Militia Law.

And be it further Enacted by the authority aforesaid that in each Squadron of Cavalry within this Commonwealth there shall be one Adjutant & one Quarter Master, to be appointed and commissioned in manner as such Officers are appointed & commissioned in Battallions of Cavalry.

Officers to be appointed.

Approved February 24, 1796.

1795. — Chapter 55.

[January Session, ch. 29.]

AN ACT FOR REGULATING ELECTIONS.

SECT 1. *Be it Enacted by the Senate & House of Representatives in General Court Assembled and by the Authority of the same*, That the Inhabitants of every corporate Town having a right to choose a Representative or Representatives in the Legislature of this Commonwealth, shall be convened for that purpose annually, in the Month of May, ten days at least before the last Wednesday of the

Time of meeting for choice of representatives.

Duty of selectmen.

same month, by the Selectmen of such Town, or the major part of them; and it shall be the duty of such Selectmen, to summon and notify such meeting, in the manner there legally established for calling other townmeetings; and the Selectmen present shall preside in such meeting, and shall regulate the same, and shall openly receive, sort & count the written votes which shall there be given by the Inhabitants present, qualified to vote for Representatives; and shall forthwith publicly declare who is or are the person or persons elected, and shall cause the election to be recorded in the Town records, together with the whole number of votes given in, and for whom they were given; and shall cause the person or persons so elected, to be notified thereof, by a Constable of the Town, or any other person specially authorized for that purpose by the Selectmen within three days next afterwards; and the Selectmen present, or the major part of them, shall make and sign a certificate and return of such election, and shall cause the same to be delivered into the Office of the Secretary of the Commonwealth on or before the last Wednesday of the same Month; or such election shall be certified to the House of Representatives to their acceptance; and such Certificate may be in the form following, viz.

COMMONWEALTH OF MASSACHUSETTS.

Certificate of return.

County of _____ : Pursuant to a Law of this Commonwealth, the freeholders and other inhabitants of the Town of _____, qualified according to the Constitution, having been duly convened in Town meeting, on the _____ day of May current, for the choice of Representatives in the Legislature of this Commonwealth, did then and there elect A. B. being an Inhabitant of said Town, to represent them in the General Court, to be convened & holden on the last Wednesday of the same month: Dated at _____, the _____ day of _____, in the year of our Lord, 179 _____, and in the _____ year of the Independence of the United States.

} Selectmen of _____.

The person chosen as aforesaid, was notified thereof and summoned to attend by me _____, Constable of _____.

Penalty.

And where the Selectmen of any Town entitled to choose a Representative as aforesaid, shall neglect to notify a

meeting, or to preside or proceed therein as by this Act is required; and where any Town-Clerk shall refuse or neglect his duty therein to the prejudice of the Rights of the Electors, each and every Selectman & the Town Clerk so offending therein, shall respectively forfeit a sum not exceeding Eighty dollars, nor less than Forty dollars, according to the aggravation of the Offence, upon conviction thereof.

SECT. 2. — *And be it further Enacted*, That the Selectmen of any corporate Town or District, and the Assessors of any unincorporated Plantation in the several Counties of this Commonwealth, who shall neglect to [to] call meetings of the inhabitants and others privileged there to vote for the election of Governor, Lieutenant Governor, Counsellors and Senators; and to give due warning of the time & place of such meetings as required by the Constitution of this Commonwealth, or who shall refuse or neglect to preside in any such meetings, or to receive the votes of the qualified Electors present, or who shall neglect to ascertain, declare & certify the number of votes, or who shall wilfully make any false declaration or certificate thereof, to the prejudice of the rights of the Electors, shall forfeit a sum not exceeding Eighty dollars, nor less than Forty dollars, to be recovered from each Selectman or Assessor who shall offend in the premises, according to the aggravation of each offence. And every Town Clerk, & the Clerk or Assessors of any unincorporated plantation, present at any such meeting, who shall neglect or refuse to make a fair record of the votes, or a fair copy of such record, or to attest the same, or who shall refuse or neglect to make due & seasonable return thereof to the Sheriff of the County, or into the Secretary's Office as required by the Constitution of this Commonwealth, shall forfeit a sum not exceeding eighty dollars, nor less than forty dollars for each Offence.

Penalty for selectmen's neglect to call or preside at meetings, &c.

Penalty for Clerk's neglect to record and return votes.

SECT. 3. — *And be it further Enacted*, That the Selectmen & Assessors, authorized & required to preside in any meeting of a Town or Plantation which shall be convened for the Election of Governor, Lieutenant Governor, Counsellors and Senators, Electors of the President of the United States, Representatives in Congress, or Representatives in the Legislature of this Commonwealth, shall have all the powers which are legally vested in the Moderator of Town-Meetings for the regulation thereof. And

Powers of selectmen and assessors presiding.

in such meetings, the Selectmen or Assessors presiding shall have power, and it shall be their duty to prevent & refuse the vote of any person not qualified to be an Elector; whose qualifications shall be determined according to the Constitution of this Commonwealth or the Constitution of the United States as the case may be.

Penalty for voting more than once, and for being disorderly.

SECT. 4. — *And be it further Enacted*, That any Elector who shall give in more than one vote in any one Election, and any person who shall be disorderly in any such meeting shall forfeit a sum not exceeding Twenty Dollars, nor less than Ten Dollars, according to the difference and aggravation of each offence.

Sheriff's forfeiture for not returning votes.

SECT. 5. — *And be it further Enacted*, That if any Sheriff, when required by law to make return to the Secretary's office, of the votes of the Towns & Plantations, or Districts, in their several precincts for any Election as aforesaid, shall neglect to make such return within the time prescribed, he shall forfeit and pay a sum not exceeding Five Hundred Dollars nor less than Fifty Dollars for each offence.

Forfeitures, how to be recovered.

SECT. 6. — *And be it further Enacted*, That all forfeitures incurred by any breach of this Act, may be recovered by indictment or by action of debt, in the name and to the use of the Commonwealth, to be found or brought in any Court proper to try the same.

Acts repealed.

SECT. 7. — *And be it further Enacted*, That an Act passed in April in the year of our Lord, one thousand, seven hundred & eighty-one, entitled, "An Act empowering the Selectmen to call Town Meetings for the choice of Representatives;" and an Act, passed March eighteenth, one thousand, seven hundred & eighty eight, entitled, "An Act to prevent neglect in Sheriffs, Selectmen & Town Clerks respectively, in not calling & presiding at Town Meetings, receiving and returning the Votes for Governor, Lieutenant Governor, Senators & Counsellors as is pointed out by the Constitution of this Commonwealth," be and the same are hereby repealed: *Provided however* that the said Acts shall continue and be in force for the recovery of any penalties or forfeitures already incurred by any person for the breach thereof.

Proviso.

Approved February 24, 1796.