

Dec. Ses. 1823.
Penalty.

Non-com-
missioned of-
ficers appoint
ment.

Penalty for
not serving.

Certificates
of volunteers.

Shall be res-
pected.

Proviso.

Provided.

Name stric-
ken off.

Penalty for
giving undue
certificates.

visions of this act, if a company or regimental staff officer, he shall be fined a sum not exceeding twenty dollars, in the discretion of such court martial as the case may require; and if a general, or regimental field officer, or division, or brigade staff officers, he shall be fined a sum not exceeding fifty dollars, in the discretion of such court martial as the case may require; and if any officer shall thereafter continue such neglect he shall be liable to be cashiered at any time by such court martial as the case may require.

47. *And be it enacted*, That the commanding officer of each company shall appoint and dismiss at his pleasure his non-commissioned officers; and if any person so appointed and having accepted such appointment, shall neglect or refuse to obey the orders of his superior officers in executing the provisions of this act, he shall forfeit and pay a sum not exceeding ten dollars, in the discretion of such court martial as the case may require.

48. *And be it enacted*, That all certificates of membership issued by the commanding officer of an uniformed volunteer company, be signed by the said commanding officer and one of his commissioned officers, and the said commanding officer shall cause said certificate to be delivered on or before the first day of March, in each year, to such persons as may then compose his company, and to such as may join thereafter, upon the day of his or their becoming members; and if the said commanding officer shall neglect or refuse to comply therewith, he shall be fined a sum not exceeding fifty dollars, in the discretion of such court martial as the case may require; and the commissions of officers and all such certificates shall be respected by the enrolling officers commanding company districts, as well as the courts of appeal that shall be held for the trials of the appeals of their company officers, non-commissioned officers and privates, as absentees from parade, from their date and for the period for which they were given, unless they are sooner revoked by the commanding officer of said volunteer company, or by the Governor and Council, or by the cashiering of an officer holding the same, as the case may be: *Provided*, that the person holding such commission or certificate, shall either exhibit or transmit the same to the enrolling officer of the district in which he resides, previous to the first parade as prescribed by this act, or to any court of appeal as aforesaid, that shall be held for said district, after he shall have received the same: *And provided*, that the exemption arising from the sentence of such court of appeal can only take effect for the meeting they are appointed to decide upon, and for any subsequent meeting within the year; and the commanding officer of the regiment in whose district such person shall reside, shall thereupon cause his name to be stricken from the muster roll of the district company in which he is enrolled, under a penalty not exceeding twenty dollars, in the discretion of such court martial as the case may require; and if any commissioned officer shall issue such certificate to any person who is not entitled under the provisions of this act to receive the same, he shall be cashiered or fined not exceeding one hundred dollars, in the discretion of such court martial as the case may require; and if any person shall give or receive such certificate who is not authorised to give, or entitled to receive the same by the provisions of this act, such person shall forfeit and pay the sum of fifty dollars, which shall be recovered under the direction of any officer discovering the same, and when collected shall be paid over to the