

Dec. Ses. 1828

known to the Governor and Council as soon thereafter as conveniently may be; and if any officer shall absent himself from the parades as prescribed by this act for the period of two years, the officers competent to order a court martial for the trial of said officer for any violation of the provisions of this act, except such as arise from absence from parade; shall upon such information being lodged with him, forthwith order a court martial for the trial of said officer, and if the said court shall find the said officer guilty of such charge, and shall give it as their opinion that he ought to be removed from his command, the officer ordering said court shall without delay transmit the proceedings thereof to the Governor and Council, who shall thereupon revoke the commission of the officer absent as aforesaid; and if any officer shall neglect or refuse to comply with any of the provisions of this section as required of him he shall be fined a sum not exceeding fifty dollars, in the discretion of such court martial as the case may require.

Militiamen
removing joining
uniform
company.

52. *And be it enacted,* That if any militia man shall remove out of the district in which he was originally enrolled into another district or shall become a member of an unformed volunteer company, he shall be subject to all the fines and forfeitures which shall be incurred in the district where first enrolled, until he produces to the commanding officer of said district or to the court of appeal for the same as established under this act, a certificate from the commanding officer of the district into which he shall have so removed or from the commanding officer of said volunteer company, stating that he has been enrolled in said district or volunteer company; and no person shall be permitted to leave his company except in cases aforesaid, or unless he shall remove out of the limits of said division, or unless commissioned in some other corps, without the consent of his commanding officer, under a penalty not exceeding twenty dollars, in the discretion of such court martial as the case may require.

Penalty for
leaving his
company.

Resignations.

53. *And be it enacted,* That the resignation of the major general shall be made to the commander in chief; that the resignation of brigadier-generals and division staff officers, shall be made through the major general of the division; that the resignation of regimental field officers and brigade staff officers shall be made through their respective brigadier generals; and the resignations of company and regimental staff officers through their respective commanding officers of regiments, and at least sixty days previous to any day of parade as prescribed by this act, except in case of removal or where the resignation is sooner accepted by the officer authorised as aforesaid to receive the same; and otherwise no officer shall be considered as having resigned; and the officer as aforesaid shall within ten days after accepting such resignation transmit a notice thereof to the Governor and Council under a penalty not exceeding twenty dollars, in the discretion of such court martial as the case may require.

Commissioned
officers to
qualify.

Certificate.

Oaths.

54. *And be it enacted,* That no person shall be commissioned under this act, unless he shall be a citizen of the United States and of this State; and each commissioned officer already appointed who may have neglected to take the oaths required of him or to have them endorsed on his commission, or a certificate that he had taken the same so endorsed, shall forthwith take the several oaths prescribed by the constitution of this state, and also take the following oath or affirmation, I, A, B, do swear or affirm as the case may be; that I will be