

Legislative Document No. 18.

REPORT

OF THE

ADJUTANT GENERAL OF KENTUCKY

TO

HIS EXCELLENCY GOVERNOR McCREARY,

FOR THE YEAR 1877.

J. M. WRIGHT, Adjutant General.

PROPERTY OF THE STATE OF KENTUCKY.

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## ADJUTANT GENERAL'S REPORT.

ADJUTANT GENERAL'S OFFICE,  
FRANKFORT, KY., January 10, 1878. }

To His Excellency, JAMES B. McCREARY,

*Governor of the Commonwealth of Kentucky:*

GOVERNOR: I have the honor to submit the following report on the condition of the archives in my custody, the work of this office, and the condition and operations of the State Guard during the year recently closed, together with certain recommendations concerning legislation affecting the Militia Law of this State.

### ROLLS OF 1812.

There are on file in this office rolls of the 1st to the 13th, inclusive, Regiments of Volunteer Militia of the war of 1812, in all ninety two companies. Many of these rolls are very much defaced by time and usage, and it is now difficult to decipher some of the names. These rolls contain the evidence on which the survivors of the war of 1812 secure a pension from the General Government. Those pensions are not yet all allowed, and there have been frequent applications to this office for certificates of information. Both because of their importance as evidence, and their historical value, they should be transcribed into substantially bound books. In this connection, I call attention to the fact that the law allows no clerical force in this office.

### ROLLS OF THE MEXICAN WAR.

Since my last printed Report, the Legislature made an appropriation of three hundred dollars for the purpose of defraying the cost of copying all the Kentucky Mexican war rolls in the War Department at Washington. At that time there were no such records in this office, and, on repeated application from this office, the War Department had replied, that its records were open to the State authorities, but it could not furnish the clerical force to do the copying. In July, 1876, Governor McCREARY, while in Washington, procured copies of the rolls without the expenditure of any part of the appropriation.

### RECORDS OF THE CIVIL WAR.

The records of troops furnished by Kentucky to the United States during the civil war are in about the same condition stated in my last

printed Report. The value and importance of these records to thousands of the citizens of Kentucky was a matter referred to in my last Report at length, and their importance as evidence and as historical records has not diminished.

Furnishing certified transcripts from these rolls imposes a very considerable amount of clerical labor on this office. The demands for such transcripts come not only from individuals having claims against the Government, but from all the several departments of government at Washington.

#### THE ENROLLED MILITIA.

The last Legislature enacted a law forbidding the enrollment of the militia every year. I made the recommendation in my Report made at that session, and the passage of the law, while saving four or five thousand dollars to the State every year, left sufficient means to the Governor to obtain an enrollment whenever desired. My last Report shows the number of militia by counties according to last enrollment.

#### THE AMENDMENTS TO THE MILITIA LAW.

With the exception of the change made in the authority empowered to call out the military in case of domestic disturbance, the change made in regard to enrollment, and the provision in regard to the relation to the military authority of the State of cadet corps having public arms, I am very happy to say I did not recommend or in any mode advise the military legislation of the last session. The amendments then made abolished the military fund altogether by removing the trifling tax of twenty five cents per annum on persons liable to military duty, who were not members of the State Guard. They also very unfairly cut down the pay of men employed in active service. I cannot say that these acts were injudicious, because, for their purpose, they were exceedingly well designed. The majority of that Legislature desired to break up the entire military system, and the acts passed by them were well calculated to produce that effect. That we have any companies in the State Guard, is simply because the spirit that controlled the Legislature did not take very great hold of the public mind. I do not propose to discuss this question; but the character and opinions of the last Legislature, the revolution in public sentiment in this State since then, as manifested in the composition of the present Legislature, and the terrible consequence that last summer followed neglect of the military force of States, furnish a very striking commentary on the purpose and action of the last Legislature in military matters.

#### THE STATE GUARD.

Under greater disadvantages than were ever encountered by men undertaking military organization, a good part of the State Guard has maintained itself through a long period of public neglect and discouragement, and, finally, a determined effort in the last Legislature to destroy it altogether. Since that effort to destroy it was made, the Commonwealth has, on several occasions, invoked its aid in maintaining the law, and it has always responded with alacrity and effectiveness. One company of less than thirty young men faced and dispersed the mob of hundreds of ruffians who followed the prize-fighters, Goss and Allen, into this State. The same company went from its station at Covington to Carter county, and quelled disturbance there, and again, last summer, cheerfully turned out with a company from Newport to defend the Cincinnati railroad bridge during the disturbances of last summer. A new company, recently formed at Frankfort, was sent to the disturbed locality of Garrard county during a recent exciting criminal trial, and by its presence preserved the peace, and gave confidence to the civil officers. The State Guard has been several times employed in such work in the past two years, and the highest praise that can be accorded to it is the universal sentiment of approval of all the people among whom these young men have been thrown as soldiers. I have abundant testimony that every company employed in such work has behaved itself with dignity and decorum, and gained the confidence and respect of every one. If this Legislature can continue the neglect with which the State Guard has been treated, the case is certainly hopeless. I know I speak the sentiments of the ten or twelve hundred young men now organized into State Guard companies, when I say that all they ask is a decent recognition of the obligations of service which they have taken upon themselves.

The records of my office show an organization of twenty-one companies of State Guard troops. Some of these companies have now only a nominal existence; the number of companies actually keeping up their organization and drill is only eight or nine. We have one battery of artillery and about six companies of infantry scattered over the State, ready for active service at any time. I think two batteries, well equipped and drilled, and about ten good companies of infantry, are as much force as we need at present. I mean by that, a thoroughly effective force, that may be used anywhere in the State. The bill which I have prepared, and append hereto, permits a larger organization. I think each county should be allowed to organize an infantry company

if it desires; but most of such companies must be very irregular organizations, if they are attempted at all. I am here speaking only of a well-uniformed, well-drilled, and well-disciplined force, that may serve as a nucleus, if necessity should require anything greater. I think if this nucleus cannot be made thoroughly effective, it will be worse than no force at all. But we have a few companies now, that, with a little more training, will do great credit to our military system.

## ROLL OF COMPANY OFFICERS.

Name.	Rank.	Date of Commission.	Company.	Station.
Blackwell, J. B.	Captain	January 3, 1874.	Estill County Guards	Irvine, Estill county.
Bennett, J. W.	First Lieutenant	July 18, 1877.	Carter County Guards	Carter county.
Bristow, F. H.	Captain	March 29, 1875	Leslie Grays	Ekton, Todd county.
Bronston, J. S.	First Lieutenant	September 25, 1877.	Madison County Guards.	Richmond.
Boyd, A.	First Lieutenant	August 21, 1876	Newport Guards	Newport, Ky.
Clark, C. L.	Captain	April 13, 1874.	Company B, State Guard	Louisville.
Croftree, S.	First Lieutenant	January 13, 1874.	Estill County Guards	Irvine, Estill county.
Crawford, Geo.	Second Lieutenant	July 18, 1877.	Carter County Guards	Carter County.
Collins, J. A.	First Lieutenant	August 27, 1877	Fresno Light Artillery	Louisville.
Carrigan, T. J.	Second Lieutenant	September 11, 1877.	Company B, State Guard	Louisville.
Daniel, M. P.	First Lieutenant	January 3, 1874.	Estill County Guards	Irvine, Estill county.
DeKress, C. R.	Second Lieutenant	June 23, 1875	Standford Guards	Louisville.
Ellis, T. H.	Captain	September 26, 1874.	Company G	Bardstown.
Grace, John	First Lieutenant	July 31, 1877.	Kenton Light Guards.	Ladlow, Ky.
Graff, H.	First Lieutenant	August 11, 1874	Company A	Louisville.
Greenleaf, G. S.	Second Lieutenant	September 7, 1874	Lancaster Guards	Lancaster.
Gazley, J. F.	Second Lieutenant	September 15, 1877	Watterson Guards	Louisville.
Hall, J. P.	Second Lieutenant	September 26, 1874	Company G	Bardstown.
Hathaway, Al.	Captain	December 30, 1874	Company	Owensboro.
Hawkins, E. C.	Captain	July 31, 1877.	Kenton Light Guards.	Ladlow, Ky.
Hak, C.	Captain	August 21, 1876	Newport Guards	Newport, Ky.
Ilager, F.	Second Lieutenant	August 21, 1876	Newport Guards	Newport, Ky.
Kaestir, W. C.	First Lieutenant	February 2, 1874	Company A	Louisville.
Kennard, O.	Captain	November 19, 1874.	Cynthiana Guards	Cynthiana.
Mattingly, J. M.	First Lieutenant	December 19, 1874	Cerro Gordo Dragoons	Nelson county.
Meaney, E. P.	First Lieutenant	August 27, 1877	Louisville Light Artillery	Louisville.
Miller, H. M.	Second Lieutenant	December 9, 1874	Cerro Gordo Dragoons	Nelson county.
Miller, W. S.	Captain	August 27, 1877	Lancaster Guards	Lancaster.
Moise, E. H.	Captain	August 27, 1877	Louisville Light Artillery	Louisville.
Newson, Frank	First Lieutenant	September 8, 1877	Standford Guards	Louisville.
Pence, A. D.	Captain	March 16, 1874.	Cerro Gordo Dragoons	Nelson county.
Reccitus, J. W.	Captain	March 16, 1874.	Leslie Grays	Louisville.
Roberts, J. B.	Second Lieutenant	March 29, 1875.	Louisville Light Artillery	Ekton, Todd county.
Roberts, J. M.	Second Lieutenant	August 27, 1877	Louisville Light Artillery	Louisville.
Rowland, Ed.	Second Lieutenant	September 8, 1877	Standford Guards	Louisville.

## ROLL OF COMPANY OFFICERS—Continued.

Name.	Rank.	Date of Commission.	Company.	Station.
Scay, R. P.	Captain	September 15, 1877.	Watterson Guards	Louisville.
Sears, S. A.	Captain	September 25, 1877.	Madison County Guards.	Richmond.
Smith, L. W.	Second Lieutenant	July 31, 1877.	Kenton Light Guards.	Resigned Dec. 8, 1877.
Stewart, J. N.	Captain	July 18, 1877.	Madison County Guards.	Richmond.
Stewart, O.	First Lieutenant	June 20, 1874.	Louisville Light Artillery.	Louisville.
Taylor, A. K.	Second Lieutenant	November 10, 1875.	Cynthiana Guards	Cynthiana.
Taylor, J. B.	Second Lieutenant	October 15, 1875.	Covington Light Guards	Covington.
Thomas, W. R.	Second Lieutenant	September 11, 1877.	Watterson Guards	Louisville.
Thomas, H. C.	Captain	February 2, 1874.	Company A	Louisville.
Tranericht, T.	First Lieutenant	September 15, 1877.	Watterson Guards	Lancaster.
Whitaker, W. C.	Second Lieutenant	September 7, 1874.	Lancaster Guards.	Lancaster.
White, J. F.	Captain	September 26, 1874.	Company G	Earlstown.
Wickliffe, J. D.	Second Lieutenant	September 25, 1877.	Madison County Guards.	Richmond.
Wilkinson, Wm.	First Lieutenant	March 29, 1875.	Leslie Grays	Elkton, Todd county.
Willoughby, H. F.	Captain	February 4, 1876.	Covington Light Guards	Covington, Ky.

## THE MILITIA LAW.

In the organization and management of the companies of the State Guard, a great many defects in the details of the present law have presented themselves in a practical shape. I have thought it most convenient to the Legislature to present, in the form of a prepared bill, the changes which I desire to recommend; and that the whole may be consistent, I have prepared an act as a substitute for the entire chapter on the Militia in the General Statutes. The bill has been well considered, and is the suggestion of practical experience of two years with the difficulties of the present law. I will be glad to appear before the committees of the two Houses and explain the provisions I have prepared. The bill is as follows:

## AN ACT IN RELATION TO THE MILITIA OF THIS COMMONWEALTH AND THE ORGANIZATION OF THE KENTUCKY STATE GUARD.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

*Classification of the Militia.*

§ 1. The militia of this State shall be divided into two classes:

1. The Volunteer Militia, to be known as the Kentucky State Guard.
2. The Militia of the Reserve.

*The Militia of the Reserve.*

§ 2. The Militia of the Reserve shall consist of all able-bodied male persons resident in this State, between the ages of eighteen and forty-five years, except such persons as now are, or hereafter may be, exempted by the laws of the United States or of this State; and those who belong to religious societies whose tenets forbid them to carry arms; and those who become *bona fide* members of the State Guard, during their term of service, and forever after, if they serve two terms.

*Enrollment.*

§ 3. When the Governor, by public proclamation, so commands, it shall be the duty of the assessor to enroll the names of all persons liable to duty in the Militia of the Reserve, and by such time as said proclamation may prescribe, shall transmit said rolls to the Adjutant General of the State.

§ 4. When such service is required of the assessor, he shall be allowed one cent for each name returned by him. And if the assessor neglects or refuses to render said service when so required, he shall be subject to a fine of not more than five hundred and not less than one hundred dollars, to be recovered in any court of competent jurisdiction.

*Calling Out the Reserve Militia.*

§ 5. Whenever, in the judgment of the Governor of this Commonwealth, any actual or threatened invasion, domestic violence, or other great public danger, makes it necessary to call out the Militia of the Reserve, the Governor shall, by public proclamation, summon all or any number of the same, to be assembled by the sheriff at any point or points within the county or respective counties that may be designated by the proclamation. And thereupon the sheriff, on pain of a fine of one thousand dollars for refusal or neglect, shall summon the members of the Reserve Militia within his county, as he would summon a civil posse, and under similar penalties against those who fail to obey his summons. But should the Governor's proclamation call for only a part of the Reserve Militia of any county, the sheriff may first call for volunteers therefor, and if that should appear to be inexpedient, he shall summons the members of the Reserve Militia to assemble in their magisterial districts, and there determine, under the supervision and control of the justice of the peace, by lot, which shall be selected to fill the quota of that magisterial district.

*Organization of the Reserve Militia.*

§ 6. Whenever the whole or any part of the Militia of the Reserve shall be called out in any county, and it has been determined by summons or by lot, or by volunteering, which shall perform duty, those from each magisterial district shall at once, under the supervision of the magistrate, or, in his absence, under the supervision of a presiding officer chosen by themselves, proceed to organize themselves into one or more companies of not less than fifty men, unless there be fewer than that number, all told, and shall elect the officers provided for in the State Guard organization; and the Captain shall appoint the usual non-commissioned officers.

§ 7. And when so organized, they shall become subject to the law for the further organization and government of the State Guard. They shall be conducted to the general place of rendezvous, where such other organization shall be made and officers elected as may be necessary under the State Guard law, or directed by the Governor as Commander-in-Chief. The Militia of the Reserve, so called into service, may be employed in any part of this Commonwealth, under the orders of the Governor.

*Civil Power over the Reserve Militia.*

§ 8. Whenever the Militia of the Reserve, or any part thereof, shall be called into active service, it shall act in conjunction with, and subor-

dinate to, the civil power of the district in which it is operating. The civil authority having this controlling power shall be in the following gradation: Judge of the Court of Appeals; judge of a circuit, common pleas, chancery, or criminal court of the criminal jurisdiction of a circuit court; judge of a county court; sheriff; jailer; justice of the peace; constable. In the absence of a Judge of the Court of Appeals, or any other of the officers here named, the next in rank in the order named, who shall be present, shall represent and exercise the civil power in its relation to the military power of the Commonwealth.

*The State Guard.*

§ 9. A State Guard company of infantry may be organized in each county. If any county, including the cities and towns therein, is entitled to more than one Representative in the lower House of the Legislature, as many companies of infantry may be organized within such county as there are Representatives therefrom.

§ 10. When, in the judgment of the Governor, it is necessary or proper to organize a State Guard company in any county, he may institute such organization in conformity with the requirements of this law. When any number of persons, not less than forty nor more than sixty-four, desire to organize an infantry company in any county, they shall first obtain the written consent of the county judge, and a certificate from him that the applicants are men of good moral character, residents of the county, and qualified for service as herein prescribed; and shall forward the same, with a written application, signed by each man desiring to join the company, to the Adjutant General. Should the Governor approve the application, he shall direct the proper steps to be taken to organize the company, and muster it into the service of the State.

*Qualifications.*

§ 11. All able-bodied male persons resident in this State, between the ages of eighteen and forty-five years, of sound mind and good moral character, shall be eligible to membership in any State Guard company organized within the limits of the county in which they reside. But after any company has been organized and mustered into service, and has adopted by-laws as hereinafter provided, recruits shall be further subjected to such qualifications as may be imposed by such by-laws. Persons otherwise qualified, but under the age of eighteen, and not less than fifteen years, may become eligible by filing with the Adjutant General the written consent of their parents or guardians to their enlistment.

And persons otherwise qualified, but over the age of forty-five years, may remove such cause of disqualification by filing with the Adjutant General a written waiver of their exemption from militia service for such time as they remain in the State Guard service.

*Enlistment.*

§ 12. The term of enlistment shall be for three years, and no person shall become a member of any organization of the State Guard except on subscribing an obligation of enlistment of the following form. Said obligation shall be signed in duplicate: one copy to be forwarded immediately to the Adjutant General, the other to be filed with the company records. After the original enlistments and organization of the company, recruits for the company may be enlisted by such officer as the Governor may, by his order, direct:

KENTUCKY STATE GUARD.

ENLISTMENT.

I, \_\_\_\_\_, desiring to become an active *bona fide* member of the KENTUCKY STATE GUARD, and to enlist in Captain \_\_\_\_\_'s Company of \_\_\_\_\_, known as the \_\_\_\_\_ (\_\_\_\_ Company \_\_\_\_ Regiment of \_\_\_\_\_), do declare that I am a resident of the State of Kentucky and the county of \_\_\_\_\_; that I am \_\_\_\_\_ years of age; that my occupation is that of \_\_\_\_\_; that I do not now belong to any other organization in the Kentucky State Guard, nor have I ever been discharged from the State Guard for disability, or by sentence of court-martial, and that I know of no impediment to my becoming a member of the State Guard according to law. And I solemnly promise and agree that I will honestly and faithfully serve the State of Kentucky, and that I will do my utmost to support the Constitution and laws of the United States and of the State of Kentucky, against all violence of whatsoever kind or description; and I further declare that I will well and truly execute and obey the lawful orders of all officers legally placed over me when on duty.

Signed and acknowledged before me at \_\_\_\_\_, in the county of \_\_\_\_\_, State of Kentucky, this \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_; and in further pursuance of the authority vested in me by paragraph \_\_\_\_\_ of Special Orders No. \_\_\_\_\_, dated the \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_, from the Adjutant General's Office, I have this day mustered the said \_\_\_\_\_ into the State Guard service, in the Company aforesaid, for the period prescribed by law.

\_\_\_\_\_, *Mustering Officer.*

NOTE.—This paper must be executed in duplicate: one copy to be retained in Company records, the other forwarded at once to the Adjutant General of the State.

*Organization and Muster-in.*

§ 13. When a company is to be organized, the persons proposing to join the same shall be directed, by the order of the Governor, to assemble at a given time and place within the county. And the Adjutant General, or such other mustering officer as the orders of the Governor may specially appoint, shall, at the designated time, repair to the place

of assembly, and there proceed to enlist the applicants in the manner and form herein prescribed. The mustering officer may adjourn the meeting from time to time to give the applicants opportunity to come forward and enlist. Should any person other than a signer of the original application present himself, on the occasion of this original organization, for enlistment, he may be accepted if a majority of the applicants consent thereto, and the mustering officer votes with them in the affirmative, and the person so offering himself signs the application.

*Election of Officers.*

§ 14. After forty men have been enlisted, or as many over that number and within sixty-four, as appear on the original application, the mustering officer shall proceed to hold an election by ballot for commissioned officers. In each infantry company there shall be elected, by a majority of votes, not less than forty being cast, one captain, one first lieutenant, and one second lieutenant; and in a company of any other arm, such commissioned officers as are authorized by law for similar organizations in the army of the United States. Should the company, by a majority vote, desire to postpone the election for any two of the officers, the mustering officer may postpone such election. To give opportunity to all the members of the company, the mustering officer may continue the balloting for such time as he may deem reasonable, to enable all the members to vote. If any person is elected to office who is not a member of the company, he shall duly enlist himself before his commission issues.

*Mustering into Service.*

§ 15. When a sufficient number of enlistments have been made, and at least one commissioned officer elected, the mustering officer shall cause the company to be formed; shall inspect the men, to assure himself of their identity and qualification; and shall then administer to the whole company the oath prescribed in the form of enlistment, and muster the company into the State Guard service. The mustering officer shall promptly file, in the office of the Adjutant General, the duplicates of the obligations of enlistment taken by him, his certificate of the election of officers, and a report of the proceedings, inspection, and muster-in of the company on its organization.

*Non-commissioned Officers.*

§ 16. As soon as the company is mustered in, the company commander may appoint four sergeants and four corporals. The order of

appointment shall be entered in the company order-book; and the company commander shall give to each of said non-commissioned officers a warrant of appointment, and shall report said appointments to the Adjutant General. Non-commissioned officers shall hold their appointments at the pleasure of the officer appointing them; but every removal shall be by an order entered in the company order-book, and shall be immediately reported to the Adjutant General.

*Council of Administration.*

§ 17. Each company shall have a council of administration, composed of the commissioned officers, which shall be charged with the care and control of the fiscal affairs of the company. Said council may make an allowance out of the company fund to the company clerk, and for such necessary expenditures as are strictly within the purpose of maintaining the effectiveness of the organization. No extraordinary expenditure shall be made out of said fund, except by a majority vote of all the company members present at a regular company business meeting, or such a meeting called by a majority of the council, on sufficient notice for the members to assemble.

*The Company Fund.*

§ 18. The Company Fund shall be made up of all sums apportioned to the company out of the State Military Fund, all donations of money to the company, all dues which the company shall impose upon the members under the restriction hereinafter imposed, all fines that may be imposed upon any member of the company as authorized herein, and all money coming from the sale of any company property, sold by the council of administration on the order of a majority of the members present at a regular business meeting, or a business meeting specially called, as in the next preceding section.

*By-Laws.*

§ 19. Each company may, after it is mustered into service, adopt, by a majority of the votes of all the members, such by-laws as may be deemed necessary and proper for the administration of the affairs of the company. When adopted by the company, a duly certified copy of the same shall be forwarded to the Adjutant General for submission to the Governor, and if he shall approve them, in whole or in part, they shall, so far as approved by the Governor, take effect from the date of such approval.

*Admission of Members.*

§ 20. The by-laws may direct the manner in which applicants for membership shall be admitted, by providing for an expression of the sense of the company on such application. But such regulations as may be so provided shall not conflict with, or in any way dispense with, the requirements of the law herein made concerning enlistments and qualifications, and shall be subject, as other by-laws, to the approval or disapproval of the Governor.

*Stated Dues.*

§ 21. The by-laws may, subject to the same revision, provide for the collection from each member of the company of equal stated dues. But the amount of such dues shall be determined only by the unanimous vote of the company; and new members thereafter admitted shall, before any vote shall be taken on their application, give their written consent to the imposition of the dues at that time established. The failure to make this agreement shall not in any manner, nor shall a failure in any respect to enforce the by-laws in regard to admission, invalidate the contract of enlistment; but if a company officer reports for enlistment, or himself enlists a recruit without first assuring himself that the requirements of the by-laws have been complied with, he shall be subject to such punishment, not exceeding a fine of twenty-five dollars, or dismissal from service, as a general court-martial shall inflict.

*Name and Letter.*

§ 22. Each company may, by its by-laws, adopt a distinctive name, subject to approval by the Governor. When combined in regimental organization, each company shall, in addition, be designated by a particular letter of the alphabet. In the original organization of companies into regiments, the companies shall be lettered according to the rank of Captains, but shall thereafter retain the letter first assigned, without reference to subsequent changes in the rank of the Captains.

*Regimental Organization.*

§ 23. The Governor may, whenever he deems it expedient, organize companies of the same arm into battalions or regiments. When not less than four companies are permanently organized into a battalion, each company shall, at the same time and in the manner provided for the election of company officers, proceed to ballot for a Major. If no person receives a majority of votes in each company on the first ballot, the company officers of the battalion shall assemble at a time designated



by the authority of the officer holding the first election, and shall proceed to ballot for a Major. If no one receives a majority of all the votes cast on that ballot, the Governor shall appoint a Major to command the battalion. Any two battalions of the same arm commanded by Majors, as just provided, may, by the direction of the Governor, be consolidated into a regimental organization; and thereupon an election shall be held for the election of a Colonel, by the vote of a majority of all the company officers, taken in such manner as the Governor shall direct. If no one receives a majority of all the votes so cast, the two Majors and the senior Captain shall choose a Colonel by a majority vote; and if such election fails to make a choice, the Governor shall appoint a Colonel.

*Battalion and Regimental Staff.*

§ 24. Each battalion shall have a battalion adjutant and a battalion quarter-master, both to be appointed by the Major, subject to the approval of the Colonel and the Governor. They shall be selected from the company officers below the rank of Captain; and the acceptance of such appointment shall vacate their positions as company officers. Each regiment shall also have a regimental adjutant and a regimental quarter-master, to be appointed by the Colonel, subject to the approval of the Governor, from among the company officers below the rank of Captain; and to vacate their positions as company officers by acceptance of staff appointment. Each battalion and each regiment shall have one sergeant-major and one quarter-master sergeant, to be appointed, from among the non-commissioned officers, by the battalion or regimental commander. Each battalion shall have an assistant surgeon, and each regiment a surgeon, to be appointed by the Governor. Unattached companies of artillery or cavalry may each, at the discretion of the Governor, have an assistant surgeon, appointed in the same manner as battalion assistant surgeons.

*Artillery and Cavalry.*

§ 25. In addition to the State Guard infantry companies herein authorized, the Governor may direct the organization of not exceeding four companies of light artillery and four companies of cavalry. They shall be organized as similar companies in the army of the United States, and shall be equipped as the Governor may direct. If, in the judgment of the Governor, it should become expedient to consolidate the four companies of cavalry into one organization, he may so direct; and thereupon, the battalion shall be entitled to one field officer, of the rank of

Major, to an adjutant, a quarter-master, a sergeant-major, and a quarter-master sergeant.

*General Courts-martial.*

§ 26. A general court-martial shall be composed of not less than three and not more than seven commissioned officers of the line, field, or staff. In other respects, except as may be hereinafter specially provided, the laws and regulations governing general courts martial in the army of the United States shall apply to the State Guard. No general court-martial can be convened except by order of the Governor.

*Company Courts-martial.*

§ 27. A company court-martial, composed of not less than one commissioned officer, may be appointed by the company commander to try non-commissioned officers and privates for such offenses as may be made cognizable by such courts by the provisions of this law. The officer ordering the court shall not be eligible to sit therein, and the proceedings shall be forwarded for the approval of the battalion commander, or, if the company is unattached, to the Adjutant General, for the action of the Governor, if the accused, after the judgment of the court is communicated to him, so requests, in writing, to the senior officer of the court.

PENALTIES.

*Cashiering.*

§ 28. An officer cashiered by sentence of a court-martial shall be incompetent to hold any office in the military service of the State. After three years, the Governor may remove such disability.

*Absence from Drill.*

§ 29. The Governor shall direct how often each company, battalion, and regiment shall assemble for regular drill; and any officer absenting himself therefrom for five consecutive drills, shall be reported by the company, battalion, or regimental commander to the Adjutant General, who shall call upon said officer for an explanation of his neglect. The report and the explanation shall be submitted for the action of the Governor; and if he deems proper, he may direct that the derelict officer be discharged the service. If a non-commissioned officer or private absent himself from drill three consecutive times, his company commander shall call upon him for a written explanation of his neglect;

and if he fails to make it, or it is not deemed satisfactory by his company commander, said commander may forward the paper to the Adjutant General, with a recommendation that the man be discharged for neglect of duty under this section of the law; or he may bring the man before a company court-martial, and said court may fine him one dollar for each absence.

*Fail to Respond to Call.*

§ 30. When the Governor orders any part of the State Guard into active service, and any officer refuses or fails to comply with such orders, he shall be cashiered, by sentence of a court-martial, fined not less than fifty nor more than two hundred dollars, by such a court; or the Governor may withdraw his commission, and give him an dishonorable discharge from the State service. If any enlisted man so fails or refuses, he may be dishonorably discharged by the order of the Governor; or he may be brought before a general court-martial, and fined not exceeding one hundred dollars, or imprisoned in the county jail not exceeding ninety days, or both.

*Failure to Make Returns.*

§ 31. Any member of the State Guard failing to make any return required of him shall be fined, by a general court-martial, not exceeding fifty dollars, or he may be discharged for neglect of duty by the order of the Governor.

*Improper Use of Arms.*

§ 32. No member of the State Guard shall use, or permit to be used, any public arm, equipment, or property, under penalty, if an enlisted man, of five dollars, to be imposed by a company court-martial; or, if a commissioned officer, a penalty of not less than ten nor more than fifty dollars.

*By-Laws.*

§ 33. A company court-martial shall have jurisdiction of all penalties imposed by the by-laws; but no fine imposed by such court shall exceed five dollars.

*Collection of Fines.*

§ 34. Any person failing to pay over any fine imposed on him by sentence of a company or general court-martial, shall be proceeded against for the same as for ordinary debt before a justice of the peace, and the record of the court-martial shall be taken as evidence in the case. Judgment having been obtained, execution shall issue and be

levied and collected as in ordinary cases. The junior officer of the company court-martial shall prosecute the case in the name by which the company is known, and shall pay the money collected into the company fund. The judge advocate shall, in similar manner, prosecute fines imposed by the general courts-martial, in the name of the Commonwealth, and shall pay the money collected into the hands of the State Treasurer, to be credited to the State Military Fund.

*State Military Fund.*

§ 35. There shall be assessed, collected, and paid into the State Treasury, each year, including the present year, on each member of the Reserve Militia the sum of twenty-five cents. It shall be collected in the same manner as the county levy, and shall be covered by the same bond. The officer whose duty it is to collect it shall be allowed five per centum thereon for collection. The amount so paid into the Treasury, together with all money received by the Treasury from other sources under this act, shall be set apart, and, with all money now in the Treasury credited to the Militia Fund, or the Military Fund, shall constitute the State Military Fund. Said fund shall be disbursed, from time to time, by the authority of the Governor, and under such regulations as he may prescribe for the administration, organization, equipping, and uniforming of the Volunteer Militia; for the purchase of tactics, laws, and regulations of the army of the United States, and construction or renting of places of deposit for public arms and drill, and instruction of State Guard companies, and for the purchase of such camp equipage and military stores as may be necessary to the State troops on active service.

*Calling Out the State Guard.*

§ 36. Whenever, in the judgment of the Governor of this Commonwealth, any actual or threatened invasion, domestic violence, or other great public danger, makes it necessary to render military aid to the civil power of the government for the enforcement of law, the preservation of peace, and the security of the rights, lives, or property of citizens, he may order into active service so much of the State Guard as he may deem necessary, and may employ them anywhere in this Commonwealth. The foregoing provision (section 8) of this law, relating to the subordination of the Reserve Militia to the civil power when called into active service, shall apply with equal force to the State Guard when employed in active service. When employed in active service, commissioned officers of the State Guard shall receive two and a half dollars,

non-commissioned officers one dollar and three quarters, and privates one dollar and a half per day, the same to be paid out of the Treasury on the warrant of the Auditor of Public Accounts, upon company pay-rolls, accompanied by copies of the orders bearing on the case, certified by the Adjutant General, and approved by the Governor by his own signature. Each officer and each enlisted man shall also be entitled to one ration per day, the ration to be the same as in the army of the United States, or commuted at the actual cost of subsistence.

*Resignations and Discharges.*

§ 37. The resignation of commissioned officers can be accepted only by the order of the Governor, and no enlisted man can be discharged from the service except by the order of the Governor, or by the order of such battalion, regimental, brigade, or division commander, as the Governor shall authorize to discharge men.

*Commissions.*

§ 38. Commissioned officers shall all be commissioned by the Governor; and every officer shall, at the expiration of ninety days from his election, be brought before a board appointed by the Governor for examination as to his qualifications. Should his examination prove satisfactory, his commission shall then issue, to date from the time of his election; otherwise, his name shall be dropped from the roster of officers, and a vacancy shall be declared in his office.

*Articles of War and Regulations.*

§ 39. The acts of Congress for the government of the militia of the United States are in force in this State. The articles of war and laws governing the army of the United States shall be a part of this law, and also the rules and regulations for said army, so far as consistent herewith, and subject to such modification as the Governor may direct.

*Distribution of Law.*

§ 40. It shall be the duty of the Adjutant General to index and properly prepare this act, and such regulations as the Governor may add hereto, and have the same printed for distribution among the members of the State Guard.

*Inspector General.*

§ 41. The Adjutant General shall be Inspector General of the forces of this State, and shall make such inspection of troops, arms, arsenals, armories, and public property, as the Governor may direct.

*Armories.*

§ 42. It shall be the duty of the county judge, or of such judge and the mayor of a city, where they act conjointly in matters affecting the county and city, to provide a suitable armory for safe-keeping of arms, and place for drill for the company or companies in each county.

*Equipping Companies.*

§ 43. The Governor, by his regulations and rules for the government of the State Guard, as herein authorized, shall prescribe the conditions under which new companies shall be uniformed and armed, designating the kind of uniform each may wear, and the arms they shall use. He may, by his special order, designate which companies shall be so, in whole or part, equipped; or he may direct that such equipment, in whole or part, shall be made the object of competitive drill, discipline, administration, and organization.

*Mustering Out.*

§ 44. The Governor shall have power to direct that any company or organization of the State Guard shall be mustered out of service when, in his judgment, the interests of the State Guard service require such action. No such mustering out of service shall relieve any officer of any bond he may have executed, for the safe-keeping and return of any public property supplied to such company; nor shall any officer, whose resignation is accepted, be thereby relieved from any liability under any such bond.

*Repealing Clause.*

§ 45. Chapter 76, entitled "Militia," of the General Statutes, and the amendments thereto, are repealed.

§ 46. This act shall take effect from its passage.

Very respectfully,

Your obedient servant,

J. M. WRIGHT,

*Adjutant General.*