

cant be a minor he shall apply by guardian or next friend; such application shall be by petition, which shall set forth the grounds of the application and shall be verified by the affidavit of the applicant annexed thereto or indorsed thereon, and notice of such application shall be published at least once in each week for four weeks successively next preceding the time of such application, in some newspaper of said county.]

## National Flags.

An act regulating the display of national flags or ensigns other than the American flag or ensigns on public buildings of this state.

Approved March 7, 1895. P. L. 1895, p. 205.

1. That it shall not be lawful to display the flag or emblem of any foreign country upon any state, county or municipal building; *provided, however*, that whenever a foreigner shall become the guest of the United States, the state, or any city, upon public proclamation by the governor or the mayor of any such city, the flag of the country of which such public guest shall be a citizen may be displayed upon such public buildings.

Display of foreign flags prohibited on state, county or municipal buildings.

## National Guard.

### I. ORGANIZATION.

1. Repealed by section 121.
2. Repealed by section 126.
3. Repealed by section 127.
4. Amended by sections 134, 178 and 202.
5. Brigades, regiments, &c., to be numbered.
6. When company, &c., to be disbanded.

### II. ELECTIONS, APPOINTMENTS, RESIGNATIONS.

7. Officers to take rank from date of appointment.
8. Elections to be by ballot.
9. Amended by section 321.
10. Oath of officers to be taken and subscribed.
11. Amended by section 135.
12. Commissions, when to be void.
13. Amended by section 136.
14. Amended by section 137.
15. Amended by section 138.

### III. DUTIES OF OFFICERS—ADJUTANT-GENERAL.

16. Duties of adjutant-general.

### IV. QUARTERMASTER-GENERAL.

17. Each stand of arms to be stamped.
18. Amended by sections 139 and 210.
19. Repealed by section 123.

### V. SURGEON-GENERAL.

20. Duty of surgeon-general.

### VI. INSPECTOR-GENERAL.

21. Amended by sections 144 and 179.

### VII. DIVISION INSPECTOR.

22. Amended by sections 146 and 182.

### VIII. BRIGADE INSPECTORS.

23. Amended by section 147.

### IX. PAYMASTERS.

24. Duty of paymasters. Bond. Oath.
25. Amended by section 150.
26. Amended by section 151.
27. Fines of delinquents, how collected.

### X. JUDGE-ADVOCATE GENERAL.

28. Duty of judge-advocate general.

### XI. ASSISTANT ADJUTANT-GENERAL.

29. Duty of assistant adjutant-general.

### XII. STATE, BRIGADE, REGIMENTAL AND BATTALION EXAMINING BOARDS.

30. State military board, how constituted.
31. Amended by section 152.
32. Amended by section 256.
33. Amended by section 212.

### XIII. UNIFORMS, ARMS AND EQUIPMENTS.

34. Repealed by section 240.
35. Uniforms, arms, &c., exempt from sale under legal process.
36. Amended by section 119.
37. Time within which uniforms shall be supplied.
38. Uniforms and equipments to be left at company armory.
39. Amount to be paid yearly in lieu of uniforms and armory rent.
40. Repealed by section 129.
41. Amended by section 153.

### XIV. PARADES AND DRILLS.

42. Repealed by section 130.
43. Written or printed notice of parade to be given.
44. Repealed by section 131.
45. Brigade, &c., to have right of way on parade.

### XV. FINES AND THEIR COLLECTION.

46. Amended by section 257.
47. Amended by section 261.
48. Repealed by section 262.

49. Lists of members in arrears for fines, &c., to be made.
50. Moneys received from fines, how paid out.
51. Repealed by section 263.
52. Repealed by section 264.
53. Repealed by section 265.  
Penalty for disorderly conduct before court-martial.
55. President of court-martial may issue warrant for commitment.
56. Duty of sheriff or jailer.
57. Penalty for bystander interrupting drill or parade.
58. Money arising from sale, after payment of fine, to be paid delinquent.
59. Penalty for non-attendance at military board or court-martial.
60. Penalty in case of neglect by sheriff or constable.
61. Witnesses liable to penalty for non-attendance.

## XVI. COURTS-MARTIAL.

62. Presidents of courts-martial and judge advocates to issue subpoenas for witnesses.
63. Presidents to administer oaths, preserve order, &c.
64. Witness to forfeit \$10 for not appearing.
65. Attachment may issue to compel attendance of witnesses.
66. Repealed by section 186.
67. Amended by section 187.
68. No action will lie against member of court by reason of imposition of fine, &c.

## XVII. EXEMPTIONS AND COMPENSATIONS.

69. Persons enrolled over eighteen years of age entitled to privileges and subject to penalties of this act.
70. Compensation, when allowed father.
71. Amended by sections 188 and 217.
72. Exemption from jury duty, poll and military tax.
73. Persons expelled to be reported to sheriff and assessor.
74. Exemption from arrest on civil process on day of parade or military duty.
75. Amended by sections 189, 216 and 322.

## XVIII. ACTIVE SERVICE.

76. In case of invasion or emergency, term of service not to exceed three months.
77. Amended by section 169.
78. Amended by section 170.
79. Amended by sections 171, 209, 221, 254, 285 and 312.

## XIX. MISCELLANEOUS.

80. Books of tactics, &c., to be distributed.
81. Legislature to provide annually for expenditures.
82. Paymasters of companies to collect fines.
83. Repealed by section 132.
84. Venue in case suit brought for anything done under this act. Pleas.
85. Expenses to carry out provisions of act.
86. Repealer.
87. Enrollment of militia.

## XX. SUPPLEMENTS.

88. Superseded by section 202.
89. Orderly sergeant to serve court-martial notices.
90. Addition to section 16.
91. Repealed by section 186.
92. Previous military service may be applied.
93. Commandants of brigades may convene general courts-martial.
94. Transportation when brigade parade ordered.
95. Officers and men of light batteries.
96. Repealed by section 252.
97. Governor may confer brevet rank for service in the field.
98. Repealed by section 122.
99. Amended by section 196.
100. Superseded by section 202.
101. Brevet of brigadier-general may be conferred.
102. Amended by section 192.
103. Amended by sections 145 and 180.
104. Amended by sections 149, 183, 207 and 275.
105. When company to forfeit annual appropriation.
106. Annual appropriation for division headquarters.

107. Repealed by section 173.
108. Brigade commanders members of state military board.
109. Members of national guard exempt from all tax on \$500.
110. Repealed by section 187.
111. Superseded by section 202.
112. Captains of companies in Essex county to furnish board of assessment with sworn lists of national guard.
113. Superseded by section 202.
114. Aides-de-camp of commander-in-chief rank as colonels.
115. Repealed by section 133.
116. When commander-in-chief may place officers on retired list and declare vacancy.
117. Judge advocate with rank of major to be on staff of major-general.
118. Enlisted men may re-enlist for one year.
119. Arms and equipments to be placed in suitable armory.
120. Quartermaster to order examination of place of deposit of arms.
121. Repealer.
122. Repealer.
123. Amended by section 244.
124. Companies, how officered.
125. Amended by section 154.
126. Repealer.
127. Repealer.
128. Repealer.
129. Repealer.
130. Repealer.
131. Repealer.
132. Repealer.
133. Repealer.
134. Amended by sections 178 and 202.
135. Resignations, how made.
136. Vacancies, how filled.
137. Elections, how conducted.
138. Rank of brevet major-general, upon whom conferred.
139. Amended by section 210.
140. Repealed by section 279.
141. Repealed by section 279.
142. Sale of unserviceable arms or stores.
143. Inspection of unserviceable arms or stores.
144. Amended by section 179.
145. Amended by section 180.
146. Amended by section 182.
147. Duty of inspectors of brigade.
148. Amended by sections 183, 207 and 275.
149. When company to forfeit annual appropriation.
150. Duty of brigade paymaster.
151. Duty of regimental or battalion paymasters.
152. Composition of brigade board, &c.
153. Power to seize and hold uniforms and equipments unlawfully withheld.
154. Company parades.
155. Amended by section 213.
156. Appointment of general courts-martial.
157. Charges upon which courts-martial ordered.
158. General courts-martial, how composed.
159. Proceedings in case of non-appearance of accused.
160. Members of court to take oath. Form.
161. Accused may have counsel.
162. Sentence which may be pronounced.
163. Duty of stenographer or reporter.
164. Fees for subpoenas.
165. Duty of new commandant of company.
166. Repealer.
167. Fees of members of court-martial.
168. Amended by section 266.
169. Application for military aid in case of riot, &c.
170. Pay for performance of actual service.
171. Amended by sections 209, 221, 254, 285 and 312.
172. Quarterly returns of commanders of companies.
173. Repealer.
174. Collection of dues.
175. Amended by section 205.
176. Governor may contract for use of rifle range.
177. Organization of Gatling gun companies.
178. Amended by section 202.
179. Duty of general inspector.
180. Muster and inspection rolls.
181. Instruction in the use of arms.
182. Duty of inspectors of brigades.
183. Amended by section 207.

184. Repealed by section 223.
185. When companies entitled to two second lieutenants.
186. Repealer.
187. Repealer.
188. Amended by section 217.
189. Amended by sections 218 and 322.
190. Amended by section 222.
191. Prizes for skill.
192. Transportation furnished.
193. Encampment.
194. Amended by section 195.
195. Regulation uniform, how furnished.
196. Annual payments to paymasters for military expenses.
197. Repealer.
198. Repealed by section 248.
199. Repealer.
200. Governor may organize a rifle team.
201. Repealer.
202. Officers of the national guard.
203. Deputy adjutant-general.
204. Special inspection of national guard, by whom made.
205. Promotion of adjutant, &c., for five years' service.
206. Regimental and battalion drills.
207. Amended by section 275.
208. Repealed by section 225.
209. Amended by sections 221, 254, 285 and 312.
210. Furnishing of arms and equipments.
211. Governor may appoint six additional aides-de-camp.
212. Examining board for officers.
213. Courts-martial for officers above rank of field officers.
214. Delegation of officer to preside at an election.
215. Uniforms, to whom charged and how paid for.
216. Major-general may order encampment.
217. Term of service in national guard.
218. Amended by section 322.
219. Discarded uniforms may be sold.
220. Ownership of uniforms.
221. Amended by sections 254, 285 and 312.
222. Officers guilty of neglect of duty, &c., how punished.
223. Repealer.
224. Repealer.
225. Repealer.
226. Amended by section 232.
227. Lieutenant-colonels and majors of battalions.
228. Major-general of division may order inspection of companies.
229. Board of examination of company officers.
230. Adjutant-general to prepare compilation of laws of national guard.
231. Amended by section 267.
232. Appointment of chief of artillery and engineer.
233. Appointment of assistant inspector-generals of rifle practice.
234. Placing officers on the retired list.
235. Pay of officers and men attending encampment.
236. General courts-martial at encampments.
237. Appointments of standard bearer and bugler.
238. Regulation uniforms to be furnished to new companies, &c.
239. When division commander may disband company.
240. Repealer.
241. Disposition of moneys of disbanded regiment or battalion.
242. Payments on account of Gatling gun companies.
243. Buildings used solely for military purposes exempt from taxation.
244. Name and organization of the active militia.
245. Gun squad to be designated as gun detachment.
246. Organization of seacoast artillery.
247. Payments on account of seacoast artillery, to whom made.
248. Repealer.
249. Repealer.
250. Repealer.
251. Repealer.
252. Repealer.
253. Repealer.
254. Amended by sections 285 and 312.
255. Governor may confer rank of brigadier-general upon judge-advocate general.
256. Regimental and battalion boards, their powers and duties.
257. Regimental and battalion courts.
258. Brigade courts.
259. Courts-martial.
260. Copy of approval of sentence of court-martial to be forwarded to adjutant-general.
261. Duty of president of court-martial.
262. Repealer.
263. Repealer.
264. Repealer.
265. Repealer.
266. Officers' accounts to be settled before resignation or discharge.
267. When gun squad to be organized, &c.
268. Inspector-general to attend reviews and parades.
269. Courts of inquiry, powers, &c.
270. Hospital stewards.
271. Commander-in-chief authorized to convene a general court-martial.
272. Upon acquittal or mitigation of sentence, title and rank formerly held may be conferred.
273. Upon appointment on retired list, disabilities of sentence removed.
274. Governor and commander-in-chief authorized to appoint military storekeeper.
275. Annual inspection.
276. Governor authorized to confer brevet rank.
277. Amended by section 281.
278. Quartermaster-general authorized to enlist clerks, mechanics, &c.
279. Repealer.
280. Repealed by section 323.
281. Quartermaster-general to issue rifles to commissioned and non-commissioned officers.
282. Lieutenants of gun detachments, how promoted.
283. Cadet corps in military schools. To be attached to national guard.
284. Moneys arising from sales and settlements of accounts, &c., to be applied to purchase of stores.
285. Amended by section 312.
286. Repealer.
287. Amended by section 315.
288. Amended by section 316.
289. Amended by section 317.
290. Repealed by section 319.
291. Amended by section 320.
292. Quartermaster-general to issue medical supplies, &c.
293. Surgeon-general to have charge of examination of candidates for medical officers.
294. Surgeon-general to request or approve assignments of medical officers for special duty.
295. Report of medical department to be submitted annually.
296. Designation of officers of regiment.
297. Special enlistment for bands, &c.
298. Cavalry troops, how organized.
299. Repealer.
300. Two cavalry companies may be added to national guard.
301. Organization and constitution.
302. Subject to order of commander-in-chief.
303. Minimum number of men.
304. Issuing of arms and equipments.
305. Term of enlistment.
306. Companies may be mustered out.
307. Governor authorized to appoint deputy quartermaster-generals.
308. Cavalry troop shall have surgeon, &c.
309. Paymaster may be commissioned.
310. When additional companies may be organized.
311. Repealer.
312. Pensions.
313. Appropriation for cavalry troop.
314. Colored companies authorized.
315. Surgeons, assistant surgeons and hospital stewards to constitute part of medical department.
316. What officers shall be appointed to command the corps.
317. Corps may be enlisted and vacancies filled.
318. Corps courts-martial, constitution and powers.
319. Repealer.
320. Appropriation.
321. Commissions shall not be delivered until the person appointed or elected shall be uniformed and equipped.
322. Term of service entitling members to certain privileges and exemptions.
323. Repealer.

324. Deficiencies on books of quartermaster-general to be deducted from appropriation.
325. Signal and telegraph corps may be attached to each brigade.
326. Appropriation.
327. Uniform and equipments.
328. Repealer.
329. The wearing of uniform or insignia by persons not entitled thereto prohibited. Penalty.
- XXI. MISCELLANEOUS ACTS.**
330. Militia divided into active and reserve.
331. Bureau of enrollment and drafting.
332. Commissioners of enrollment and drafting.
333. Chief of enrollment may appoint deputies.
334. Commissioners to make enrollment.
335. Enrollment, how conducted and made.
336. Assessors, clerks, &c., to allow enrolling officer to examine assessment rolls, &c.
337. Court of common pleas to hear and determine applications for exemption.
338. Enrollment to be filed with county clerk.
339. Enrollment to be had once in three years.
340. Penalty for obstructing or delaying enrolling or drafting officer.
341. Proceedings to compel persons illegally detaining arms, &c., to deliver up the same.
342. Attachment for contempt may be issued by court.
343. Person complained of may demand trial by jury.
344. Prosecutor of pleas to conduct proceedings.
345. Bond of commissioned officers of company for uniforms.
346. Bonds for arms and equipments.
347. Board of aldermen, &c., may lease premises for purposes of armory.
348. Loaning of military property. Expenses.
349. Additional appropriation to sixth regiment.

## I. Organization.

### An act for the organization of the national guard of the state of New Jersey.

P. L. 1869, p. 251.

Approved March 9, 1869.

1. [Repealed by Sec. 121, *post.*]
  2. [Repealed by Sec. 126, *post.*]
  3. [Repealed by Sec. 127, *post.*]
  4. [Amended by Secs. 134, 178 and 202, *post.*]
- Brigades, regiments, &c., to be numbered.
5. That brigades, regiments, battalions, batteries and cavalry companies shall be numbered by the commander-in-chief in such manner as he shall deem proper and best calculated to secure uniformity, and a register thereof shall be kept in the adjutant-general's office.
- When company, &c., to be disbanded.
6. That whenever any company, battalion or regiment shall fall below the standard of numbers required by this law to constitute the same, or shall be guilty of mutinous conduct, the same may be disbanded or consolidated with other corps by the division commander. (*a*)

## II. Elections, appointments, resignations, &c.

- Officers to take rank from date of appointment.
7. That all officers hereafter appointed or elected shall take rank from the date of such appointment or election; when two of the same grade bear equal date, then their rank shall be determined by lot, to be drawn by them before the commanding officer of the division, brigade, regiment or battalion.
- Elections to be by ballot.
8. That all elections shall be by ballot, on five days' notice of their time and place to all persons entitled to vote, and a majority of all the votes cast shall be necessary to a choice.
- Oath of officers to be taken and subscribed.
9. [Amended by Sec. 321, *post.*]
10. That each and every officer who has been or may hereafter be appointed and commissioned in the manner aforesaid, and who shall not already have taken the same, shall, previous to his entering on the execution of his office, give assurance of fidelity and attachment to the government of the United States and of this state, by taking and subscribing the following oath or affirmation before the general or some field officer of the brigade: "I, ———, do sincerely profess and swear (or affirm, as the case may be), that I will and do bear true faith and allegiance to the government established in this state under the authority of the people, and will with integrity execute the office of ——— of the national guard, of the state of New Jersey, according to the best of my ability, so help me God;" and a certificate thereof shall be made upon the back of every commission by the general or field officer before whom the said oath or affirmation shall have been taken and subscribed.
11. [Amended by Sec. 135, *post.*]

(*a*) The action of the division commander to disband a company for mutinous conduct relates to the organization of the militia, and is cognizable only by the military authorities. *Grove v. Mott*, 17 *Fr.* 328. Alleged grievances growing out

of such action may be laid before the commander-in-chief. *Id.* Such order of disbandment is not reviewable by the supreme court. *Id.*

12. That if any officer holding a commission, is appointed or elected to another office in the state forces, and accepts the same, his commission which he held at the time of such appointment or election shall be void; and if any officer remove out of the state, or be absent therefrom more than six months, his commission shall thereupon be void; and if the corps to which any officer belongs is disbanded, or ceases to exist, the office of such officer shall thereby expire, and he shall be placed on the retired list by the adjutant-general. (a)

Commissions,  
when to be void.

13. [Amended by Sec. 136, *post.*]

14. [Amended by Sec. 137, *post.*]

15. [Amended by Sec. 138, *post.*]

### III. Duties of officers—Adjutant-general.

16. That it shall be the duty of the adjutant-general to distribute all orders from the commander-in-chief of the state to the several corps; he shall attend at public reviews, if required, when the commander-in-chief shall review the national guard, or any part thereof; he shall obey all orders from him relative to carrying into execution and perfecting the system of military discipline established by this act; he shall furnish blank forms of the different returns that may be directed by the commander-in-chief, and shall explain the principles on which they shall be made; from the report of the inspector-general he shall make proper abstracts, and lay the same with a report of the general state of the national guard, and also of such improvements as he may think necessary to advance the discipline of and benefit the national guard, before the commander-in-chief of the state, who is required to lay the same before the legislature; he shall also annually make a return of the national guard of this state to the president of the United States; he shall keep a book in which shall be recorded all orders, returns, names of commissioned officers throughout the state, and also every proceeding relative to the details of the military force ordered by the commander-in-chief upon requisition of the president or congress of the United States in case of invasion or other emergency; all certificates of election of officers shall be transmitted to him, to be entered on record before such officers shall be commissioned by the commander-in-chief. [See Sec. 90, *post.*]

Duties of adjutant-  
general.

### IV. Quartermaster-general.

17. That it shall be the duty of the quartermaster-general to cause each stand of arms now in the arsenal, or which may hereafter be received as the quota of the state, to be struck on the barrel with a steel die, with the letters N. J.

Each stand of  
arms to be  
stamped.

18. [Amended by Secs. 139 and 210, *post.*]

19. [Repealed by Sec. 128, *post.*]

### V. Surgeon-general.

20. That the surgeon-general shall have charge and general supervision of the medical department of the state forces, and shall issue from time to time such regulations, subject to the approval of the commander-in-chief, as the necessities of the case may require; he shall, if duly called upon, examine the location of all camps or stations, to see that they be established in proper places, and be properly laid out and conducted with reference to the health and comfort of the troops; or he may detail an officer for that purpose; he shall also establish a medical bureau, in which

Duty of the sur-  
geon-general.

(a) The direction that officers of a disbanded company shall be placed upon the retired list is not in violation of the constitution of the state. *Grove v. Mott*, 17 Vr. 328.

## NATIONAL GUARD.

all papers and transactions of his department, and all statistics and available information concerning the health and comfort of the troops in camp and in the field, shall be preserved for the use and guidance of the medical staff, and he shall deliver the same over to his successor; all persons nominated as surgeons or assistant surgeons to any command, shall be first examined by the surgeon-general or such competent surgeon on the medical staff of the state forces as he shall designate for that purpose, and no person shall be appointed on the medical staff except upon the certificate of the examining officer, that he is a fit and competent person for such appointment.

**VI. Inspector-general.**

21. [Amended by Secs. 144 and 179, *post.*]

**VII. Division inspector.**

22. [Amended by Secs. 146 and 182, *post.*]

**VIII. Brigade inspectors.**

23. [Amended by Sec. 147, *post.*]

**IX. Paymasters.**

Duties of pay-  
masters.

Bond of.

Oath of.

24. That all division, brigade, regimental and battalion paymasters, or persons acting as such, shall be the collecting and disbursing officers of their respective divisions, brigades, regiments and battalions, and shall have charge, under the provisions of this act, of collecting and accounting for fines and penalties, as hereinafter provided; they shall, before entering upon the duties of their office, severally give bond, with sufficient sureties to be approved by the commandant of the division, brigade, regiment or battalion, as the case may be; division and brigade paymasters in the sum of three thousand dollars, regimental and battalion paymasters in the sum of five thousand dollars, conditioned for the faithful performance of the duties of their respective offices, and shall repair to the clerk of the county in which they reside, and take and subscribe the following oath or affirmation: I, ———, appointed paymaster of the ——— division (brigade, regiment or battalion, as the case may be) of the national guard, do swear (or affirm) that I will, to the utmost of my knowledge and ability, honestly and faithfully perform the duties of the office of paymaster of the said ——— division (brigade, regiment or battalion); so help me God; which oath (or affirmation) the said clerk shall administer and indorse on the said bond, and file the said bond in his office, to be prosecuted whenever the brigade, regimental or battalion board shall so direct; the said clerk shall, on the back of the paymaster's commission, give a certificate under his hand and seal of the county, of said bond and oath (or affirmation) having been taken and filed, which shall be received as evidence of the authority of said paymaster.

25. [Amended by Sec. 150, *post.*]

26. [Amended by Sec. 151, *post.*]

Fines of delin-  
quents, how col-  
lected.

27. That if any delinquent or delinquents shall neglect or refuse to pay any fine or fines returned against him or them, to any paymaster, or person acting as such, such paymaster or acting paymaster, shall immediately thereafter put the return or list of said fine or fines so unpaid into the hands of any judge of the inferior court of common pleas of the county, or justice of the peace of the town or city where the delinquent resides or has property, who is required forthwith to issue execution against the person or persons named in said return or list, for the sum or sums assessed

opposite their respective names, with costs, as in cases of taxation, directed to the sheriff of the county, or to any constable of the town or city in which such delinquent resides or hath property, who is required to levy the same of the goods and chattels of the delinquent, and to pay the sum or several sums in said execution named, within thirty days, to the paymaster, or person acting as such, charged with the collection of said fine or fines; the form of the execution shall, as near as may be, be as follows: \_\_\_\_\_ county: The state of New Jersey to the sheriff of (or to \_\_\_\_\_, one of the constables in) the county of \_\_\_\_\_: Whereas, the persons named in the schedule or list hereunto annexed, have been duly adjudged for deficiency in military duty or equipments, to pay the fines to their names respectively annexed you are therefore commanded forthwith of their several goods and chattels respectively, within the said county, to levy by distress and sale thereof, the fines set opposite their respective names, with costs, and to pay the same to \_\_\_\_\_, paymaster of \_\_\_\_\_ battalion (regiment, brigade or division), and you are to make return of this execution, with your doings therein, unto me, \_\_\_\_\_, within thirty days next coming; for which this shall be your sufficient warrant; hereof fail not. Given under my hand and seal, the \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord eighteen hundred and \_\_\_\_\_.

**X. Judge-advocate general.**

28. That it shall be the duty of the judge-advocate general to have supervision, care and management of all things relating to the administration of justice among the military forces of this state; he shall act as judge advocate at all courts-martial where the public interests require his attendance; he shall, when required so to do, by the commander-in-chief, report his opinion on any question of law involved in this act.

Duty of judge-advocate general.

**XI. Assistant adjutant-general.**

29. That it shall be the duty of the assistant adjutant-general, in the absence of the adjutant-general from the capital of the state, or in case of his inability to perform all his duties, to himself perform or assist therein

Duty of assistant adjutant-general.

**XII. State, brigade, regimental, battalion and examining boards.**

30. That there shall be a board of officers to be called the "state military board," and to consist of the adjutant-general, quartermaster-general and commandant of the division, who from time to time shall prepare and submit rules and regulations, forms and precedents, for the use and government of the national guard; and the same, upon the approval of the commander-in-chief, and by his order, shall be published in orders by the adjutant-general, and be distributed to the commissioned officers of the state, and from the publication thereof the same shall be binding upon the national guard. [See Sec. 108, *post.*]

"State military board," how constituted.

- 31. [Amended by Sec. 152, *post.*]
- 32. [Amended by Sec. 256, *post.*]
- 33. [Amended by Sec. 212, *post.*]

**XIII. Uniforms, arms and equipments.**

- 34. [Repealed by Sec. 240, *post.*]
- 35. That the uniforms, arms and equipments, and other military property of members of a uniformed corps, shall be exempt from sale under execution, and from every process of law, except such as may be issued in pursuance of the sentence of court-martial.
- 36. [Amended by Sec. 119, *post.*]

Uniforms, arms, &c., exempt from sale under legal process.

Time within which uniforms shall be supplied.

**37.** That every non-commissioned officer and private shall be supplied, by the regimental or battalion board to which his company is attached, with his proper uniform within two months after the organization of his corps, or his joining the same, such uniform to be and remain the property of the regimental or battalion board.

Uniforms and equipments to be left at company armory.

**38.** That the uniforms and equipments to be issued to each company shall be left at the company armory, for safe keeping, and whoever shall sell or dispose of any such uniform or equipments, or shall refuse to deliver up the same, after demand therefor, the quartermaster or acting quartermaster of the regiment or battalion to which the company to which such uniform or equipments may have been issued shall be attached, or shall secrete or remove any such uniform or equipments with intent to sell or dispose thereof, without the written consent of the regimental or battalion board to which the company to which such uniform or equipments may have been issued is attached, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment in the county jail for not less than two nor more than six months, or by a fine of not more than one hundred dollars nor less than fifty dollars, or by both such fine and imprisonment, at the discretion of the court.

Penalty for selling or disposing of same.

Amount to be paid yearly in lieu of uniforms and rent of armory.

**39.** That in lieu of the present provisions for uniforms and drill-room or armory rent and pay, there shall be paid on the first Monday of April of each year, to the paymaster or acting paymaster of each regiment or battalion of the national guard, the sum of five hundred dollars per company for each company duly organized which at said time is attached to the regiment or battalion to which said paymaster or acting paymaster belongs, to be expended by the said paymaster or acting paymaster, only under the direction of the regimental or battalion board of the regiment or battalion to which such paymaster or acting paymaster belongs, subject to the approval of the commandant of the said regiment or battalion, for the purpose of procuring drill-rooms and armories, for the purchase of uniforms, and to defray other expenses incident to the existence of the regiment or battalion, or companies attached to the regiment or battalion; and for any company duly organized subsequently to the first day of April in any year, the paymaster or acting paymaster shall receive at the rate of five hundred dollars per year for the unexpired part of the year ending on the first day of April then next, to be expended only in the manner stated above. (a)

**40.** [Repealed by Sec. 129, *post.*]

**41.** [Amended by Sec. 153, *post.*]

#### XIV. Parades and drills.

Written or printed notices of parades to be given.

**42.** [Repealed by Sec. 130, *post.*]

**43.** That the orderly sergeant or acting orderly sergeant of each company shall notify every member thereof of any parade ordered in pursuance of this act, by a written or printed notice to be left at the residence or place of business of such member, or sent by mail, at least two days before the time specified for such parade; at the time and place of meeting named in said orders, the orderly sergeant shall call the roll of the company, and shall make a true list of all present or absent at each roll-call; if the company be part of any battalion, regiment or brigade, then the commandant of the company shall make copies of the return of the sergeant, and certify and forward the same to the commandant of the battalion, regiment or brigade; adjutants and assistant adjutant-generals shall in like manner, by service of written or printed notice or by mail, three days prior to the day fixed for parade, notify commissioned officers, call the roll of officers, and make return to the commanding officers in cases of battalion, regimental or brigade parade.

**44.** [Repealed by Sec. 131, *post.*]

(a) This annual appropriation is due in advance and is payable to the paymaster on the designated day for each company then duly organized and attached to his regiment or battalion,

even though the company had not been so organized for the whole of the preceding year. *Compton v. Comptroller*, 23 Vt. 150.

45. That when a brigade, regiment, battalion, or company parade according to law, they shall have the right of way through any street or highway through which they may pass.

Brigades, &c., to have right of way on parade.

**XV. Fines and their collection.**

46. [Amended by Sec. 257, *post.*]

47. [Amended by Sec. 261, *post.*]

48. [Repealed by Sec. 262, *post.*]

49. That company commandants shall transmit to the commandant of the regiment or battalion of which they are a part, a correct list of all members of their respective companies who are in arrears for any fines or penalties imposed upon them; and commandants of regiments or battalions shall direct the paymaster or acting paymaster serving under their command to collect, or cause to be collected and enforced according to law, any fines or penalties which may be returned to them.

Lists of members in arrears for fines and penalties to be made.

50. That all moneys received from fines and penalties by the brigade paymasters, or acting paymasters, shall be paid out under the direction of the brigade board, subject to the approval of the commandant of the brigade; all moneys received in like manner by regimental or battalion paymasters, or persons acting as such, shall be paid out under the direction of the regimental or battalion board, subject to the approval of the regimental or battalion commander; all moneys received in like manner by the treasurer of any company shall be disbursed as the rules and by-laws of the company shall direct, subject to the approval of the commandant of the company; but no moneys received by or accruing to any board or corps shall be expended for any other than military purposes, and any officer or officers, or board assenting to any disbursement of the same for purposes not strictly military, shall be subject to court-martial therefor.

Moneys received from fines and penalties to be paid out under direction of brigade board.

51. [Repealed by Sec. 263, *post.*]

52. [Repealed by Sec. 264, *post.*]

53. [Repealed by Sec. 265, *post.*]

54. That any person who shall be guilty of disorderly, contemptuous or insolent behavior in, or use any insulting or contemptuous or indecorous language or expressions to, or before any court-martial, or any member thereof, in open court, with intent to interrupt the proceedings of, or to bring into disrespect such court, or any member thereof, may be committed by such court to the county jail as for contempt of court for a term not exceeding three days.

Penalty for disorderly conduct before court-martial.

55. That when a commitment shall have been adjudged under either of the two preceding sections of this act, the president of the court shall issue a warrant under his hand and seal, directed to the sheriff or either of the constables of the county in which said court shall sit, which warrant shall set forth the particular circumstances of the offence adjudged to have been committed, and shall command the officer to whom it is directed to take the body of the offender and commit him to the county jail, there to remain in confinement, without bail, for the time specified therein, and until the officer's fees for committing, and the jailer's fees are paid, unless sooner discharged by the process of law.

President of court may issue warrant for commitment.

56. That the sheriff or jailer shall receive the body of any person who shall be brought to him by virtue of such warrant, and keep him until the expiration of the time mentioned in the warrant, and until the officer's and jailer's fees be paid, or until the offender shall be discharged by due course of law.

Duty of sheriff or jailer.

57. That if any bystander shall interrupt, molest or insult, by abusive words or behavior, any officer or soldier while on duty at any parade, drill, or meeting for military improvement, he shall be put immediately under guard, and kept at the discretion of the commandant of the regiment, battalion, company or corps, until the drill, parade, or meeting be dismissed, and such commandant may turn over such bystander to any police officer of the city wherein such parade, drill or meeting is held, to be kept by him in custody accordingly, and said police officer is required to detain him in custody accordingly.

Penalty for bystander interrupting, &c., drill or parade, &c.

Money arising from sale after payment of fine and costs to be paid delinquent.

**58.** That if any money shall remain in the hands of any constable after making sale of the property of a delinquent, and paying the fines and costs of such delinquent, such money shall be paid by the constable to the said delinquent; but if he shall refuse to receive the same, then the said constable shall pay the said money to the paymaster or acting paymaster of the regiment or battalion to which such delinquent belongs, to be by him accounted for in his settlement with the brigade board; and it shall be the duty of such constable, after having paid such money into the hands of the regimental or battalion paymaster or acting paymaster, immediately to certify the same to the brigade board; no property shall be exempt from process for the payment of any fine imposed under this act.

Penalty for non-attendance at military board or court.

**59.** That any member of a military board or court who shall not attend the meetings of said board or court when duly notified so to do, shall be subject to a fine not exceeding twenty dollars, to be imposed by said board or court.

Penalty in case of neglect by sheriff or constable.

**60.** That any sheriff or constable to whom any process for the collection or enforcing any fine and penalties imposed by this act, is committed, shall be subject, for any neglect, misfeasance or malfeasance, to like fines and penalties as are now imposed upon them for like neglect, malfeasance or misfeasance in executing final process in civil cases.

Witnesses liable to penalty for non-attendance.

**61.** That witnesses not attending any military board or court when duly summoned or subpoenaed to appear before the same, shall be subject to like fines and penalties as are imposed for the like neglect or refusal in civil cases.

#### XVI. Courts-martial.

President of courts-martial and judge advocate to issue subpoenas for witnesses.

**62.** That the president of every court-martial, both before and after he shall have been sworn, and also the judge advocate, if required, shall issue subpoenas for all witnesses whose attendance at such court may in his opinion be necessary in behalf of the state, and also on application for all witnesses in behalf of any officer charged or accused, or persons returned as delinquent, and may direct the commandant of any company to cause such subpoena to be served on any witness, and such commandant shall cause the same to be served accordingly. [See Sec. 93, *post.*]

President to administer oaths, preserve order, &c.

**63.** That the president of such court-martial shall have power to administer the usual oaths to witnesses, and shall have the same power to compel attending witnesses to be sworn and testify and to preserve order, as courts of common-law jurisdiction, and all sheriffs, jailers and constables are hereby required to execute any precept issued by such president or court-martial for that purpose; any person sworn before any court-martial and giving testimony in such court, shall, in case he or she shall commit willful and corrupt perjury in such testimony, be subject, on conviction of such perjury, to the pains and penalties by the laws of this state inflicted upon those who shall be guilty of willful and corrupt perjury.

Witness to forfeit \$10 for not appearing.

**64.** That every witness not appearing in obedience to such subpoena when duly served personally with a copy of the same, and not having a sufficient or reasonable excuse, shall forfeit to this state the sum of ten dollars, and the president of such court-martial shall from time to time report to the prosecutor of the pleas of the county in which the court shall sit, the names of all such delinquent witnesses, with the names and places of residence of the persons serving the subpoena or subpoenas, to enable him to prosecute for such forfeiture.

Attachment may issue to compel attendance of witnesses.

**65.** That whenever it shall appear to the satisfaction of any court-martial, by proof made before such court, that any person duly subpoenaed to appear as a witness before said court, shall have refused or neglected, without just cause, to attend as such witness, and it shall appear to the court that the testimony of such witness is material, such court, or the president thereof, shall have power to issue an attachment to compel the attendance of such witness, which attachment shall be executed in the same manner as a warrant, and by any officer authorized to execute war-

rants, and said court shall have the same power thereunder as courts of record in this state have in like cases.

66. [Repealed by Sec. 166, *post.*]

67. [Amended by Sec. 167, *post.*]

68. That no action shall be maintained against any member of a court-martial, or officer or agent acting under its authority, on account of the imposition of a fine or the execution of a sentence on any person, if such person shall have been returned as a delinquent, and duly summoned, and shall have neglected to appear and render his excuse for such delinquency.

No action against member of court or its officer by reason of imposition of fines, &c.

### XVII. Exemptions and compensations.

69. That all persons over the age of eighteen years, who are actually enrolled in, or who shall join any uniformed corps, shall be entitled to the same privileges and be subject to the same penalties as are prescribed in this act.

Persons enrolled over eighteen years entitled to privileges and subject to penalties of this act.

70. That any father shall be allowed, as for his services in the national guard, the time which his son, under the age of eighteen, shall serve as musician in the national guard of this state.

Compensation, when allowed father.

71. [Amended by Secs. 188 and 217, *post.*]

72. That all general and staff officers, all field officers, all commissioned and non-commissioned officers, musicians and privates of the national guard of this state shall be exempt from jury duty, and poll and military tax (a) during the time they shall perform military duty; and every person who shall have so served seven years and shall have been honorably discharged, shall forever after be exempt from jury duty. [See. Secs. 109 and 112, *post.*]

Exempt from jury duty, poll and military tax.

73. That the commandants of companies shall report the names of any persons in their respective companies who shall have been expelled, or who shall, from any other cause, become liable to serve as jurors, and to pay a poll tax, to the sheriff of the county, and to the assessor of the ward or township in which such persons may respectively reside; and any person who shall be expelled, or from any other cause leave the national guard before the expiration of the term of service, shall not be entitled to claim any benefits of exemption for the time he may have served.

Persons expelled to be reported to sheriff and assessor.

74. That no commissioned officer, non-commissioned officer, musician or private shall be arrested on any civil process, on any day appointed by lawful authority for exercise, parade or other military duty, nor shall any arms or accoutrements of a member of the national guard be levied on or sold by virtue of any execution.

Not to be arrested on civil process on day of parade or other military duty.

75. [Amended by Secs. 189, 218 and 322, *post.*]

### XVIII. Active service.

76. That the commander-in-chief may, in case of invasion or other emergency, order out any company, battalion, regiment, brigade or division of the national guard, to march to any part of the state and continue in service so long as he may think necessary, not exceeding three months.

In case of invasion or emergency, term of service not to exceed three months.

77. [Amended by Sec. 169, *post.*]

78. [Amended by Sec. 170, *post.*]

79. [Amended by Secs. 171, 209, 221, 254, 285 and 312, *post.*]

(a) This section does not exempt a member of the guard from a special poll tax imposed in the county of Essex by the

law of 1865, for the payment of war bonds. *State, Gorum v. Mills*, 5 Vr. 177.

## NATIONAL GUARD.

## XIX. Miscellaneous.

Books of tactics, &c., to be distributed.

**80.** That the commander-in-chief shall purchase such system of tactics, regulations and other military books as may be necessary for the instruction of the national guard, which books shall be distributed as the property of the state, under proper regulations through the adjutant-general's office.

Legislature to provide annually for expenditures.

**81.** That all moneys authorized by this act to be expended, shall be paid by the treasurer of this state out of any moneys not otherwise appropriated, and it shall be the duty of the legislature annually to provide the requisite funds for the payment of all moneys authorized to be expended under this act for the year.

Paymasters of companies to collect fines.

**82.** That from the non-commissioned officers authorized by law, there shall be one paymaster appointed by the commandant to each company, who shall be empowered to collect all fines and dues in such manner as now is or may hereafter be prescribed by law.

Venue in case suit brought for anything done under this act.

**83.** [Repealed by Sec. 132, *post.*]

**84.** That if any suit shall be brought or commenced against any person for anything done in pursuance of this act, the venue shall be laid in the county where the cause of action arose, and the defendant in such action may plead the general issue, and give this act and the special matter in evidence.

Expenses to carry out provisions of act.

**85.** That the commander-in-chief is authorized and empowered to make his requisition upon the treasurer, to meet the necessary and proper expenses to carry out the provisions of this act, and the treasurer shall pay the same upon the warrant of the governor, and not otherwise.

Repealer.

**86.** That all acts or parts of acts for the regulation, organization, government or encouragement of the militia of this state, except the act entitled "A supplement to the act entitled 'An act for the more effectual organization of the militia,'" approved April sixth, eighteen hundred and sixty-five, which supplement was approved March eighteenth, eighteen hundred and sixty-eight, be and the same are hereby repealed.

Enrollment of militia.

**87.** That notwithstanding anything herein contained, the enrollment of the militia shall continue to be made in the manner now provided by law. [See Secs. 330 to 340, *post.*]

## XX. Supplements.

## Supplement.

Approved March 1, 1870.

P. L. 1870, p. 17.

**88.** SEC. 1. [Superseded by Sec. 202, *post.*]

Orderly sergeant to serve court-martial notices.

**89.** SEC. 2. That it shall be the duty of the orderly or acting orderly sergeant, of each company, to serve all court-martial notices on delinquent members of their companies, in the same manner as notices for drills, parades and meetings are provided to be served, in and by the forty-third section of the act to which this is a supplement.

Addition to section 16.

**90.** SEC. 3. That at the close of the sixteenth section of the act to which this is a supplement, these words shall be added: "and he shall procure an appropriate official seal, and affix an impression of the same to all certificates of record issuing from his office."

Previous militia service may be applied, as under this act.

**91.** SEC. 4. [Repealed by Sec. 186, *post.*]

Proviso.

**92.** SEC. 5. That any person who may have served any term in the militia service of the state of New Jersey, under any organization of the same, shall be entitled to have such term of service applied, as having been served under the provisions of this act; *provided*, such term shall have been for not less than three years, if served previously to the organization of the present national guard; and that all persons now serving in the national guard shall be entitled to have such time as they may now have served, under the provisions of the act in relation to the national guard, applied under the provisions of this act, as relates to the full term of service of six years.

Supplement.

- Approved April 4, 1871. P. L. 1871, p. 90.  
 Commandants of brigades to convene general courts-martial.
- 93.** SEC. 1. That the commandants of brigades are hereby empowered to convene general courts-martial (when in their opinion the same may be found to be necessary) for the trial of offenders in their respective brigades.
- Transportation when brigade parade ordered.
- 94.** SEC. 2. That whenever a brigade is ordered to parade, as requested by law, transportation for the same shall be provided by the quartermaster-general, upon requisition being made therefor by the brigade quartermaster.
- Officers and men of light batteries.
- 95.** SEC. 3. That the number of commissioned officers and enlisted men in light batteries, shall not exceed one hundred and fifty, nor be less than fifty, and that there shall be one captain, two first lieutenants, two second lieutenants, six sergeants, eight corporals and two musicians to each such battery.
- 96.** SEC. 4. [Repealed by Sec. 252, *post.*]

Supplement.

- Approved March 15, 1872. P. L. 1872, p. 36.  
 Governor may confer brevet rank for service in the field, &c.
- 97.** SEC. 1. That the governor and commander-in-chief be, and he is hereby authorized to confer a lineal or brevet rank for gallant services in the field, upon any officers of the national guard, equal, to the lineal or brevet rank they may have held in the service of the United States; *provided*, that the governor shall nominate the said officers to the senate, and the rank shall be conferred by and with the advice and consent of the senate.

Supplement.

- Approved March 21, 1872. P. L. 1872, p. 40.
- 98.** SEC. 1. [Repealed by Sec. 122, *post.*]

Supplement.

- Approved February 17, 1873. P. L. 1873, p. 16.
- 99.** SEC. 1. [Amended by Sec. 196, *post.*]

Supplement.

- Approved March 5, 1873. P. L. 1873, p. 31.
- 100.** SEC. 1. [Superseded by Sec. 202, *post.*]

Supplement.

- Approved April 3, 1873. P. L. 1873, p. 130.  
 Brevet of brigadier-general may be conferred.
- 101.** SEC. 1. That the governor and commander-in-chief be and is hereby authorized to confer upon such citizens of this state, not exceeding two, as shall have served long and meritoriously as colonels of the national guard, the rank of brevet brigadier-general; *provided*, that the governor shall nominate the said officers to the senate, and the rank shall be conferred by and with the advice and consent of the senate.

Supplement.

- Approved April 4, 1873. P. L. 1873, p. 141.  
 When company to forfeit annual appropriation.
- 102.** SEC. 1. [Amended by Sec. 192, *post.*]
- 103.** SEC. 2. [Amended by Secs. 145 and 180, *post.*]
- 104.** SEC. 3. [Amended by Secs. 148, 183, 207 and 275, *post.*]
- 105.** SEC. 4. That the annual appropriation of every company that shall fail to parade for inspection within the time fixed by law, or whose reports are not duly forwarded to the inspector-general's office on or before the thirtieth day of October succeeding such annual inspection, be and the same is hereby forfeited. [This section is amended by Secs. 149 and 208, *post*, but Sec. 208 is repealed by Sec. 225, *post.*]

## NATIONAL GUARD.

Annual appropriation for division headquarters.

**106. SEC. 5.** That an appropriation of five hundred dollars be made annually for the expenses of division headquarters, which shall be paid to the division paymaster on the first Monday of April of each year.

**107. SEC. 6.** [Repealed by Sec. 173, *post.*]

Brigade commanders members of state military board.

**108. SEC. 7.** That in addition to the officers now composing the "state military board," brigade commanders shall be ex-officio members of said board.

Members of national guard exempt from all tax on \$500.

**109. SEC. 8.** That in addition to the exemption from general and special poll tax now allowed by law, all general and staff officers, all commissioned and non-commissioned officers, musicians and privates of the national guard of this state, shall be exempted from state, county and municipal taxation upon five hundred dollars during the period they shall be actually serving in the national guard.

**110. SEC. 9.** [Repealed by Sec. 187, *post.*]

## Supplement.

Approved March 28, 1874.

P. L. 1874, p. 100.

**111. SEC. 1.** [Superseded by Sec. 202, *post.*]

## Supplement.

Approved March 27, 1874.

P. L. 1874, p. 525.

Captains of companies in Essex county to furnish board of assessment of taxes sworn list of members of national guard.

**112. SEC. 1.** That the captain of every company of the national guard of this state, organized and existing in the city of Newark, in the county of Essex, shall make out or cause to be made out a written statement, and shall sign the same under oath, of the names and residences of all the members of said company residing in said city of Newark, and shall present said statement to the board of assessment and revision of taxes, in and for said city of Newark, on or before the first day of May in each and every year; and every member of said national guard, residing in said city of Newark, and claiming the exemption from taxation provided for in section eight of the said act to which this is a supplement, shall, prior to the third Monday in June of each and every year, make a return in writing, and under oath, to said board of assessment and revision of taxes, of all his estates, both real and personal, and in his said return state the fact of his membership in said national guard, and his claim for exemption from taxation on five hundred dollars by reason of said membership, by virtue of the provisions of said section eight; and any member of said national guard resident in said city of Newark, whether a general or staff officer, commissioned or non-commissioned officer, musician or private, who shall fail to make said return and claim for exemption therein to said board of assessment and revision of taxes, prior to the third Monday in June, as aforesaid, shall not be entitled to or be allowed the exemption from state, county and municipal taxation upon five hundred dollars, provided for in said section eight, any law of this state to the contrary notwithstanding.

## Supplement.

Approved April 8, 1875.

P. L. 1875, p. 64.

**113. SEC. 1.** [Superseded by Sec. 202, *post.*]

## Supplement.

Approved March 30, 1876.

P. L. 1876, p. 64.

Aides-de-camp of commander-in-chief rank as colonels.

**114. SEC. 1.** That the aides-de-camp on the staff of the commander-in-chief, provided for by the fourth section of the act to which this is a supplement, shall have the rank of colonel.

**115. SEC. 2.** [Repealed by Sec. 133, *post.*]

When commander-in-chief may place officer on retired list and declare vacancy.

**116. SEC. 3.** That whenever the major-general commanding the division of the national guard shall report in writing to the commander-in-chief, that any officer in commission in the said guard is lacking in capacity, attainments, efficiency and general fitness for his position in the service,

NATIONAL GUARD.

2273

the commander-in-chief shall have power, and he is hereby authorized to place said officers on the retired list, and declare a vacancy. [See Sec. 212, *post.*]

117. SEC. 4. That in addition to the officers now allowed by law upon the staff of the major-general of division, there shall be one judge advocate, with the rank of lieutenant-colonel, and upon the staff of the brigadier-general of brigade, there shall be one judge advocate with the rank of major.

Judge advocate with rank of major to be on staff of major-general.

118. SEC. 5. That whenever any enlisted man shall have completed his term of service in the national guard, he may re-enlist for a further term of one year.

Enlisted men may re-enlist for one year.

Supplement.

Approved April 21, 1876. P. L. 1876, p. 304.

119. SEC. 1. That the thirty-sixth section of the act to which this is a supplement, which reads as follows [see P. L. 1876, p. 304], be amended so that the same shall read as follows :

[That every uniformed corps, before being furnished with arms and equipments, shall provide themselves with a suitable armory, or place of deposit, within the bounds of the corps, wherein the arms and equipments furnished by the state shall be carefully kept for the use of such corps, for military purposes only, and shall not be loaned or hired out, nor used for any other purpose whatsoever; the commander-in-chief may, on application of the principal of any military academy or school, or public high school, in this state, for that purpose furnish such academy or school, or public high school, with any arms and equipments, the property of this state, when in his opinion they can be spared without manifest injury to the service of this state, or of the United States, the said principal giving bond with sufficient security for the keeping of the same in good order and repair, and returning the same when required, or an equivalent.]

Arms and equipments to be placed in suitable armory.

When military academy or school may be furnished with arms.

120. SEC. 2. That the quartermaster-general from time to time, as may be necessary, may cause an examination to be made by himself, or by an officer designated for that purpose, to examine the armory or place of deposit of the arms and equipments issued by the state to any company, school or academy, to inspect them, and report to him the condition of said armory or place of deposit, and of the said arms or equipments, and if upon such report, or upon a personal examination and inspection by the quartermaster-general, it shall appear that such armory is insecure or unsuitable, or that said arms and equipments are not in good condition, he may require them to be returned to the state arsenal.

Quartermaster-general to order examination from time to time of the place of deposit of arms issued by the state.

Supplement to an act entitled "An act for the organization of the national guard of the state of New Jersey," approved March ninth, one thousand eight hundred and sixty-nine, and the various amendments thereto.

Approved March 9, 1877. P. L. 1877, p. 162.

121. SEC. 1. That the first section of the act entitled "An act for the organization of the national guard of the state of New Jersey," approved March ninth, one thousand eight hundred and sixty-nine, which section is in the following words [see P. L. 1877, p. 162], be and the same is hereby repealed.

Repealer.

122. SEC. 2. That the first section of the supplement to the act entitled "An act for the organization of the national guard of the state of New Jersey," approved March ninth, one thousand eight hundred and sixty-nine, which supplement was approved March twenty-first, one thousand eight hundred and seventy-two [see Sec. 98, *ante*], which section is in the following words [see P. L. 1877, p. 162], be and the same is hereby repealed.

Repealer.

123. SEC. 3. [Amended by Sec. 244, *post.*]

Companies, how  
officered.

**124. SEC. 4.** That hereafter there shall be to each company of infantry of the national guard one captain, one first lieutenant, one second lieutenant, and not less than fifty or more than eighty enlisted men, from which number of enlisted men there may be selected not more than five sergeants, five corporals and two musicians; and all acts or parts of acts inconsistent with the provisions of this section be and the same are hereby repealed. [See Sec. 202, *post.*]

**125. SEC. 5.** [Amended by Sec. 154, *post.*]

#### Supplement.

Approved March 15, 1878.

P. L. 1878, p. 107.

Repealer.

**126. SEC. 1.** That section two of the act to which this is a supplement which reads as follows [see P. L. 1878, p. 107], be and the same is hereby repealed.

Repealer.

**127. SEC. 2.** That section three of the act to which this is a supplement, which reads as follows [see P. L. 1878, p. 107], be and the same is hereby repealed.

Repealer.

**128. SEC. 3.** That section nineteen of the act to which this is a supplement, which reads as follows [see P. L. 1878, p. 107], be and the same is hereby repealed.

Repealer.

**129. SEC. 4.** That section forty of the act to which this is a supplement, which reads as follows [see P. L. 1878, p. 108], be and the same is hereby repealed.

Repealer.

**130. SEC. 5.** That section forty-two of the act to which this is a supplement, which reads as follows [see P. L. 1878, p. 108], be and the same is hereby repealed.

Repealer.

**131. SEC. 6.** That section forty-four of the act to which this is a supplement, which reads as follows [see P. L. 1878, p. 108], be and the same is hereby repealed.

Repealer.

**132. SEC. 7.** That section eighty-three of the act to which this is a supplement, which reads as follows [see P. L. 1878, p. 108], be and the same is hereby repealed.

Repealer.

**133. SEC. 8.** That the second section of the supplement of the act to which this is a supplement, which was approved March thirtieth, one thousand eight hundred and seventy-six [see Sec. 115, *ante*], which reads as follows [see P. L. 1878, p. 107], be and the same is hereby repealed.

**134. SEC. 9.** [This section, amending Sec. 4, *ante*, is again amended by Secs. 178 and 202, *post.*]

**135. SEC. 10.** That the eleventh section of the act to which this is a supplement, which reads as follows [see P. L. 1878, p. 111], be amended so as to read as follows :

Resignations, how  
made.

[That any commissioned officer wishing to resign, shall to that end make application in writing to the adjutant-general of the state, through the proper channels; and if a sufficient reason for such resignation appear to each commanding officer to whom such application is presented, he shall so certify by approval thereon and transmit the same to the adjutant-general, who shall file it in his office and issue an order announcing the acceptance of the resignation, and the commission shall thereupon be void; no commissioned officer shall be permitted to resign except in the manner herein prescribed.]

**136. SEC. 11.** That the thirteenth section of the act to which this is a supplement, which reads as follows [see P. L. 1878, p. 112], be amended so as to read as follows :

Vacancies, how  
filled.

[That whenever the office of brigadier-general shall from any cause be vacant, the major-general of division shall give notice of an election to be held to fill the vacancy; he shall preside at the election, and shall immediately certify its result to the adjutant-general; whenever the office of colonel, lieutenant-colonel or major of a regiment or battalion shall be vacant, the commandant of the brigade to which such regiment or battalion belongs shall in like manner give notice of, preside at, hold and certify the result of the election; whenever the office of captain or lieutenant of

a company shall be vacant, the commanding officer of the regiment or battalion to which such company belongs shall give notice of an election to fill such vacancy, and he shall hold accordingly and preside at the election, and certify its result to the adjutant-general.]

**137. SEC. 12.** That the fourteenth section of the act to which this is a supplement, which reads as follows [see P. L. 1878, p. 112], be amended so as to read as follows :

[That when there shall not be an officer qualified to hold an election as prescribed in this act, the division commander shall issue his warrant to any officer whom he may select to hold such election, who shall give notice of and conduct it in all respects as hereinbefore prescribed, and he shall certify its results to the adjutant-general.]

Elections, how conducted where no officer qualified to hold same.

**138. SEC. 13.** That the fifteenth section of the act to which this is a supplement, which reads as follows [see P. L. 1878, p. 113], be amended so as to read as follows :

[That the governor and commander-in-chief be and he is hereby authorized to confer upon such citizens of this state as shall have served long and meritoriously as adjutant-general, quartermaster-general or brigadier-general of the national guard, the rank of brevet major-general ; *provided*, that the governor shall nominate the said officers to the senate, and the rank shall be conferred by and with the advice and consent of the senate ; and all other laws authorizing the conferring of rank of brevet major-general in the militia are hereby repealed ; the rank heretofore conferred under them, however, is not to be affected by this repeal, but the commissions issued on the same are to be and remain in full force.] [See Secs. 97 and 101, *ante*.]

Rank of brevet major-general, when may be conferred. Proviso.

**139. SEC. 14.** [This section, amending Sec. 18, *ante*, is amended by Sec. 210, *post*.]

**140. SEC. 15.** [Repealed by Sec. 279, *post*.]

**141. SEC. 16.** [Repealed by Sec. 279, *post*.]

**142. SEC. 17.** That the governor and commander-in-chief be and he is hereby authorized to cause to be sold any ordnance, arms, ammunition or other military stores or subsistence, or medical supplies, which, upon proper inspection or survey, shall appear to be damaged, or otherwise unsuitable for the public service, whenever in his opinion the sale of such unserviceable stores will be advantageous to the public service.

Governor may cause to be sold unserviceable stores, arms, &c.

**143. SEC. 18.** That the inspection or survey of the unserviceable stores shall be made by such officer or officers as the governor and commander-in-chief may appoint for that purpose, and the sales shall be made under such rules and regulations as may be prescribed by the governor and commander-in-chief.

Inspection of unserviceable stores, by whom made.

**144. SEC. 19.** [This section, amending Sec. 21, *ante*, is again amended by Sec. 179, *post*.]

**145. SEC. 20.** [This section, amending Sec. 103, *ante*, is again amended by Sec. 180, *post*.]

**146. SEC. 21.** [This section, amending Sec. 22, *ante*, is again amended by Sec. 182, *post*.]

**147. SEC. 22.** That the twenty-third section of the act to which this is a supplement, which reads as follows [see P. L. 1878, p. 119], be amended so as to read as follows :

[That it shall be the duty of the inspectors of brigade to once a year attend the brigade, regimental and battalion reviews, parades and musters of their respective brigades of the national guard, and to inspect their arms, ammunition and accoutrements ; each inspector of brigade shall make returns annually, on or before the first day of June in every year to the inspector of division, of the brigade to which he belongs, reporting therein particularly the name of the reviewing officer, the actual condition of the arms, ammunition and accoutrements, their armories and storehouses, and every other thing which, in his judgment, may relate to their government, and the general advancement of good order and military discipline ; in case of the absence of the inspector of brigade, the commanding officer present at the inspection shall appoint some officer to perform the duties thereof ; and they shall be entitled to transportation and pay according to their rank

Duty of the inspectors of brigade.

Annual returns to be made.

for the number of days actually on duty while making inspection, to be certified by the brigade commander.]

**148.** SEC. 23. [This section, amending Sec. 104, *ante*, is again amended by Secs. 183, 207 and 275, *post*.]

**149.** SEC. 24. That the fourth section of the supplement to the act to which this is a supplement, which was approved April fourth, one thousand eight hundred and seventy-three [see Sec. 105, *ante*], and which reads as follows [see P. L. 1873, p. 141], be amended so as to read as follows :

When company  
to forfeit annual  
appropriation.

[That the annual appropriation of every company that shall fail to parade for inspection within the time fixed by law, or whose reports are not duly forwarded to the inspector of division on or before the first day of June succeeding such annual inspection, be and the same is hereby forfeited.]

[This section, amending Sec. 105, *ante*, was amended by Sec. 208, *post*, but Sec. 208 is repealed by Sec. 225, *post*.]

**150.** SEC. 25. That the twenty-fifth section of the act to which this is a supplement, which reads as follows [see P. L. 1878, p. 121], be amended so as to read as follows :

Brigade pay-  
master to keep a  
journal of his  
proceedings, &c.

[That every brigade paymaster shall keep a journal of his proceedings, and receive and file all vouchers and returns, and keep proper and distinct accounts of the moneys accruing from the fines and forfeitures, in the several regiments and battalions in the brigade, which shall be paid or returned to him, and shall also receive and file all returns, orders, vouchers and receipts for all moneys which he may receive and pay conformably to law, and he shall submit his books of account, returns, orders, vouchers and receipts to the inspection and examination of the brigade board, to whom he shall account from time to time for all moneys and returns by him received, and produce orders for any disbursements he may have made, and he shall make like submission to the quartermaster-general of the state, or to such other officer or officers as may be provided by order of the commander-in-chief, whenever the quartermaster-general or such other officer or officers may require.]

**151.** SEC. 26. That the twenty-sixth section of the act to which this is a supplement, which reads as follows [see P. L. 1878, p. 122], be amended so as to read as follows :

Relative to regi-  
mental or bat-  
talion paymasters.

[That the regimental or battalion paymasters, or persons acting as such, shall in like manner keep a journal of their proceedings, receive and file all papers and vouchers, and receipts for all moneys received and paid out by them, and shall account to the regimental or battalion board for all moneys or returns received by them, and produce orders for any disbursements they may have made to the regimental or battalion board, and from time to time to the quartermaster-general or such other officer or officers or board of officers as may be prescribed by order of the commander-in-chief.]

**152.** SEC. 27. That the thirty-first section of the act to which this is a supplement, which reads as follows [see P. L. 1878, p. 123], be amended so as to read as follows :

Composition of  
brigade board.

[That to each brigade there shall be a brigade board, composed of the brigadier-general and commandants of regiments, battalions and batteries of the respective brigades, and a majority of the members shall be necessary to form a board; they shall meet at least once in each year; it shall be lawful for the brigadier-general or commandant of any brigade of the national guard to convene, for the transaction of any appropriate business which may come or be laid before them, the brigade board of said brigade, whenever in his opinion it shall be proper or necessary so to do, and a meeting of said board shall be called for the transaction of such business by the brigadier-general or commanding officer whenever so requested by the majority of the members of said board; the assistant adjutant-general shall be ex-officio clerk of the board, and shall keep a record of all their proceedings; at each meeting of the brigade board, the officer of the first grade and seniority present shall preside; the brigade board shall have power to compel the attendance of its members by imposing a fine, which shall not in any case exceed twenty dollars; they shall draw orders on the brigade paymaster for all lawful and necessary expenses, adjust, inspect

Clerk of the  
board.

Presiding officer.

Penalty for non-  
attendance of  
members.

and settle his accounts, and determine what balance is in his hands; and in case of the delinquency or neglect of duty on the part of the paymaster, his successor is hereby empowered and required to prosecute the delinquent or defaulter, his sureties, his or their executors or administrators, for any moneys remaining in his hands belonging to the brigade, in any court where the same may be cognizable, with costs of suit; and in case of the neglect of duty, default or embezzlement of any regimental or battalion paymaster, his successor shall prosecute such regimental or battalion paymaster guilty of default, embezzlement or neglect of duty as aforesaid, his sureties, his or their executors or administrators, for all moneys due to the regiment, battalion or any company thereof, from such regimental or battalion paymaster, in any court where the same may be cognizable, with costs of suit; the brigade board shall, on returns made to them by the assistant adjutant-general, regimental or battalion paymaster, of any delinquent officer (where no satisfactory excuses are offered), assess such fines on such defaulter as are directed by law; they shall preserve order at their several meetings by imposing a fine not exceeding ten dollars upon any person who shall interrupt or insult them while engaged in the business of the brigade, which fine shall be collected by the brigade paymaster in the same way as fines on delinquent officers, and return a list of the names of such delinquents, together with the name or names of any defaulting member or members of said board, with the amount of the fine or fines annexed, to the brigade paymaster.]

Delinquent paymasters may be prosecuted.

Assessment of fines in cases of default.

Penalty for interrupting meetings of the board.

**153.** SEC. 28. That the forty-first section of the act to which this is a supplement, which reads as follows [see P. L. 1878, p. 125], be amended so as to read as follows:

[That the commanding officer of a company, the quartermaster or acting quartermaster of any regiment or battalion of the national guard, upon the order of the commandant of the regiment or battalion to which he may be attached, shall have power to seize upon and hold as the property of the regimental or battalion board any uniforms or equipments, or any part thereof, which are the property of the regimental or battalion board of the regiment or battalion to which company commandant the quartermaster or acting quartermaster may be attached; and it shall be the duty of any justice of the peace of this state, on complaint on oath to him made by any such company commandant, regimental or battalion quartermaster or acting quartermaster, that any uniform or uniforms or equipments is or are unlawfully withheld from him by any person or persons in the county in which said justice has jurisdiction, and that the same are believed to be in any particular place to be specified in the complaint, to issue to a constable of said county his warrant in the nature of a search warrant for said uniform or uniforms or equipments, which warrant shall be executed in like manner as a search warrant, and the officer to whom the same is directed shall have the same powers and authority in executing the same that he would have in executing a search warrant, and on finding said uniform or uniforms or equipments he shall deliver the same to said company commandant, quartermaster or acting quartermaster.]

Commanding officer of company, &c., may seize and hold uniforms unlawfully withheld.

Justice of peace may issue warrant to constable on complaint of commandant, &c.

**154.** SEC. 29. That the fifth section of the supplement to the act to which this is a supplement, which was approved March ninth, eighteen hundred and seventy-seven [see Sec. 125, *ante*], and which reads as follows [see P. L. 1877, p. 162], be amended so as to read as follows:

[That every company of the national guard shall be paraded at least four times in every year, and one of said parades shall be by brigade, when approved by the commander-in-chief.]

Company parades.

**155.** SEC. 30. [Amended by Sec. 213, *post*.]

**156.** SEC. 31. That the brigadier-generals, each in his own brigade, shall appoint general courts-martial where the offender is captain or under that rank, and he shall detail an officer to act as judge advocate at such courts-martial.

Appointment of general courts-martial.

**157.** SEC. 32. That all charges upon which courts-martial are ordered shall be in writing and signed by the complainant, and shall clearly specify the offense and when committed.

Charges upon which courts-martial ordered.

Courts-martial,  
how composed.

**158. SEC. 33.** That general courts-martial shall consist of not less than five nor more than thirteen members, the senior officer appointed shall be president, and said courts-martial shall have cognizance of all military offenses; but no officer shall be tried for any offense or neglect which took place more than two years before the complaint.

Proceedings in  
case of non-  
appearance of  
accused.

**159. SEC. 34.** That if any officer, non-commissioned officer, musician or private, shall neglect to appear and make defense, the court shall be authorized to proceed in his absence, and if found guilty of the charges, he shall be sentenced accordingly.

Members of the  
court to take oath.

**160. SEC. 35.** That before the trial of any cause the judge advocate shall administer to the president and each of the members of the court-martial the following oath or affirmation, to wit:

Form of oath.

"You, ———, do swear (or affirm) that you will well and truly try and determine, according to the evidence, the cause now before you between the state of New Jersey and ——— to be tried, and you furthermore swear that you will not divulge the sentence of this court-martial until it shall be approved or disapproved; that you will not on any account, at any time whatever, discover the vote or opinion of any member of the court, unless required to give evidence thereof by a court of justice in a due course of law; so help you God;" and the president of the court-martial shall administer to the judge advocate the following oath or affirmation:

Form of oath to  
judge advocate.

"You, ———, do swear (or affirm) that you will not on any account, at any time whatever, divulge the vote or opinion of any particular member of this court-martial, unless required to give evidence thereof as a witness by a court of justice in a due course of law, and that you will not disclose the sentence of this court-martial until it shall have been approved or disapproved by the officer who appointed the same; so help you God."

Accused may be  
aided at trial by  
counsel as in crim-  
inal cases under  
state laws.

**161. SEC. 36.** That upon all trials before a court-martial when the accused shall appear in person, he may be aided in his defense by such counsel learned in the law as he shall procure to be present in the same manner as in criminal causes under the laws of this state, and the trial shall proceed as at law before a jury, by the oral examination of the witnesses on both sides continuously, until all the evidence has been produced and closed, and the accused shall be admitted to testify as a witness if he shall offer himself as a witness in his own behalf.

Sentence which  
the court may  
pronounce.

**162. SEC. 37.** That if any officer shall be found guilty of the offense or neglect charged against him, he shall be sentenced by the court to be cashiered, suspended, dishonorably dismissed from the service or reprimanded, as the court shall adjudge.

Appointment of  
stenographer or  
reporter.

**163. SEC. 38.** That a stenographer or other reporter appointed by the judge advocate shall attend all general courts-martial, and shall truly and exactly record, verbatim, all the testimony given on the trials therein, and shall deliver the same to the judge advocate at the close of the trial, and before the trial of any cause the president of the court shall administer an oath to said reporter that he shall faithfully perform his duties as reporter for said court.

Fees for sub-  
pœnas.

**164. SEC. 39.** That the fees for subpœnas and the service of them shall be the same as in civil cases.

Duty of new com-  
mandant in any  
county.

**165. SEC. 40.** That whenever a new commandant shall be commissioned in any company of the national guard, it shall be the duty of said commandant, within thirty days from the receipt of his commission, to take possession of all the property belonging to the state in possession of said company, and to forward to the quartermaster-general a receipt for the same, with bond and sufficient surety to be approved by the quartermaster-general.

Repealer.

**166. SEC. 41.** That section sixty-six of the act to which this is a supplement, which reads as follows [see P. L. 1878, p. 129], be and the same is hereby repealed.

**167. SEC. 42.** That the sixty-seventh section of the act to which this is a supplement, which reads as follows [see P. L. 1878, p. 129], be amended so as to read as follows:

[That officers composing general courts-martial, the state military board and such other military boards as may be ordered by the commander-in-chief, and witnesses attending before them, shall receive from the state ten cents for every mile they necessarily travel in going to and returning from the place of trial or meeting, and the following sums for each day of attendance: the president, five dollars; the judge advocate, four dollars, which shall be in full compensation also for all services of preparing papers before and making copies after any trial, inquiry or investigation; the members, three dollars; each witness, fifty cents; *provided*, that no more than four witnesses on the part of the state, and four on the part of the offender shall be entitled to pay; fees for subpoenas and service of them shall be the same as in civil cases.]

Fees, &c., to officers composing general courts-martial and mileage to witnesses.

Proviso.

168. SEC. 43. [Amended by Sec. 266, *post*.]

169. SEC. 44. That the seventy-seventh section of the act to which this is a supplement, which reads as follows [see P. L. 1878, p. 130], be amended so as to read as follows:

[That in case of any breach of the peace, tumult, riot or resistance to process of this state, or apprehension of immediate danger of the same, in any city or county of this state, it shall be lawful for the mayor of such city or the sheriff of such county to make application to the commander-in-chief for military aid of the national guard.]

Application for military aid in case of riot, &c., to whom and by whom made.

170. SEC. 45. That the seventy-eighth section of the act to which this is a supplement, which reads as follows [see P. L. 1878, p. 131], be amended so as to read as follows:

[That for the performance of actual service of this state (not in the service of the United States, and not including drills, parades or encampments in time of peace) for a period of more than thirty days, officers, non-commissioned officers, musicians and privates shall receive from the state the like pay as is received by officers, non-commissioned officers, musicians and privates of the regular army of the United States; but if said service shall continue for a period of and less than thirty days, then commissioned officers shall receive the like pay as is received by officers of like rank in the regular army of the United States; and the non-commissioned officers, musicians and privates shall receive one dollar per day, and the rations or commutation which may be allowed by the state for each and every day of actual service.]

Pay for performance of actual service, &c.

171. SEC. 46. [This section amends Sec. 79, *ante*, which is again amended by Secs. 209, 221, 254, 285 and 312, *post*.]

172. SEC. 47. That the commanding officers of companies of the national guard shall be required to make out a quarterly return on the last day of March, June, September and December in each year, showing the strength of and changes in their command, the number and condition of the uniforms, the arms and equipments received and accounted for; these returns to be forwarded on the days mentioned through the proper channels to the adjutant-general.

Commanding officers of companies to make quarterly returns.

173. SEC. 48. That the sixth section of the supplement to the act of which this is a supplement, which was approved April fourth, one thousand eight hundred and seventy-three [see Sec. 107, *ante*], which reads as follows [see P. L. 1873, p. 141], be and the same is hereby repealed.

Repealer.

174. SEC. 49. That regimental, battalion and company dues shall be collected in the same manner as is prescribed in this act for the collection of fines and penalties.

Collection of dues.

175. SEC. 50. [Amended by Sec. 205, *post*.]

176. SEC. 51. That the governor and commander-in-chief is hereby authorized to contract with any association in this state having a military rifle range, for the use of said range by the national guard of this state, for the perfection of the force in rifle practice.

Governor may contract for use of rifle range.

## NATIONAL GUARD.

Supplement to an act entitled "An act for the organization of the national guard of the state of New Jersey," approved March ninth, eighteen hundred and sixty-nine, and the various amendments thereto.

P. L. 1878, p. 208.

Organization of  
Gatling gun com-  
panies authorized.

Approved March 29, 1878.

**177. SEC. 1.** That the commander-in-chief, whenever it shall in his judgment be necessary or advisable for the public interest, may cause to be organized additional companies of the national guard, not to exceed two, to be drilled in the use and practice of the Gatling or other similar guns, the minimum of which organizations shall not be less than two commissioned officers and twenty-five enlisted men; which companies shall be entitled to the rights, privileges and allowances and be required to perform the like duties now provided by law for infantry companies of the national guard.

Supplement to an act entitled "An act for the organization of the national guard of the state of New Jersey," approved March ninth, one thousand eight hundred and sixty-nine, and the various amendments thereto.

P. L. 1879, p. 302.

Approved March 14, 1879.

**178. SEC. 1.** [This section, amending Sec. 134, *ante*, is again amended by Sec. 202, *post*.]

**179. SEC. 2.** That section nineteenth of the supplement of the act to which this is a supplement, which was approved March fifteenth, one thousand eight hundred and seventy-eight, which reads as follows [see P. L. 1878, p. 118, and Secs. 21 and 144, *ante*], be amended so as to read as follows:

Duty of general  
inspector.

[That it shall be the duty of the general inspector to attend such brigade reviews and parades as the commander-in-chief may direct, and from the returns of inspectors of brigades make a report of the condition of the national guard to the adjutant-general on or before the first day of July in every year; he shall forward one copy of said report, and one copy of all inspections made of the national guard to the office of the adjutant-general, and one copy to the headquarters of the national guard.]

**180. SEC. 3.** That the twentieth section of the supplement of the act to which this is a supplement, which was approved March fifteenth, one thousand eight hundred and seventy-eight [see Secs. 103 and 145, *ante*], which reads as follows [see P. L. 1878, p. 118], be amended so as to read as follows:

Muster and in-  
spection rolls.

[That it shall be the duty of the general inspector, on or before the first day of April in each and every year, to see that each command is furnished with muster and inspection rolls in sufficient quantities to make out triplicate returns.]

Instruction in  
the use of arms.

**181. SEC. 4.** That it shall be the duty of the general inspector, who is also the inspector of rifle practice, to have charge of the general instruction of the national guard in the use of such arms as they have been provided with by the state, and to increase their skill and efficiency in the practice of their weapons.

**182. SEC. 5.** That the twenty-first section of the supplement of the act to which this is a supplement, which was approved March fifteenth, one thousand eight hundred and seventy-eight, which reads as follows [see P. L. 1878, p. 118, and Secs. 22 and 146, *ante*], be amended so as to read as follows:

Inspectors of  
brigades, duty.

[That it shall be the duty of the inspector of the division to see that the inspectors of brigades make proper inspections and returns, and he shall examine them, return if necessary for correction, approve the same and forward to the general inspector.]

**183. SEC. 6.** [This section amends Sec. 148, *ante*, which is again amended by Sec. 207, *post*.]

**184. SEC. 7.** [Repealed by Sec. 223, *post*.]

**185.** SEC. 8. That whenever the additional companies of the national guard drilled in the use of the Gatling or other similar guns have more than fifty enlisted men, they shall be entitled to two second lieutenants, and two hundred and fifty dollars per annum in addition to the allowances now by law, the same to be approved by the major-general of division.

When companies entitled to two second lieutenants.

**186.** SEC. 9. That the fourth section of the supplement of the act to which this is a supplement, which was approved March first, one thousand eight hundred and seventy [see Sec. 91, *ante*], which reads as follows [see P. L. 1870, p. 17], be and the same is hereby repealed.

Repealer.

**187.** SEC. 10. That the ninth section of the supplement of the act to which this is a supplement, which was approved April fourth, one thousand eight hundred and seventy-three [see Sec. 110, *ante*], which reads as follows [see P. L. 1873, p. 141], be and the same is hereby repealed.

Repealer.

**188.** SEC. 11. [This section, amending Sec. 71, *ante*, is again amended by Sec. 217, *post.*]

**189.** SEC. 12. [This section, amending Sec. 75, *ante*, is again amended by Secs. 218 and 322, *post.*]

**190.** SEC. 13. [Amended by Sec. 222, *post.*]

**191.** SEC. 14. That the governor and commander-in-chief is hereby authorized upon the recommendation of the state military board, to offer prizes for skill in marksmanship among the members of the national guard.

Prizes for skill.

**192.** SEC. 15. That the first section of the supplement of the act to which this is a supplement, which was approved April fourth, one thousand eight hundred and seventy-three [see Sec. 102, *ante*], which reads as follows [see P. L. 1873, p. 141], be amended so as to read as follows:

[That whenever any regiment, battalion or battery shall be ordered to parade for inspection, transportation shall be furnished by the quartermaster-general upon the requisition of the commanding officer of such regiment, battalion or battery, approved by the brigade commander and division commander.]

Transportation furnished.

**193.** SEC. 16. That in addition to the number of days for drill now required by law, all the national guard may, once in three years, when so ordered by the governor, be required to attend an encampment at such time and place as the commander-in-chief may appoint, which encampment shall continue at least five consecutive days, during which time the troops shall be exercised in company and battalion movements and target practice, and be carefully instructed in the whole routine of camp and field duty.

Encampment.

**194.** SEC. 17. [Amended by Sec. 195, *post.*]

Supplement to an act entitled "An act for the organization of the national guard of the state of New Jersey," approved March ninth, one thousand eight hundred and sixty-nine, and the various amendments thereto.

Approved March 10, 1880. P. L. 1880, p. 169.

**195.** SEC. 1. That the seventeenth section of the supplement to the act to which this is a supplement, approved March fourteenth, one thousand eight hundred and seventy-nine [see Sec. 194, *ante*], and which reads as follows [see P. L. 1879, p. 311], be amended so as to read as follows:

[That whenever any existing company of the national guard is to be furnished for the first time with the regulation uniform adopted by this state, the quartermaster-general is hereby directed to purchase, under the approval of the commander-in-chief, and to furnish the same at the contract price, upon the requisition of the regimental or battalion commander, properly approved; the cost of the uniforms shall be paid by the treasurer, upon the warrant of the comptroller; and it shall be the duty of the quartermaster-general to notify the comptroller of the treasury, on or before the first Monday in April of each year, of the sum charged against each company, battalion and regiment for uniforms so furnished, issued to them by the quartermaster-general, and that one-fourth of the amount so reported shall be, by the comptroller of the treasury, deducted from each of the

Regulation uniform, how furnished.

two next succeeding annual appropriations for such company, battalion or regiment.] [See Sec. 238, *post*.]

**196.** SEC. 2. That section one of the supplement to the act to which this is a supplement, which supplement was approved February seventeenth, one thousand eight hundred and seventy-three [see Sec. 99, *ante*], and which reads as follows [see P. L. 1873, p. 16], be and is hereby amended so as to read as follows :

Amount of money to be paid to paymasters of brigades, regiments and battalions.

[That there shall be paid, on the first Monday in April of each year, to the brigade paymaster of each brigade of the national guard, the sum of five hundred dollars, to be expended by the said brigade paymaster, on the approval of the commandant of the brigade, for military expenses incident to a brigade organization; and the sum of five hundred dollars to [the] regimental paymaster of each regiment of the national guard, and three hundred dollars to the battalion paymaster of each battalion, to be expended by the said regimental and battalion paymasters respectively, and on the approval of the commandant of said regiment or battalion, for military expenses incident to the regimental or battalion organization.]

Repealer.

**197.** SEC. 3. That all acts and parts of acts inconsistent herewith be and the same are hereby repealed, and that this act shall take effect immediately.

#### Supplement.

P. L. 1880, p. 815.

Approved March 12, 1880.

**198.** SEC. 1. [Repealed by Sec. 248, *post*.]

Repealer.

**199.** SEC. 2. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed, and that this act shall take effect immediately.

Supplement to an act entitled "An act for the organization of the national guard of the state of New Jersey," approved March ninth, one thousand eight hundred and sixty-nine, and the various amendments thereto.

P. L. 1881, p. 50.

Approved March 2, 1881.

Governor authorized to organize a rifle team.

**200.** SEC. 1. That the governor and commander-in-chief be and he is hereby authorized and directed, whenever he may deem proper, to organize a team of men from the national guard to compete for excellence in rifle practice, either in or outside of the state.

Repealer.

**201.** SEC. 2. That all acts and parts of acts inconsistent herewith be and the same are hereby repealed, and that this act shall take effect immediately.

Supplement to an act entitled "An act for the organization of the national guard of the state of New Jersey," approved March ninth, one thousand eight hundred and sixty-nine, and the various amendments thereto.

P. L. 1881, p. 142.

Approved March 18, 1881.

**202.** SEC. 1. That the fourth section of the supplement of the act to which this is a supplement, which was approved March fourteenth, one thousand eight hundred and seventy-nine [see P. L. 1879, p. 302, and Secs. 4, 134 and 178, *ante*], be amended so as to read as follows :

Officers of national guard.

[That the national guard shall be officered as follows, and not otherwise : the governor shall be commander-in-chief; his staff shall be as follows : one adjutant-general, with the rank of brigadier-general; one quartermaster-general, with the rank of brigadier-general; the quartermaster-general shall be commissary-general, paymaster-general and chief of ordnance; one surgeon-general, with the rank of brigadier-general; one inspector-general, with the rank of brigadier-general; one inspector-general of rifle practice, with the rank of brigadier-general; one judge-advocate general, with the rank of colonel of cavalry; one assistant adjutant-general, with the rank of colonel of cavalry; four aides-de-camp, with the rank of colonel, whose term of service shall expire with that of the governor; there shall be a major-general of division; his staff shall be as follows : one

assistant adjutant-general, with the rank of colonel; one inspector, with the rank of colonel; one surgeon, with the rank of colonel; one paymaster, with the rank of lieutenant-colonel; one quartermaster, with the rank of lieutenant-colonel; one judge advocate, with the rank of lieutenant-colonel; three aides-de-camp, each with the rank of major; there shall be one brigadier-general to each brigade; his staff shall be as follows: one assistant adjutant-general, with the rank of lieutenant-colonel; one inspector, with the rank of lieutenant-colonel; one surgeon, with the rank of lieutenant-colonel; one quartermaster, with the rank of major; one paymaster, with the rank of major; one judge advocate, with the rank of major; two aides-de-camp, with the rank of captain; to each regiment there shall be one colonel, one lieutenant-colonel and one major; to each battalion there shall be one major; the regiment or battalion staff shall consist of one adjutant, with the rank of first lieutenant; one quartermaster, with the rank of first lieutenant; one paymaster, with the rank of first lieutenant; one surgeon, with the rank of major; one assistant surgeon, with the rank of first lieutenant; one chaplain, with the rank of captain; one judge advocate, with the rank of captain; one inspector of rifle practice, with the rank of captain; one sergeant-major, one quartermaster-sergeant, one commissary-sergeant, one hospital steward, one principal musician, one color-sergeant and two general guides, each with the rank of sergeant; to each infantry company there shall be one captain, one first lieutenant, one second lieutenant and not less than fifty or more than eighty enlisted men, from which number of enlisted men there may be selected not more than one first sergeant, four sergeants, five corporals and two musicians.] [The remaining part of this section is repealed by Sec. 251, *post*.]

**203. SEC. 2.** That the governor and commander-in-chief be and he is hereby authorized to appoint and commission one deputy adjutant-general, with the rank of lieutenant-colonel; he shall perform such duties as may, from time to time, be prescribed by the adjutant-general.

Governor authorized to appoint and commission a deputy adjutant-general.

Supplement.

Approved March 31, 1882.

P. L. 1882, p. 217.

**204. SEC. 1.** That when any special inspection shall be ordered by the commander of any brigade of the national guard of this state, such inspection shall be made by the inspector of the said brigade, or, in his absence, by such officer as the commanding officer shall appoint to perform the duties thereof, and shall be made subject to all the requirements and provisions of the law respecting annual inspections.

Special inspection of national guard, by whom made.

Supplement.

Approved March 14, 1883.

P. L. 1883, p. 103.

**205. SEC. 1.** That section fifty of a supplement to the act entitled "An act for the organization of the national guard of New Jersey," which supplement was approved March fifteenth, one thousand eight hundred and seventy-eight [see Sec. 175, *ante*], be amended so as to read as follows:

[The first clause of this section repealed by Sec. 224, *post*.] [That whenever either of the following officers of a regiment or battalion staff, namely, the adjutant, with the rank of first lieutenant; the quartermaster, with the rank of first lieutenant; the paymaster, with the rank of first lieutenant; the assistant surgeon, with the rank of first lieutenant, shall have completed five years of service in either of said offices, they shall be recommissioned therein with the rank of captain.]

Promotion of adjutant, &c., for five years' service.

**206. SEC. 2.** That any regiment or battalion of the national guard, the constituent companies whereof are stationed in different cities, towns or villages, may be assembled for instruction and drill in the school of the battalion six times in each year; and it shall be the duty of the quartermaster-general, upon requisition of the commandant of any regiment or battalion so assembling, to furnish transportation for the various companies thereof to and from the place of rendezvous; *provided*, that no regi-

Regiment, &c., may be assembled for drill six times a year. Quartermaster-general to furnish transportation. Proviso.

ment or battalion shall be thus assembled except upon the written approval of the brigade commander.

**207.** SEC. 3. [This section, amending Sec. 148, *ante*, is again amended by Sec. 275, *post*.]

**208.** SEC. 4. [This section, amending Sec. 149, *ante*, is repealed by Sec. 225, *post*.]

**An act to amend section seventy-eight of the act entitled "An act for the organization of the national guard of the state of New Jersey," approved March ninth, one thousand eight hundred and sixty-nine.**

P. L. 1883, p. 212.

Approved March 23, 1883.

**209.** SEC. 1. [This section amends Sec. 79, *ante*, which is again amended by Secs. 221, 254, 285 and 312, *post*.]

**An act to amend the fourteenth section of an act entitled "Supplement to an act entitled 'An act for the organization of the national guard of the state of New Jersey,' approved March ninth, one thousand eight hundred and sixty-nine, and the various amendments thereto," which supplement was approved March fifteenth, one thousand eight hundred and seventy-eight.**

P. L. 1884, p. 40.

Approved March 5, 1884.

**210.** SEC. 1. That section fourteen of the act entitled "Supplement to an act entitled 'An act for the organization of the national guard of the state of New Jersey,' approved March ninth, one thousand eight hundred and sixty-nine, and the various amendments thereto," which supplement was approved March fifteenth, one thousand eight hundred and seventy-eight [see Secs. 18 and 139, *ante*], be amended so as to read as follows :

[That the quartermaster-general shall, upon the application of the commandant of any corps of the national guard who are uniformed according to law, furnish from the state arsenal, when in his opinion they can be spared without manifest injury to the service of the state, and of the United States, the number and kind of arms and equipments suited to the corps, he being first satisfied that the said corps is provided with a proper depository for such arms and equipments; and he shall require the commandant of the company to give bond, with sufficient security, that the same shall not be loaned or suffered to go out of the possession of the company, and shall be kept in good order and returned to the state arsenal when he shall so require; it shall be the duty of the quartermaster-general carefully to examine the returns made to the adjutant-general's office of the number and condition of public arms and equipments in the respective regiments and battalions, with the number actually loaned to the respective companies in such regiments or battalions; and if the number does not appear on the respective returns, or their good condition is not manifested, the said quartermaster-general may, with the approval of the major-general commanding the division, cause the public arms and equipments of such companies to be returned to his care; he may require all arms belonging to the state, deposited in any place or in possession of any person or persons, not under lawful responsibility, to be returned to the arsenal, and he is hereby required to keep any arms and equipments so returned separate from those already in the arsenal; it shall be the duty of the quartermaster-general to make an annual report to the governor and commander-in-chief of the number and condition of the arms and equipments belonging to the state, the number loaned out, in whose hands, and whether they remain under proper responsibilities, including in said return all camp equipage in his charge; and he is authorized to require from the respective inspectors of brigade such particular returns as may give every information requisite fully to carry this section into effect; he shall require annual returns from the captain or commanding officer of every uniformed corps furnished with arms and equipments, the property of the state, on or before the first day of October in each year, of the actual situation, condition, and number of the arms and accoutrements, and the number of men actually enrolled,

Arms and equipments to be furnished national guard.

Commandant of company to give bond.

Annual report to be made to the governor by quartermaster-general.

equipped and in uniform, doing military duty, of the respective corps; and in case of failure of such commanding officer to make such returns, or if the number of arms loaned to such corps does not fully appear on the respective returns, or their good condition is not manifest, the quartermaster-general shall cause the said arms and equipments to be returned to his care; he may from time to time issue such orders and make such regulations as he may deem necessary and proper for the care and safe keeping and return of the military property of this state in the use of the uniformed companies; he may issue to any officer the arms and accoutrements required by him, for his use in the military service of the state, on payment of the regulation price, said price to be placed to the credit of the arsenal, and accounted for by the quartermaster-general in his annual report; he shall furnish, upon due requisition, such arms, ordnance and accoutrements, equipments or implements therewith, ammunition, tents, camp equipage or other state property, and such subsistence and forage, to conform as nearly as may be to the rations and forage as shall be prescribed by regulation of this state, to be issued in kind or commuted as may be required at any time for the use and supply of the state forces, at any parade, encampment or station, or as may be required by them when on actual service; he is hereby authorized to nominate and appoint, by and with the advice and consent of the commander-in-chief, from time to time, a suitable person as armorer or keeper of the state arsenal, to take charge of the said arsenal, to repair and keep in good and proper order the arms and equipments belonging to this state, that now are or may hereafter be placed under his charge, and the said armorer shall be responsible to the quartermaster-general for safe keeping of the said arms and equipments.] [See Sec. 274, *post.*]

To appoint  
armorer or keeper  
of arsenal.

Supplement to an act entitled "An act for the organization of the national guard of the state of New Jersey," approved March ninth, one thousand eight hundred and sixty-nine, and the various amendments thereto.

Approved March 6, 1884. P. L. 1884, p. 68.

211. SEC. 1. That the governor and commander-in-chief may appoint six additional aides-de-camp, with the rank of colonel, upon his staff, whose term of service shall expire with that of the governor and commander-in-chief appointing them.

Governor may  
appoint six addi-  
tional aides-de-  
camp.

A supplement to an act entitled "An act for the organization of the national guard of New Jersey," approved March ninth, one thousand eight hundred and sixty-nine, and the various amendments thereto.

Approved April 29, 1884. P. L. 1884, p. 277.

212. SEC. 1. That section thirty-three of the act to which this is a supplement, be amended so as to read as follows:

[That the division commander shall appoint three experienced officers of the national guard, not below the rank of lieutenant-colonel, who shall constitute an examining board for officers; the division commander may order before them for examination as to physical ability, moral character, capacity, attainments, efficiency and general fitness for the service, any officer in commission in the national guard; this board shall report to the division commander, who shall have power, on report of this board, to place said officer on the retired list, and declare a vacancy; and if any officer shall refuse to report himself, when directed, before this board, the division commander shall, by order, declare him so retired, and shall report such retirement to the adjutant-general.] [See Sec. 116, *ante.*]

Examining board  
for officers.

213. SEC. 2. That section thirty of the supplement to the act of which this is a supplement, which was approved March fifteenth, one thousand eight hundred and seventy-eight [see Sec. 155, *ante.*], be amended so as to read as follows:

General courts-martial for officers above rank of field officers.

[That all general courts-martial for the trial of officers above the rank of field officers shall be appointed by the commander-in-chief, and it shall be the duty of the judge-advocate general to act as judge advocate at such general courts-martial; all general courts-martial for the trial of field officers and officers of unattached companies shall be appointed by the major-general of division, and it shall be the duty of the division judge advocate to act as judge advocate at such general courts-martial.]

Officer may designate who shall preside at election in his absence.

**214. SEC. 3.** That when an officer, whose duty it is to hold an election in accordance with law, is prevented by sickness or otherwise from presiding at said election, he may order an officer of his command to perform said duty, but he himself must certify the election in the manner now prescribed.

Uniforms furnished, to whom charged and how paid for.

**215. SEC. 4.** That whenever the regulation uniform adopted by this state has been or may hereafter be furnished to any command of the national guard, as many thereof as may be required for the non-commissioned staff of any regiment or battalion shall be issued to and charged against the account of the quartermaster of such regiment or battalion, and shall be paid for in the same manner as now prescribed by law for companies.

Major-general may order encampment of national guard.

**216. SEC. 5.** That any portion of the national guard may be ordered by the major-general of division, with the approval of the commander-in-chief, to attend an encampment at such time and place and for such period as he may appoint, under the same provisions as now prescribed by law, and the quartermaster-general may lease or purchase, with the approval of the commander-in-chief, a suitable ground for that purpose.

**217. SEC. 6.** That section eleven of the supplement to the act to which this is a supplement, which supplement was approved March fourteenth, one thousand eight hundred and seventy-nine [see Secs. 71 and 188, *ante*], be and the same is hereby amended so as to read as follows :

Term of service in national guard.

[That the term of service in the national guard shall be five years, and every non-commissioned officer, musician and private who is or may become attached to the national guard shall ipso facto be held to be enlisted therein and shall be holden to duty therein for the full term of five years from the date of such his enlistment, unless disability incapacitate him, or he shall remove from this state.] [See Sec. 118, *ante*.]

**218. SEC. 7.** [This section, amending Sec. 189, *ante*, is again amended by Sec. 322, *post*.]

Discarded uniforms may be sold.

**219. SEC. 8.** That any regimental or battalion board having uniforms which have been discarded by the adoption of the state regulation uniform, may, in their discretion, dispose of the same by sale or barter, and any moneys thus derived shall be covered into the regular regimental or battalion fund of such regiment or battalion.

Ownership of uniforms.

**220. SEC. 9.** That the regulation uniform adopted by this state, when issued to any enlisted man of the national guard, shall be held to be the property of the regiment or battalion board during the existence of the regiment or battalion, but at the disbandment thereof shall become the property of the state.

**An act to further amend section seventy-nine of the act entitled "An act for the organization of the national guard of the state of New Jersey," approved March ninth, one thousand eight hundred and sixty-nine.**

P. L. 1885, p. 64.

Approved March 9, 1885.

**221. SEC. 1.** [This section amends section 79, *ante*, which is again amended by Secs. 254, 285 and 312, *post*.]

A further supplement to an act entitled "An act for the organization of the national guard of the state of New Jersey," approved March ninth, one thousand eight hundred and sixty-nine.

Approved April 17, 1885. P. L. 1885, p. 251.

**222. SEC. 1.** That section thirteen of a supplement to the act entitled "An act for the organization of the national guard of New Jersey," which supplement was approved March fourteenth, eighteen hundred and seventy-nine [see Sec. 190, *ante*], be amended so as to read as follows :

[That if any officer shall be guilty of neglect of duty, disobedience of orders, fraud, embezzlement, misappropriation of military funds, conduct unbecoming an officer and a gentleman, or conduct prejudicial to good order and military discipline, he shall, on conviction thereof by a general court-martial, be punished by reprimand, be cashiered or dismissed, as the court may adjudge by its sentence.]

Officer guilty of neglect of duty, &c., how punished.

**223. SEC. 2.** That section seven of the supplement to the act to which this is a supplement, which was approved March fourteenth, eighteen hundred and seventy-nine [see Sec. 184, *ante*], which reads as follows [see P. L. 1879, p. 307], be and the same is hereby repealed.

Repealer.

**224. SEC. 3.** That so much of section fifty of the supplement to the act to which this is a supplement, which was approved March fourteenth, eighteen hundred and eighty-three [see Sec. 205, *ante*], which reads as follows :

Repealer.

"That the governor and commander-in-chief is hereby authorized to confer upon such citizens of this state as shall have faithfully served as commissioned officers continuously in the same office in the national guard for a period of ten years, a brevet rank of one grade higher than the rank held by them during said term of service; *provided*, that the governor shall nominate the same to the senate, and the rank shall be conferred by and with the advice and consent of the senate," be and the same is hereby repealed.

Proviso.

**225. SEC. 4.** That section twenty-four of the supplement to the act to which this is a supplement, which was approved March fourteenth, eighteen hundred and eighty-three [see Secs. 105, 149 and 208, *ante*], which reads as follows [see P. L. 1883, p. 103], be and the same is hereby repealed.

Repealer.

**226. SEC. 5.** [Amended by Sec. 232, *post*.]

**227. SEC. 6.** That the governor be and is hereby authorized to commission, when elected according to law, one lieutenant-colonel and one major to each battalion of three or more companies.

Field officers of each battalion.

**228. SEC. 7.** That the major-general of division is hereby authorized to order the annual inspection of each company of the national guard, at such time and place as he may deem proper, notwithstanding the time now fixed by law, and the returns thereof shall be made in the manner and form now prescribed.

Major-general may order annual inspection of each company.

**229. SEC. 8.** That the brigadier-general of each brigade shall appoint three experienced officers of his command, not below the rank of major, who shall constitute a board for the examination of all company officers who may hereafter be elected; the report of this board shall, in each case, accompany the certificate of election when forwarded from brigade headquarters; any line officer once examined by this board shall be deemed qualified without further examination for promotion to any other office in the company.

Board of examination of company officers.

**230. SEC. 9.** That the adjutant-general be and he is directed to prepare, from time to time, as may be necessary, under the approval of the governor and commander-in-chief, a compilation of the laws governing the national guard, and to print and issue as many copies thereof as may be required.

Adjutant-general to prepare compilation of laws.

**231. SEC. 10.** [Amended by Sec. 267, *post*.]

## NATIONAL GUARD.

A supplement to the act entitled "A further supplement to an act entitled 'An act for the organization of the national guard of the state of New Jersey,' approved March ninth, one thousand eight hundred and sixty-nine," which act was approved April seventeenth, one thousand eight hundred and eighty-five.

P. L. 1886, p. 196.

Approved April 6, 1886.

Governor authorized to commission one chief of artillery and one engineer.

**232. SEC. 1.** That section five of the act to which this is a supplement [see Sec. 226, *ante*], be amended so as to read as follows :

[That the governor be and he is hereby authorized to commission one chief of artillery, with the rank of colonel, on the staff of the major-general of division, and one engineer, who shall also be signal officer, with the rank of major, on the staff of the brigadier-general of each brigade.]

## Supplement.

P. L. 1886, p. 219.

Approved April 12, 1886.

Governor authorized to appoint two assistant inspector-generals of rifle practice.

**233. SEC. 1.** That the governor and commander-in-chief be and he is hereby authorized to appoint and commission at his discretion, as in his judgment the public service may require, two assistant inspector-generals of rifle practice, with the rank of colonel, or he may detail officers to act as such if he deems proper.

## Supplement.

P. L. 1886, p. 355.

Approved May 11, 1886.

Governor authorized upon application to place officers upon retired list.

**234. SEC. 1.** That whenever any member of the national guard shall have served therein as a commissioned officer for a period of over ten years, he may apply to the governor and commander-in-chief to be placed upon the retired list; thereupon, the governor shall be empowered, and he is hereby authorized, upon such application of an officer of the national guard qualified as aforesaid, to place said officer upon the retired list.

## Supplement.

P. L. 1886, p. 364.

Approved May 11, 1886.

Pay of officers and enlisted men attending an encampment.

**235. SEC. 1.** That when any portion of the national guard is ordered by the major-general of division, with the approval of the commander-in-chief, to attend an encampment, there shall be paid to such officers and enlisted men as shall be present for duty under said order, in addition to the present allowance of rations, the following sums each, for each day actually on duty :

- To all enlisted musicians and privates, one dollar and fifty cents ;
- To all corporals, one dollar and fifty cents ;
- To all company sergeants below first sergeant, one dollar and seventy-five cents ;
- To all first sergeants and non-commissioned staff officers, two dollars ;
- To all commissioned officers below the rank of captain, except when said officers are in command of companies, two dollars and fifty cents ;
- To all captains, adjutants and officers commanding companies, three dollars ;
- To all field officers below the rank of colonel, except when in command of a regiment or battalion, four dollars ;
- To all commanding officers of regiments or battalions, five dollars ;
- To all brigadier-generals, six dollars ;
- To all staff officers, except adjutant, the same pay and allowances as are allowed to officers of equal grade in line ;

All mounted officers and all members of any troop or battery, mounted and equipped, shall be paid two dollars per day for each horse actually used by them ; *provided*, that the amount expended in any one year under this supplement shall not exceed the sum of twenty-five thousand dollars.

Proviso.

**236. SEC. 2.** That the commanding officer of an encampment so ordered shall have power to convene general courts-martial for the trial of enlisted men for absence without leave, insubordination, neglect of duty, intoxication, disorderly conduct and such other misdemeanors as are amenable to punishment under this act or the regulations of the United States army; they shall have power to impose fines, which shall be deducted from the pay provided by this act, or such other penalty as they may deem proper.

Commanding officer empowered to convene general courts-martial.

Supplement.

Approved May 25, 1886. P. L. 1886, p. 366.

**237. SEC. 1.** That the division and brigade commanders may appoint upon their respective staffs one standard bearer and one bugler, who shall rank as sergeants; commanders of regiments and battalions may appoint on the staff of their respective regiments and battalions one bugler, with the rank of sergeant.

Who authorized to appoint standard bearer and bugler.

**238. SEC. 2.** That section seventeen of the supplement to the act to which this is a supplement, which supplement was approved March tenth, one thousand eight hundred and eighty [see Sec. 195, *ante*], be and the same is hereby amended so as to read as follows :

[That the regulation uniform adopted by this state shall be furnished to new companies of the national guard which hereafter may be organized; to the non-commissioned staff officers of all regimental or battalion organizations; to all new recruits for companies; *provided*, no more uniforms shall be furnished to any company during a period of five years' service than the actual strength of the company at the time the uniforms are to be furnished; and to all existing companies, after every five years of service, the quartermaster-general is hereby directed to purchase, under the approval of the commander-in-chief, and to furnish the same at the contract price, upon the requisition of the regimental or battalion commander, properly approved; the cost of the uniforms shall be paid by the treasurer, upon the warrant of the comptroller; and it shall be the duty of the quartermaster-general to notify the comptroller of the treasury, on or before the first Monday in April of each year, of the sum charged against each company, battalion and regiment for uniforms so furnished, issued to them by the quartermaster-general, and that one-fourth of the amount so reported shall be by the comptroller of the treasury deducted from each of the two next succeeding annual appropriations for such company, battalion or regiment.]

Regulation uniform, to be furnished to new companies, &c.

Proviso.

**239. SEC. 3.** That whenever the state military board shall decide by a vote of a majority of all its members that any company of the national guard has ceased to be useful or is detrimental to the service, the division commander may disband the same and place its commissioned officers upon the retired list.

When division commander may disband company, &c.

**240. SEC. 4.** That section thirty-four of the act to which this is a supplement, be and the same is hereby repealed.

Repealer.

**241. SEC. 5.** That whenever any regiment or battalion shall have been disbanded by order of the commander-in-chief, so that there remains no board of officers of such regiment or battalion, the paymaster or acting paymaster thereof shall turn over to the paymaster of the brigade to which such disbanded regiment or battalion was attached, all moneys remaining in his hands; and the said brigade paymaster shall collect and receive all moneys which were due and payable to such regiment or battalion, or the paymaster or acting paymaster thereof, previous to such disbandment, or which would have become due on account of existing detached companies of such regiment or battalion if such regiment or battalion had not been disbanded, out of which moneys such brigade paymaster shall pay, subject to the approval of the brigade commander, the just debts of such disbanded regiment or battalion as may be presented for payment within three months of such disbandment, and the necessary expenses of the companies of such regiment or battalion while remaining detached; and whenever any of the said companies shall be assigned to any regiment

Paymaster of regiment or battalion disbanded to pay over moneys to brigade paymaster.

Brigade paymaster to collect and receive all moneys, &c.

To pay all debts, &c.

or battalion, he shall pay to the paymaster or acting paymaster of such regiment or battalion a pro rata amount of the moneys remaining in his hands at the time of such assignment, to be expended by said paymaster or acting paymaster as provided by law for moneys received from the state treasury on account of companies.

Payments to Gatling gun companies, to whom paid, &c.

**242. SEC. 6.** That payments now provided by law on account of Gatling gun companies shall be made to the paymaster of the brigade to which such company is attached, and shall be expended by him upon requisition of the commander of such company, duly approved by the brigade commander.

#### Supplement.

Approved April 21, 1887.

P. L. 1887, p. 173.

Buildings used solely for military purposes exempt from taxation.

**243. SEC. 1.** That any building and real estate and personal property designed solely for the use of any regiment or battalion of the national guard for military purposes and used solely for such purposes shall be exempt from taxation, whether the same be owned by said regiment or battalion or by a corporation, [formed] by the members and supporters of such regiment or battalion.

A further supplement to an act entitled "An act for the organization of the national guard of the state of New Jersey," approved March ninth, one thousand eight hundred and sixty-nine, and the various amendments thereto.

P. L. 1887, p. 207.

Approved April 21, 1887.

**244. SEC. 1.** That the third section of the act to which this is a supplement, which supplement was approved March ninth, one thousand eight hundred and seventy-seven [see Sec. 123, *ante*], be amended so as to read as follows:

Name and organization of the active militia.

[That the active militia of this state shall be known as "the national guard of New Jersey" and shall consist of not more than sixty companies of infantry to be organized into regiments and battalions, two Gatling gun companies and one seacoast artillery company, the whole to be organized into two brigades and comprised in one division; *provided*, that each county in the state shall be entitled to at least one of such companies.]

Proviso.

Gun squad to be designated as gun detachment.

**245. SEC. 2.** That the gun squad organized under the provisions of section ten of the supplement to this act approved April seventeenth, one thousand eight hundred and eighty-five, be hereafter known and designated as the gun detachment.

Organization of seacoast artillery.

**246. SEC. 3.** That the organization of the seacoast artillery company shall be in manner and form as prescribed for a company of infantry.

Payments on account of seacoast artillery, to whom made, &c.

**247. SEC. 4.** That payments on account of the seacoast artillery company shall be made to the paymaster of the brigade to which such company is attached and shall be expended by him upon requisition of the commander of such company duly approved by the brigade commander.

Repealer.

**248. SEC. 5.** That section one of the supplement to this act, which supplement was approved March twelfth, one thousand eight hundred and eighty [see Sec. 198, *ante*], which reads as follows [see P. L. 1880, p. 315], be and the same is hereby repealed.

Repealer.

**249. SEC. 6.** That section one of the supplement to this act, which supplement was approved April twenty-second, one thousand eight hundred and eighty-four, which reads as follows [see P. L. 1884, p. 247], be and the same is hereby repealed.

Repealer.

**250. SEC. 7.** That section second of the supplement to this act, which supplement was approved April twenty-second, one thousand eight hundred and eighty-four, which reads as follows [see P. L. 1884, p. 247], be and the same is hereby repealed.

Repealer.

**251. SEC. 8.** That section one of the supplement to this act, which supplement was approved March eighteenth, one thousand eight hundred and eighty-one [see Sec. 202, *ante*], which reads as follows:

"That to each artillery company there shall be one captain, two first lieutenants, two second lieutenants and not less than fifty or more than one hundred and fifty enlisted men, from which number of enlisted men there may be selected not more than one first sergeant, five sergeants, eight corporals and two musicians," be and the same is hereby repealed.

**252.** SEC. 9. That section four of the supplement to this act, which supplement was approved April fourth, one thousand eight hundred and seventy-one [see Sec. 96, *ante*], which reads as follows [see P. L. 1887, p. 209], be and the same is hereby repealed. Repealer.

**253.** SEC. 10. That the supplement to this act, which supplement was approved April fifth, one thousand eight hundred and eighty-six, which reads as follows [see P. L. 1886, p. 170], be and the same is hereby repealed. Repealer.

An act to amend an act entitled "An act to further amend section seventy-nine of the act entitled 'An act for the organization of the national guard of the state of New Jersey,' approved March ninth, one thousand eight hundred and sixty-nine," approved March ninth, one thousand eight hundred and eighty-five.

Approved April 23, 1888. P. L. 1888, p. 466.

**254.** SEC. 1. [This section amends Sec. 79, *ante*, which is again amended by Secs. 285 and 312, *post*.]

Supplement.

Approved March 4, 1889. P. L. 1889, p. 41.

**255.** SEC. 1. That the governor may, in his discretion, confer upon any judge-advocate general the rank of brigadier-general, but no commission therefor shall entitle the holder thereof to any additional allowances or pay other than now authorized by law. Governor may confer rank of brigadier-general upon judge-advocate general.

Supplement.

Approved May 9, 1889. P. L. 1889, p. 431.

**256.** SEC. 1. That section thirty-two of the act to which this is a supplement be and the same is hereby amended so as to read as follows :

[That there shall be a regimental board of officers to each regiment, and a battalion board of officers to each battalion, to consist of all the commissioned officers of the regiment or battalion, which shall have power to pass laws for their own government and that of the regiment or battalion, and to establish fines and penalties for violation of such laws ; to establish penalties for the non-attendance of the officers, non-commissioned officers and privates at any drill or parade of the regiment or battalion ; all companies of the national guard shall have power to adopt by-laws for their internal government, to establish fines and penalties for violation of such by-laws and derelictions of duty, to provide for the qualifications and election of its members and for the expulsion of unworthy, unruly, derelict or insubordinate members upon conviction by court-martial ; such by-laws to be subject to the approval of the commandant of the regiment or battalion to which the company is attached, and in case of separate companies, subject to the approval of the commandant of the brigade to which such company is attached, and such commandant shall have power to annul or suspend the whole or any portion of such by-laws, in his discretion.] Regimental and battalion boards, their powers and duties.

**257.** SEC. 2. That section forty-six of the act to which this is a supplement be and the same is hereby amended so as to read as follows :

[That there shall be a regimental court to each regiment, and a battalion court to each battalion, each to consist of one field officer or senior captain as president, one captain and one first lieutenant, who shall be appointed by the respective commandants of regiments and battalions ; they shall hold sittings at such times and places within the bounds of their commands as the said commandants respectively shall direct ; said courts shall have power to try non-commissioned officers, musicians and privates of their respective commands for non-attendance at regimental or battalion duty, or neglect of duty prescribed by law or the laws and regulations of the Regimental and battalion courts.

regimental or battalion boards in pursuance of law, or for insubordination, intoxication, disobedience of orders, conduct to the prejudice of good order and military discipline or such other misdemeanors as are amenable to punishment under this act or the regulations of the state military board, and they shall have power to impose fines not exceeding twenty-five dollars for each and every offense, to reprimand, to reduce to the ranks or dishonorably discharge from the national guard of New Jersey, or such other penalty as they may deem proper.]

Brigade courts.

**258. SEC. 3.** That there shall be a brigade court to each brigade, to consist of one field officer as president, one captain and one first lieutenant, who shall be appointed by the respective commandants of the brigades, for the trial of non-commissioned officers, musicians and privates of separate companies attached to the respective brigades; such courts shall have the same powers as conferred upon regimental and battalion courts.

Courts-martial.

**259. SEC. 4.** That there shall be a company court-martial to each company, appointed by the commandant, consisting of one commissioned officer as president, one sergeant, one corporal and two privates; they shall hold sittings as may be directed by the company by-laws or the commandant; the president and two other members of the court shall constitute a quorum, and one of the members shall be appointed by the president as recorder; they shall have jurisdiction over the enlisted men of their respective companies, and shall have power to impose such fines and penalties as may be provided by the by-laws of the company; *provided*, that for the expulsion of a member, the commissioned officer and at least two other members of the court shall have voted in the affirmative; *and further provided*, that such expulsion shall be subject to the approval of the commandant of the company and the commandant of the regiment or battalion to which such company belongs, or, in the case of an unattached company, the commandant of the brigade.

Proviso.

Proviso.

Copy of approval of sentence of court-martial to be forwarded to adjutant-general, &c.

**260. SEC. 5.** That upon the approval of the findings and sentence of any court-martial, when the sentence is expulsion or dishonorable dismissal, it shall be the duty of the convening authority to forward a copy of the order of approval to the adjutant-general of the state, who shall file the same in his office and keep a record thereof; and no person against whom sentence of expulsion or dishonorable dismissal shall have been duly adjudged shall be eligible to hold a commission in the national guard of this state.

Duties of presidents of courts-martial.

**261. SEC. 6.** That section forty-seven of the act to which this is a supplement, be and the same is hereby amended so as to read as follows:

[That it shall be the duty of such presidents of such courts respectively to transmit to the officer commanding the brigade, regiment or battalion, as the case may be, the findings of the courts, together with a correct list of all delinquents upon whom said courts shall have imposed fines, and the amount of each fine, and such commandant, countersigning said list of delinquents, shall transmit the same to the brigade, regimental or battalion paymaster, or person acting as such, and if any delinquent shall refuse to pay to such paymaster or acting paymaster the fine or fines against him within ten days after notice in writing to him given, to pay the same, then it shall be the duty of the paymaster or acting paymaster to proceed to collect and enforce the same according to law; and all the moneys so collected shall be expended for the use and purpose of the command whose court imposed said fine, as the laws of the official board thereof may direct, except when such fine shall have been imposed for violations of company by-laws, then, in such case, the same shall be turned over unto the company to which the accused may belong.]

**262. SEC. 7.** That section forty-eight of the act to which this is a supplement, be and the same is hereby repealed.

**263. SEC. 8.** That section fifty-one of the act to which this is a supplement, be and the same is hereby repealed.

**264. SEC. 9.** That section fifty-two of the act to which this is a supplement, be and the same is hereby repealed.

**265.** SEC. 10. That section fifty-three of the act to which this is a supplement, be and the same is hereby repealed.

**266.** SEC. 11. That section forty-three of the supplement to the act to which this is a supplement, which was approved March fifteenth, one thousand eight hundred and seventy-eight [see Sec. 168, *ante*], be amended so as to read as follows:

[That no commissioned officer resigning shall be entitled to or receive an honorable discharge from the service with the benefits thereto belonging, unless his accounts for public property shall have been settled at the quartermaster-general's office within ninety days.]

Officers' accounts to be settled before resignation or discharge.

**267.** SEC. 12. That section ten of the supplement to the act to which this is a supplement, which was approved April seventeenth, one thousand eight hundred and eighty-five [see Sec. 231, *ante*], be amended so as to read as follows:

[That whenever a howitzer or Gatling gun shall be attached to any regiment or battalion by the major-general of division, a gun detachment to take charge of the same shall be organized, to consist of one first lieutenant, one sergeant, one corporal and sixteen privates; the officers to be appointed by the regimental or battalion commandant; the lieutenants so appointed to be commissioned and attached to the regimental or battalion staff; if for any cause the gun detachment shall cease to exist, the lieutenant shall be placed upon the retired list.] [See Sec. 245, *ante*.]

When gun squad to be organized, &c.

**268.** SEC. 13. That it shall be the duty of the inspector-general to attend such brigade reviews and parades as the commander-in-chief may direct, and from the returns of inspectors of brigades make a report of the condition of the national guard to the adjutant-general; he shall forward one copy of all inspections made of the national guard to the office of the adjutant-general, and one copy to the headquarters of the national guard.

Inspector-general to attend reviews and parades. Make report, &c.

**269.** SEC. 14. That courts of inquiry to consist of one or three officers may be appointed by the major-general, and such courts shall have the same power to subpoena witnesses, compel their attendance, take testimony under oath and preserve order, and the members thereof shall be entitled to the same immunities, as provided by law for courts-martial.

Courts of inquiry, powers, &c.

**270.** SEC. 15. That brigade commanders may appoint upon their staffs one hospital steward.

Hospital steward.

Supplement.

Approved March 18, 1890.

P. L. 1890, p. 81.

**271.** SEC. 1. That the commander-in-chief be and he is hereby authorized to convene a general court-martial for the rehearing and trial of any officer of the national guard of the state who shall have been heretofore or hereafter sentenced by court-martial to be dishonorably dismissed from the national guard; *provided*, in the judgment of said commander-in-chief such judgment was given in error, or new testimony can be produced which if produced upon the original trial would have affected the judgment of the court.

Commander-in-chief authorized to convene a general court-martial for rehearing. Proviso.

**272.** SEC. 2. That if upon such a rehearing and trial the court should either acquit the accused of the charges originally preferred or mitigate the sentence of dishonorable discharge, the commander-in-chief shall, in his discretion, confer upon such accused the title and rank formerly held by him and place such officer upon the retired list of the national guard of the state of New Jersey.

Upon acquittal or mitigation of sentence, title and rank formerly held may be conferred.

**273.** SEC. 3. That in the event of the commander-in-chief appointing such officer upon the retired list, all disabilities of the sentence of such original court-martial shall be discharged, and such officer shall not by reason of such original sentence be ineligible to hold a commission in the national guard of the state of New Jersey.

Upon appointment on retired list, disabilities of sentence removed.

Supplement.

Approved May 12, 1890.

P. L. 1890, p. 306.

**274.** SEC. 1. That the fourteenth section of the supplement of the act to which this is a supplement, which was approved March fifth, one thou-

sand eight hundred and eighty-four [see Sec. 210, *ante*], be and the same is hereby amended so as to read as follows:

Governor and commander-in-chief authorized to appoint military storekeeper.

[That the governor and commander-in-chief be and he is hereby authorized to appoint and commission a military storekeeper, with the rank of captain, who shall have charge of the state arsenal, to repair and keep in good and proper order the arms and equipments belonging to this state that now are or may hereafter be placed under his charge, and the said military storekeeper shall be responsible to the quartermaster-general for the safe keeping of the said arms and equipments.]

**275. SEC. 2.** That the twenty-third section of the supplement of the act to which this is a supplement, which was approved March fourteenth, one thousand eight hundred and eighty-three [see Secs. 104, 148, 183, and 207, *ante*], be and the same is hereby amended so as to read as follows:

Annual inspections.

[That the annual inspection of each company of the national guard shall be made by the inspector of brigade between the first day of May and the thirty-first day of May, at which inspection there shall be furnished by each company commandant to the inspecting officer muster rolls in triplicate of the company, which rolls shall have indorsed thereon a certificate of the commanding officer of the average present at all company drills and parades throughout the year, which muster rolls shall then be examined by the inspecting officer and by him certified.]

Governor authorized to confer brevet rank.

**276. SEC. 3.** That the governor and commander-in-chief is hereby authorized to confer upon such citizens of this state as shall have faithfully served as commissioned officers in the active militia and national guard for a period of twenty years and wish to resign, a brevet rank of not more than one grade higher than the highest rank held by them during their term of service; *provided*, that the governor shall nominate the same to the senate, and the rank shall be conferred by and with the advice and consent of the senate.

Proviso.

**277. SEC. 4.** [Amended by Sec. 281, *post*.]

Quartermaster-general authorized to enlist clerks, mechanics, &c.

**278. SEC. 5.** That the quartermaster-general is hereby authorized to enlist, from time to time, for the purpose of performing service as clerks, mechanics, teamsters and laborers in the quartermaster-general's department, for such term of service as he may deem proper, not exceeding twenty-five men, who shall be furnished with a fatigue uniform and be paid when on duty such pay as the quartermaster-general may direct, approved by the governor.

Repealer.

**279. SEC. 6.** That the fifteenth section and the sixteenth section of the supplement of the act to which this is a supplement which was approved March fifteenth, one thousand eight hundred and seventy-eight [see Secs. 140 and 141, *ante*], which read as follows:

"That the governor and commander-in-chief be and he is hereby authorized to appoint and commission at his discretion, as in his judgment the public service may require, one assistant quartermaster-general, with the rank of colonel of cavalry, and two deputy quartermasters, with the rank of major of cavalry.

"That in addition to their duties in the field it shall be the duty of the assistant quartermaster-general and deputy quartermasters, whenever directed by the quartermaster-general, to purchase quartermaster and commissary stores and other articles requisite for the national guard when on active service, and generally to procure and provide means of transportation for the troops, their stores, artillery and camp equipage," be and the same are hereby repealed, and the officers now holding commissions under these acts are hereby placed on the retired list.

**280. SEC. 7.** [Repealed by Sec. 323, *post*.]

#### Supplement.

Approved June 19, 1890,

P. L. 1890, p. 481.

**281. SEC. 1.** That the fourth section of the supplement of the act to which this is a supplement, which was approved May twelfth, one thousand eight hundred and ninety [see Sec. 277, *ante*], be and the same is hereby amended so as to read as follows:

[That the quartermaster-general is hereby authorized to issue to each commissioned officer and non-commissioned officer, who does not bear arms, a rifle for use in rifle practice; *provided*, that said officer or non-commissioned officer shall give good and sufficient bonds therefor.]

Quartermaster-general to issue rifles to commissioned and non-commissioned officers.  
Proviso.

Supplement.

Approved April 14, 1891.

P. L. 1891, p. 374.

**282. SEC. 1.** That whenever a first lieutenant commanding a gun detachment shall have served five years as such, he shall be entitled to the same promotion that is now accorded to other staff officers of like rank.

Lieutenants of gun detachments of five years' service entitled to same promotion as other staff officers of like rank.

Supplement.

Approved March 28, 1892.

P. L. 1892, p. 330.

**283. SEC. 1.** That the state military board may in their discretion organize, in any brigade of this state, any body of young men attached to any military school or academy, as a cadet corps for the purpose of instruction in military science and tactics; that these cadet organizations in military schools or academies be attached to the national guard of this state and be subject to such duties and requirements as may be by the officers of said guard be thought proper; but shall in no case receive any of the moneys and emoluments now allowed by law for companies of the national guard; that to further aid this object the governor of the state be and he is hereby empowered to commission at his discretion under the recommendation of the state military board a commandant of cadets acting as military instructor in such military academy or corps with the rank of captain when the number attending the school shall exceed fifty and with the rank of major when the number attending the school shall exceed eighty.

Cadet corps in military schools.

To be attached to national guard.

Receive no pay.

Governor to commission commandant.

Supplement.

Approved March 30, 1892.

P. L. 1892, p. 380.

**284. SEC. 1.** That the quartermaster-general be and he is hereby authorized, upon the approval of the commander-in-chief, to apply to the purchase of ordnance and ordnance stores, camp and garrison equipage and other military stores of any description whatsoever, required for the proper arming, equipment and maintenance of the national guard, and repairs at the state arsenal, such moneys as may be derived from sales of obsolete and unserviceable military stores, ammunition, settlement of officers' accounts, et cetera, and also that the proceeds derived from the sales of hay, farming implements and utensils of any description, sales of live stock, pasturage of horses and cattle at the state camp grounds be applied to improvements, and current expenses of said camp grounds; *provided*, that all such expenditures shall be accounted for at the close of each fiscal year by properly-certified vouchers of receipt, to be approved by the commander-in-chief and filed with the comptroller of the treasury, with a statement of such expenditures, and that the amounts received and expended each fiscal year shall appear in the annual report of the quartermaster-general.

Moneys arising from sales and settlement of accounts, &c., to be applied to purchase of stores, &c.

Proviso.

An act to amend an act entitled "An act to amend an act entitled 'An act to further amend section seventy-nine of the act entitled 'An act for the organization of the national guard of the state of New Jersey,' approved March ninth, one thousand eight hundred and sixty-nine, approved March ninth, one thousand eight hundred and eighty-five,'" which amendatory act was approved April twenty-third, one thousand eight hundred and eighty-eight.

Approved April 8, 1892.

P. L. 1892, p. 440.

**285. SEC. 1.** [This section amends Sec. 79, *ante*, which is again amended by Sec. 312, *post*.]

Supplement to an act entitled "An act for the organization of the national guard of the state of New Jersey," approved March ninth, one thousand eight hundred and sixty-nine, and the various amendments thereto.

P. L. 1893, p. 419.  
Repealer.

Approved March 17, 1893.

**286.** SEC. 1. That the supplement to the act for the organization of the national guard, approved March ninth, one thousand eight hundred and sixty-nine, which supplement was approved March twenty-third, one thousand eight hundred and ninety-two, be and the same is hereby repealed.

**287.** SEC. 2. [Amended by Sec. 315, *post.*]

**288.** SEC. 3. [Amended by Sec. 316, *post.*]

**289.** SEC. 4. [Amended by Sec. 317, *post.*]

**290.** SEC. 5. [Repealed by Sec. 319, *post.*]

**291.** SEC. 6. [Amended by Sec. 320, *post.*]

Quartermaster-general shall issue medical supplies, &c.

**292.** SEC. 7. That the quartermaster-general shall act as chief medical purveyor and storekeeper, and shall issue medical supplies only upon requisitions regularly forwarded and approved, but not without the approval of the surgeon-general; the medical purveyor shall purchase, with the consent of the governor, only such medical supplies as the surgeon-general shall select and approve.

Surgeon-general shall have charge of examination of candidates for medical officers, who are to be commissioned with his approval.

**293.** SEC. 8. That all candidates for appointment as medical officers in the national guard shall be examined as to their ability to discharge in a satisfactory manner all the duties of a surgeon, assistant surgeon or hospital steward, and the surgeon-general shall have the charge and regulation of such examination, and no person shall be commissioned or warranted without undergoing such an examination; the morals, habits, physical and mental qualifications and general aptitude for military service shall be subjects for careful consideration; also physical or mental infirmity that will interfere with the proper and efficient discharge of a medical officer's duty; and the approval or disapproval of the surgeon-general must in all cases be noted on the certificate of a candidate for appointment or promotion, and no medical officer will be commissioned or warranted without the approval of the surgeon-general.

Surgeon-general to request or approve assignments of medical officers detailed for special duty.

**294.** SEC. 9. That all assignments or details of medical officers for any special duty, or for any duty outside of the commands in which they are commissioned or warranted, will be made only upon the request or approval of the surgeon-general.

Report of medical department submitted annually.

**295.** SEC. 10. That the surgeon-general shall submit annually to the commander-in-chief a report of the medical department, and that such report shall be published with that of the adjutant-general.

Designation of officers of regiment.

**296.** SEC. 11. That to each regiment there shall be one colonel, one lieutenant-colonel and one major for each drill battalion constituting a part of the regiment; the regimental staff shall consist of one adjutant, with the rank of first lieutenant; one quartermaster, with the rank of first lieutenant; one paymaster, with the rank of first lieutenant; one surgeon, with the rank of major; one chaplain, with the rank of captain; one judge advocate, with the rank of captain; one inspector of rifle practice, with the rank of captain; one sergeant-major, one quartermaster-sergeant, one commissary sergeant, one principal musician, one color sergeant and one bugler, with the rank of sergeant; and the regimental staff shall also consist of one adjutant, with the rank of first lieutenant; one assistant surgeon, with the rank of first lieutenant; one sergeant-major, one hospital steward, for each drill battalion constituting a part of the regiment.

Special enlistments for bands, &c.

**297.** SEC. 12. That special enlistments may be made for bands, field music, signal corps and gun detachments with the approval of the commandant of the regiment, and they may be assigned to companies as members thereof by the brigade commander.

When and by whom troops of cavalry organized.

**298.** SEC. 13. That the commander-in-chief, whenever he shall deem it advisable for the public interest, may cause to be organized two troops of cavalry, the minimum of which organization shall be not less than three commissioned officers and forty enlisted men; which company shall be

entitled to the rights, privileges and allowances of companies of the national guard.

**299. SEC. 14.** That all acts or parts of acts inconsistent with this act are hereby repealed. Repealer.

Supplement to an act entitled "An act for the organization of the national guard of the state of New Jersey," approved March ninth, one thousand eight hundred and sixty-nine, and the various amendments thereto.

Approved March 28, 1893. P. L. 1893, p. 488.

**300. SEC. 1.** That the commander-in-chief, whenever in his judgment it shall be advisable for the public interest, may cause to be added to the national guard of New Jersey, and mustered thereinto, cavalry companies, not more than two in number. Two cavalry companies may be added to national guard.

**301. SEC. 2.** That any such company shall retain and be governed by such constitution, organization and by-laws as it may have adopted and which shall receive the approval of the commander-in-chief. Organization and constitution subject to approval of commander-in-chief.

**302. SEC. 3.** That every such company shall be subject to the orders of the commander-in-chief, and while by him ordered out, to the order of the commandant of the body to which they shall be attached. Subject to order of commander-in-chief.

**303. SEC. 4.** That the minimum of any such company shall be forty men; and any such company while so ordered out shall be entitled to the rights, privileges, pay and allowances, and be subject to the discipline, duties and service of the national guard of New Jersey. Minimum number of men.

**304. SEC. 5.** That the quartermaster-general shall issue to any such company arms and equipments. Issuing of arms and equipments.

**305. SEC. 6.** That the term of enlistment shall be five years; and the time any member of an organized cavalry company has served such company faithfully prior to being mustered in, may be applied on such member's term of enlistment; and in view of the great expense of members of such company and of the great labor attending cavalry service, the commandant of any cavalry company may, for reasons satisfactory to him, accept the resignation of any member of any such company while not in active service, or in contemplation thereof. Term of enlistment.

**306. SEC. 7.** That the commander-in-chief may, at any time, by reason of any such company being deficient in or neglecting drill, or for any other reason, cause any such company to be mustered out of the national guard. Resignations, how accepted.

**306. SEC. 7.** That the commander-in-chief may, at any time, by reason of any such company being deficient in or neglecting drill, or for any other reason, cause any such company to be mustered out of the national guard. Companies may be mustered out.

A supplement to an act entitled "An act for the organization [of the national guard of the state of New Jersey," approved March ninth, one thousand eight hundred and sixty-nine, and the various amendments thereto.

Approved April 24, 1894. P. L. 1894, p. 133.

**307. SEC. 1.** That the governor and commander-in-chief is hereby authorized to appoint and commission at his discretion, as in his judgment the public service may require, four deputy quartermaster-generals with the rank of colonel. Governor authorized to appoint deputy quartermaster-generals.

Supplement.

Approved May 14, 1894. P. L. 1894, p. 283.

**308. SEC. 1.** That to each troop of cavalry there shall be one surgeon with the rank of first lieutenant of cavalry, and one assistant surgeon with the rank of second lieutenant of cavalry, and one hospital steward, who shall be staff officers, commissioned and warranted respectively, of the said troop of cavalry. Cavalry troop shall have surgeon, &c.

**309. SEC. 2.** That the governor and commander-in-chief is hereby authorized to appoint and commission one paymaster, with the rank of captain, to be attached to the paymaster-general's department. Paymaster may be commissioned.

A further supplement to an act entitled "An act for the organization of the national guard of the state of New Jersey," approved March ninth, one thousand eight hundred and sixty-nine, and the various amendments thereto.

P. L. 1894, p. 339.

Approved May 15, 1894.

When additional companies may be organized.

**310. SEC. 1.** That if at any time there are less than sixty companies of infantry of the national guard of this state, the commander-in-chief may cause to be organized such additional company or companies in the county having a regimental organization of less than twelve companies; *provided*, such additional company or companies will not exceed in number the number of counties of this state who have failed to organize such companies.

Repealer.

**311. SEC. 2.** That all acts or parts of acts inconsistent with this act be and the same are hereby repealed.

#### Amendatory act.

P. L. 1894, p. 353.

Approved May 15, 1894.

**312. SEC. 1.** That section seventy-nine of the act entitled "An act for the organization of the national guard of the state of New Jersey," approved March ninth, one thousand eight hundred and sixty-nine [see Secs. 79, 171, 209, 221, 254 and 285, *ante*], be and the same is hereby amended so as to read as follows:

Pensions.

[That the widow and minor children, or dependent mother or father, of any officer or soldier who may have been within three years last passed, or who may hereafter be killed or fatally injured, or who shall die from disease contracted while in the line of duty in the performance of any actual service of this state, or while engaged in any parade, encampment or brigade, regimental or battalion inspection (not in the service of the United States), or any officer or soldier who may have been since the eighteenth day of October, one thousand eight hundred and eighty-one, or who may hereafter be wounded or permanently disabled in the performance of any actual service of this state, or while engaged in any parade, encampment or brigade, regimental or battalion inspection (not in the service of the United States), shall, upon making due proof of the fact, receive from the treasury of this state the like reward that persons under similar circumstances receive from the United States, and in case of fatal injury such reward shall date from the time of receiving the injuries on account of which such reward is allowed.]

A further supplement to an act entitled "An act for the organization of the national guard of the state of New Jersey," approved March ninth, one thousand eight hundred and sixty-nine, and the various amendments thereto.

P. L. 1894, p. 362.

Approved May 16, 1894.

Appropriation for cavalry troop.

**313. SEC. 1.** That an annual appropriation of one thousand dollars be made for each company or troop of cavalry, for uniforms, rent of drill-room and storage-room for equipments and other expenses incident to the existence of the troop, and paid to the commandant of such troop, to be expended by him, with the approval of the board of officers of such troop; that the said sum of one thousand dollars be paid for the current year, and thereafter be paid on the date provided in the act to which this is a supplement.

#### Amendatory act.

P. L. 1895, p. 274.

Approved March 14, 1895.

Colored companies authorized.

**314. SEC. 1.** That in addition to the force hereinbefore authorized there shall be allowed four companies of colored infantry, one each to be stationed at Camden, Trenton, Newark and Jersey City.

An act to amend the supplement to an act entitled "An act for the organization of the national guard of the state of New Jersey," approved March ninth, one thousand eight hundred and sixty-nine, which supplement was approved March seventeenth, one thousand eight hundred and ninety-three.

Approved March 22, 1895. P. L. 1895, p. 636.

**315. SEC. 1.** That the supplement to the act for the organization of the national guard, approved March ninth, one thousand eight hundred and sixty-nine, which supplement was approved March seventeenth, one thousand eight hundred and ninety-three [see Sec. 287, *ante*], be amended so that the second section shall read as follows:

[That all surgeons, assistant surgeons and hospital stewards, commissioned or warranted, as officers of the national guard, and all other persons who may hereafter be commissioned or warranted as surgeons, assistant surgeons and hospital stewards, with specified rank, shall constitute a part of the medical department of the national guard, and shall be under the medical control and direction of the surgeon-general, and that the hospital and ambulance corps now attached to the headquarters of each brigade of the national guard shall be consolidated into one corps, which corps, including such persons as may hereafter become members of it, shall be known as the hospital and ambulance corps, and shall be under the direction and control of the surgeon-general, but they may be detailed or assigned to duty in connection with any organization or organizations of the national guard by the commander-in-chief or major-general when the said corps or any part of it so detailed shall be under the military direction of the commanding officer of the organization or organizations to which the said corps or a part thereof is assigned, and that all persons connected with this corps shall be regular members of the national guard and entitled to all the rights and privileges commonly accorded by law to members of the national guard.]

Surgeons, assistant surgeons and hospital stewards to constitute part of the medical department.

Hospital and ambulance corps—how constituted.

May be detailed for duty with other organizations.

**316. SEC. 2.** That the third section [see Sec. 288, *ante*] of the said supplement shall be amended to read as follows:

[That the commander-in-chief, on the recommendation of the surgeon-general, shall appoint one assistant surgeon-general, with the rank of colonel; one medical inspector, with the rank of lieutenant-colonel; two hospital and ambulance corps officers, to have the immediate command of the hospital and ambulance corps, one with the rank of captain of cavalry, and one with the rank of first lieutenant of cavalry, all of whom shall be officers of the department medical staff and under the direction and control of the surgeon-general.]

What officers shall be appointed to command the corps.

**317. SEC. 3.** That the fourth section [see Sec. 289, *ante*] of the said supplement shall be amended to read as follows:

[That the surgeon-general or such other officer or officers of the national guard as may be authorized by him to act, may enlist a hospital and ambulance corps not to exceed sixty men; *provided*, that all persons who are now members of the hospital and ambulance corps shall continue to be members of that corps until discharged from the national guard services and that shall be included as a part of the sixty men authorized to be enlisted, no re-enlistment on their part shall be necessary; but as vacancies in the said corps may occur enlistments may be made to the full quota authorized, and that the surgeon-general may recommend to the commander-in-chief, to be warranted as a non-commissioned officer, one enlisted man for each six men enlisted in the said corps; these non-commissioned officers shall rank as sergeants, and any regular graduate of medicine or pharmacy, or student of medicine or pharmacy, enlisted in the said corps, may be warranted as a sergeant and designated as a medical cadet; *provided*, the number of authorized non-commissioned officers is not increased thereby, and that the state military board, on the recommendation of the surgeon-general, and with the approval of the commander-in-chief, shall have power to make such regulations as may be considered necessary for the military government, discipline and equipment of said corps.]

Corps may be enlisted.

Proviso.

Vacancies may be filled and other officers warranted.

Proviso.

Corps courts-martial—how constituted.

**318. SEC. 4.** That there shall be a hospital and ambulance corps court-martial, appointed by the surgeon-general, consisting of one commissioned officer attached to the corps, and two sergeants or medical cadets; they shall hold sittings as may be directed by the surgeon-general; the commissioned officer shall be president of the court, and one of the members shall be appointed by the president as recorder; they shall have jurisdiction over the enlisted men of the corps, and shall have power to impose such fines and penalties as may be provided by order of the surgeon-general; an affirmative vote of the majority of the members of the court shall be necessary for conviction, of whom the commissioned officer must be one, but no member of the corps shall be expelled without the approval of the surgeon-general is had to the findings of the court.

Jurisdiction and powers of corps courts-martial.

Repealer.

**319. SEC. 5.** That the fifth section [see Sec. 290, *ante*] of said supplement is hereby repealed.

Appropriation.

**320. SEC. 6.** That the sixth section [see Sec. 291, *ante*] of the said supplement shall be amended to read as follows:

[That there shall be paid to the quartermaster-general by the proper state officer from state funds not otherwise appropriated on the first Monday of April of each year, the sum of one thousand dollars for the maintenance and support of the medical department of the national guard, including the hospital and ambulance corps; that this sum shall include the cost of purchase of uniforms and equipments for the hospital and ambulance corps, medicines, surgical instruments and dressings, ambulances, litters, medical chests and panniers and all other supplies necessary to the administration of said department, but no part of this appropriation shall be expended for commissary supplies, transportation, hire of animals for ambulances, or payment for military service; the quartermaster-general shall expend this appropriation only on the approval of the surgeon-general.]

#### Supplement.

Approved March 28, 1895.

P. L. 1895, p. 737.

**321. SEC. 1.** That section nine of the act to which this is a supplement be and the same is hereby amended to read as follows:

Commissions shall not be delivered until the person appointed or elected shall be uniformed and equipped.

[That all general, field, staff and line officers who shall have been duly elected or appointed may be commissioned by the commander-in-chief, and their commissions shall be sent by the adjutant-general, by whom the said commissions shall be countersigned, to the officer who held the election or made the appointment; no commission shall be delivered to the person elected or appointed until he shall be uniformed and equipped according to the regulations of the military service of this state; should any person so elected or appointed neglect or refuse so to uniform and equip for one month from the time of his election or appointment, the commission shall be returned to the adjutant-general, with the reason for its return indorsed thereon, and the election or appointment shall thereupon be void; all non-commissioned officers shall receive warrants from their respective commandants; these are to be on parchment paper blanks and to be furnished by the adjutant-general.]

**322. SEC. 2.** That section twelve of the act to which this is a supplement, which supplement was approved April twenty-ninth, one thousand eight hundred and eighty-four [see Secs. 75, 189 and 218, *ante*], be and the same is hereby amended to read as follows:

Term of service entitling members to certain privileges and exemptions.

[That every officer of the national guard who shall have served therein for the term of five years, upon the tender and acceptance of his resignation, and every non-commissioned officer, musician and private now enlisted in or who shall hereafter enlist in the national guard, who shall serve faithfully therein for the term of his enlistment, shall receive a discharge from the commander-in-chief entitling him to exemption thereafter from jury duty and from all military duty except in time of war and insurrection; to entitle any such officer, non-commissioned officer, musician or private to said privileges and exemptions, he shall be free of all indebtedness to the state and to the command to which he is attached for military

supplies, and from all preferred charges for a violation of the laws governing the national guard.]

**323.** SEC. 3. That section seven of the act to which this is a supplement, which supplement was approved May twelfth, one thousand eight hundred and ninety [see Sec. 280, *ante*], be and the same is hereby repealed.

Repealer.

**324.** SEC. 4. That it shall be the duty of the quartermaster-general to report to the comptroller of the treasury, on or before the first Monday in April of each year, the amount of any bill or account for any deficiency standing on the books of the quartermaster-general's department against any company officer or commandant, or regimental quartermaster or other regimental or brigade officer to whom transportation or public stores have been issued without security of bond, or for rental paid for any drill-room for drills, rifle practice, encampments, parades or other temporary service, and the amount of such bill or deficiency shall be deducted by the comptroller of the treasury from any appropriation due the company, regiment or brigade against which such bill or deficiency is so reported.

Deficiencies on books of quartermaster-general to be deducted from appropriation.

A supplement to an act entitled "An act for the organization of the national guard of the state of New Jersey," approved March ninth, one thousand eight hundred and sixty-nine, and the various amendments thereto.

Approved March 28, 1895.

P. L. 1895, p. 747.

**325.** SEC. 1. That in the discretion of the governor and commander-in-chief under such regulations as he may prescribe, there shall be attached to each brigade of the national guard of this state a signal and telegraph corps, and such corps shall be attached to each of the brigade headquarters; the said corps shall consist of one signal officer with the rank of captain and one assistant signal officer with the rank of first lieutenant; and likewise such non-commissioned officers and privates not to exceed forty, who may be specially enlisted in such corps or transferred thereto from the several organizations of the brigade; the number of non-commissioned officers for said corps shall be at the discretion of the brigade commander, but shall not exceed ten in number, one of whom shall be warranted as first sergeant, one as paymaster-sergeant, one as quartermaster-sergeant and two as signal sergeants, and the others as signal corporals by the commandant of the brigade to which they are attached.

Signal and telegraph corps may be attached to each brigade.

Of what it shall consist.

**326.** SEC. 2. That an appropriation amounting to the sum of three hundred dollars shall be paid on the first Monday of April of each year to the paymaster of the brigade, to be expended by the said brigade paymaster on the approval of the commandant of the brigade, for military expenses incident to the signal and telegraph corps attached to the headquarters of the said brigade; and the said appropriation shall be collected and paid in the same manner as other military expenses incident to brigade organization are now collected and paid.

Appropriation.

**327.** SEC. 3. That the uniform and equipments of the signal corps shall be the same as prescribed for the signal corps of the United States army; and the drill regulations for signal corps of the United States army shall be the drill regulations governing the signal corps of this state.

Uniform and equipments.

**328.** SEC. 4. That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and that this act shall take effect immediately.

Repealer.

Amendatory act.

Approved March 28, 1895.

P. L. 1895, p. 763.

**329.** SEC. 1. That the uniform or insignia of rank prescribed for the officers of the national guard of New Jersey, shall be worn only by persons entitled thereto by commission under the laws of this state or of the United States or of another state of the United States; *provided*, any honorably-discharged officer may wear upon public occasions the uniform and insignia of rank to which his commission entitled him while in service; any person violating this section shall be liable to a fine of five hundred dollars on complaint of any officer of the national guard.

The wearing of uniform or insignia by persons not entitled thereto prohibited.

Penalty.

Penalty.

## XXI. Miscellaneous acts.

## An act for the more efficient organization of the militia.

P. L. 1865, p. 856.

Approved April 6, 1865.

Militia divided into active and reserve.

**330. SEC. 1.** The militia of the state shall be divided into two classes, the active and the reserve; in case of draft upon the reserve militia for state service, the contingent supplied thereby may be first applied to fill up any active corps deficient in the maximum number of recruits required to complete such corps.

Bureau of enrollment and drafting.

**331. SEC. 2.** There shall be in the adjutant-general's department a bureau of enrollment and drafting, under an assistant adjutant-general, with the rank of colonel of cavalry, who shall be chief of enrollment and drafting.

Commissioners of enrollment and drafting.

**332. SEC. 3.** That the commander-in-chief shall forthwith appoint for each county, on the recommendation of the brigadier-general, or senior brigadier-general, if there be more than one in the county, a commissioner of enrollment and drafting, with the rank of captain of cavalry, but where the population of any county shall be forty thousand or more, the commander-in-chief may designate a higher rank, not above that of lieutenant-colonel of cavalry, for such commissioner.

Chief of enrollment may appoint deputies, &amp;c.

**333. SEC. 4.** That the commander-in-chief may allow to the chief of enrollment and drafting, and appoint accordingly, such deputies, aids and assistants of inferior rank to the officers whose aids and assistants they are, as the commander-in-chief may deem necessary; the same when appointed to serve in any county, to be appointed on the recommendation of the brigadier-general, or senior brigadier-general, if there be more than one of the county, and the chief of enrollment and drafting and the several commissioners thereof, shall be deemed of and belonging to the general staff.

Commissioners to make enrollment.

**334. SEC. 5.** That the commissioners of enrollment and drafting shall, upon receiving their commissions, forthwith proceed to make an enrollment of all able-bodied white male inhabitants between the ages of eighteen and forty-five years, residing in their respective counties, under such forms and regulations as they shall receive through the chief of enrollment and drafting.

Enrollment, how conducted and made.

**335. SEC. 6.** The enrollment shall be conducted so that any companies, troops or batteries to be organized therefrom shall, as far as practicable, be made up of persons being in one neighborhood, reference being had to convenience of rendezvous; and in addition to such other particulars as may be prescribed by order or regulation, such enrollment shall state upon what road or highway, and between what road and highways such person resides, if he resides in a rural district; if he resides in a city, in what ward or precinct, and if he resides in a village, it shall be so noted.

Assessors, clerks, &amp;c., to allow enrolling officers to examine assessment rolls, &amp;c.

**336. SEC. 7.** That all assessors and other clerks or officers shall allow enrolling officers to examine and copy their tax and assessment rolls or poll lists, and all tavern-keepers, keepers of boarding-houses, persons having boarders or lodgers in their families, and any master or mistress of any dwelling-house, shall, upon the application of any officer authorized to make such enrollment, give information of the names of all persons residing or lodging in such house liable to be enrolled, and all other proper information concerning such persons as such officer may demand.

Court of common pleas to hear and determine applications for exemption.

**337. SEC. 8.** That the inferior court of common pleas for each county shall constitute a court of exemption, to hear and determine applications for exemption; the commander-in-chief shall appoint a surgeon or surgeons, resident in the county, to attend such court of exemption, to whom shall be referred for examination and report, all persons claiming exemption on account of physical or mental disability.

Enrollment to be filed with county clerk.

**338. SEC. 9.** That the consolidated enrollment of each county, when corrected as to exemptions, shall be filed with the county clerk, and a duplicate thereof transmitted to the chief of enrollment and drafting.

**339. SEC. 10.** That the enrollment and all necessary proceedings thereunder shall be had once in every three years, and as much oftener, not to exceed once in each year, as the commander-in-chief shall direct, and he may order any enrollment or proceedings thereunder to be reviewed and corrected as often as may be necessary.

Enrollment to be had once in three years.

**340. SEC. 33.** The fines and penalties imposed by this act are as follows : if any person of whom information is required by any enrolling or drafting officer, in order to enable such officer to comply with the provisions of this act, shall refuse to give such information, or shall give false information, or if any person shall refuse to give his own name or proper information in respect to himself, or shall otherwise materially obstruct or delay by force or otherwise, or harm any such officer while in pursuance of his duty, such person shall be deemed guilty as of obstruction of legal process, and be subject to like punishment or penalty as is prescribed for like offense in obstructing or opposing any sheriff or judicial officer or judicial process.

Penalty for obstructing or delaying enrolling or drafting officer

[The remainder of this act repealed.]

**Supplement.**

Approved March 18, 1868.

P. L. 1868, p. 407.

**341. SEC. 1.** That whenever the quartermaster-general of this state, or any military officer of this state, charged with the care and responsibility of public property, and who shall have given bonds to the quartermaster-general for the safe keeping and return of the same, shall by petition, verified by his oath or affirmation, represent to any court of common pleas, that a certain person, whom he shall name in such petition, resident in said county, has in his possession and illegally detains any arm or arms, article or articles of clothing or equipments, the property of this state, (describing the same generally) for the safe keeping and return of which such person has not given bonds to the quartermaster-general or to the state, after demand made for the same by the said military officer, or by any person by him duly authorized to receive the same, upon filing said petition it shall be lawful for the said court to cause a rule to be entered in the minutes of said court, ordering the party complained against to show cause, at such short day as the said court shall appoint, to deliver up the same to the said military officer by said day, or to show cause on that day before said judge why the same shall not be so delivered up, a copy of which said rule, certified by the clerk of said court, shall be served on said delinquent personally, at least two entire days before the day of hearing, or left at his residence or place of abode at least four entire days before such day of hearing, which service may be made by any constable of the county.

Proceedings to compel persons illegally obtaining arms, equipments, &c., to deliver up the same.

**342. SEC. 2.** That if the said party complained against shall not deliver up said arm or arms, article or articles of clothing and equipments in said petition mentioned, at, or before the day of hearing so appointed by the court, or show good cause to the contrary, on due proof by affidavit of the service of a copy of said rule according to law, it shall be lawful for the said court to issue forthwith an attachment for contempt against said party, and he shall be held as in contempt, and dealt with accordingly, until he shall comply with the order of the court, or deliver up said arm or arms, and article or articles of clothing and equipments to the said military officer filing the petition, or to the sheriff of the county for him, and pay the reasonable costs of such proceeding, to be taxed by the court for the use of the county.

Attachment for contempt may be issued by court.

**343. SEC. 3.** That if the said person so complained against shall, at any time before such day of hearing, demand a trial by jury, it shall be the duty of said court to issue a venire facias to the sheriff of said county, to summon a jury of twelve men, competent as jurymen, according to law, to be and appear before said court, at such time as shall be expressed in such writ, to make a jury for the trial of such complaint made against the said person; if the verdict of the jury shall be against the party com-

Person complained of may demand trial by jury.

plained against, and if he shall fail within a reasonable time, to be fixed by the court, to deliver the property and pay the costs as aforesaid, he shall be deemed in contempt, and proceeded against as prescribed in the preceding section.

Prosecutor of  
pleas to conduct  
proceedings.

**344. SEC. 4.** That the proceedings shall be conducted by the prosecuting attorney of the county where the petition is filed, and the costs shall be paid in the first instance by the sheriff of the county in which the complaint is made.

Bond of commis-  
sioned officers of  
company for uni-  
forms.

**345. SEC. 5.** That it shall be the duty of the quartermaster-general, before furnishing uniforms to the non-commissioned officers and privates who shall elect to be so furnished with such uniforms by the state, upon the requisition of the commandant of the company, countersigned by the commandant of regiment or battalion and corps to which said company is attached, to require the commissioned officers to give bond, with satisfactory security, that the said uniforms shall be kept in the armory of such company for safe keeping, for the use of the company, until the said uniforms shall be accounted for, as provided in section sixteen of the act to which this is a supplement.

When quarter-  
master-general  
may cancel bonds  
for arms and  
equipments.

**346. SEC. 6.** That it shall and may be lawful for the quartermaster-general of this state, at his discretion, to cancel the bonds given for arms or equipments, or other military property of this state, by any officer or officers of the militia of this state, whenever said quartermaster-general shall be satisfied by or from the accounting of, or on behalf of such officer or his surety or sureties for such arms, equipments or other property, that the same has been lost or destroyed by misadventure, or in the service of this state or the United States, and without fraud or culpable negligence on the part of such officer or officers, or his or their surety or sureties.

#### An act to provide armories for the national guard of the state.

P. L. 1878, p. 208.

Approved March 29, 1878.

Board of alder-  
men, &c., may  
lease premises for  
armory purposes.

**347. SEC. 1.** That it shall be lawful for the board of aldermen or other legislative body of any incorporated city of this state to lease, for a term of not exceeding five years, any premises in said city for the purposes of an armory for any of the regiments or companies of the national guard of this state; *provided*, the rental shall not exceed the amount appropriated for such purpose in any one year.

Proviso.

#### An act concerning the loan of military property.

P. L. 1883, p. 238.

Approved March 23, 1883.

Military property  
loaned by quarter-  
master-general,  
accurate account  
of expenses to be  
kept, how paid.

**348. SEC. 1.** That when any arms, equipments, ordnance, camp and garrison equipage, or other military stores, or any of the battle flags of New Jersey troops, are issued or loaned by the quartermaster-general of this state, in accordance with any law of this state, to any veteran association, or to any independent military organization, it shall be the duty of the quartermaster-general to keep an accurate account of the expenses of transportation and the other expenses incident to the carrying out the purposes of such law, and the comptroller is hereby authorized to draw his warrant upon the treasury for the payment of such expenses, upon the approval of the governor.

#### An act to provide for the storage of military stores and equipments in the possession of companies B, C and D of the sixth regiment infantry, second brigade, national guard of the state of New Jersey.

P. L. 1884, p. 181.

Passed April 15, 1884.

Preamble.

WHEREAS, The quarters now occupied by the quartermaster and companies B, C and D of the sixth regiment infantry, second brigade, national guard of the state of New Jersey, located in the city of Camden, are entirely inadequate for the proper and safe storage of military stores, arms

and equipments in possession of said quartermaster and companies; and whereas, the annual appropriations to said companies are not sufficient to procure proper and safe quarters as contemplated by said companies; therefore,

**349.** SEC. 1. That the comptroller of the state of New Jersey be and he is hereby authorized to draw annually his warrant on the treasury in favor of the paymaster of the sixth regiment infantry, second brigade, national guard of the state of New Jersey, for the sum of one thousand two hundred dollars, in addition to the appropriations now allowed by law.

Additional appropriation to sixth regiment.

### Naturalization.

- |   |  |
|---|--|
| 1. Supreme court and courts of common pleas to have jurisdiction of application of aliens to become citizens. | 7. Fees.   |
| 2. Primary declaration of intention.  | 8. Fees of clerks in cities, towns, &c.                        |
| 3. Final applications. Forms of, &c.  | 9. No person to be naturalized within certain times.           |
| 4. Applicants to give certain notice.   | 10. Penalty for violation of act.                              |
| 5. Clerks of cities, towns, &c., to post statement of applicant.  | 11. Political committees and candidates forbidden to pay fees. |
| 6. Clerk of court to record final application.  | 12. Repealer.  |
|   | 13. Repealer.  |

**An act concerning naturalization and regulating the procedure in cases of naturalization in courts of this state, and establishing uniform fees of clerks and judges in naturalization cases.**

Passed March 26, 1895. P. L. 1895, p. 693.

**1.** That the supreme court and the courts of common pleas in the several counties of this state shall respectively have jurisdiction of declarations of intention, and of applications of aliens to become citizens of the United States; no other court or courts now established by this state shall entertain a primary or final declaration or application made by or on behalf of an alien to be admitted to become a citizen of the United States, receive a registry of an alien, or have or entertain jurisdiction of the naturalization of an alien; nor shall any clerk of any such court or courts receive any such declaration, application or papers.

Supreme court and courts of common pleas to have jurisdiction of applications of aliens to become citizens.

**2.** That primary declarations of intention of aliens to become citizens of the United States may be recorded and filed in the supreme court and the courts of common pleas in the several counties of this state at any time, and the requisite and prescribed oath administered by the clerk of the court at the time of such recording and filing; a complete record of each and every of the said declarations shall be entered in the proper docket of the court by the clerk thereof, which said record the alien shall subscribe, or cause to be subscribed, and he shall also add, or cause to be added, in writing, the street and number of the house in which he resides, and the name of the city, town, village or other place where such residence is situated; *provided*, that where the street and number, as required by the provisions of this section of this act, cannot be given, the place of residence shall be described with sufficient accuracy for identification.

Primary declaration of intention may be recorded and filed at any time, and oath administered.

Record of the same shall be entered in the docket.

Proviso.

**3.** That final applications of aliens to be admitted to become citizens of the United States, made in any of the courts of this state in which, by the provisions of this act, such applications may be made, may be filed in term time or during vacation; but final action thereon shall be had only on stated days, or during the regular terms of the said courts; every application shall be entered on the docket of the court on the day on which the application shall be made; such application shall be in the form of a petition, subscribed and verified by the oath of the applicant, and shall be filed in the court in which it is presented at least fourteen days before final action thereon shall be had; the petition herein provided for shall state the place and country of the birth of the petitioner, and the exact time and place of his arrival in the United States, and shall set forth his name in full, his age and occupation, the name of the street and the number of the house in which he resides, and the name of the city, town, village or other place in which such residence is situated,

Final applications may be filed either in term time or vacation. Final action to be had only on stated days.

Form of application.