

THE STATE OF OHIO.

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GENERAL AND LOCAL ACTS

PASSED,

AND

JOINT RESOLUTIONS

ADOPTED

BY THE

SIXTY-SEVENTH GENERAL ASSEMBLY

AT ITS REGULAR SESSION,

BEGUN AND HELD IN THE CITY OF COLUMBUS JANUARY 4, 1886.

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VOLUME LXXXIII.

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COLUMBUS:  
PUBLISHED BY STATE AUTHORITY.  
MYERS BROTHERS, STATE PRINTERS.  
1886.

[Senate Bill No. 7.]

## AN ACT

To amend sections 3033, 3034, 3036, 3037, 3038, 3039, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3054, 3055, 3056, 3057, 3058, 3059, 3063, 3064, 3067, 3068, 3069, 3070, 3071, 3074, 3076, 3078, 3079, 3080, 3081, 3082, 3083, 3084, 3085, 3104 and 3105 of the Revised Statutes of Ohio, and to repeal sections 3035, 3060, 3061, 3062, 3065 and 3066.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections three thousand and thirty-six, three thousand and thirty-seven, three thousand and forty-one, three thousand and forty-two, three thousand and forty-three, three thousand and forty-four, three thousand and forty-five, three thousand and forty-seven, three thousand and forty-eight, three thousand and forty-nine, three thousand and fifty, three thousand and fifty-one, three thousand and fifty-two, three thousand and fifty-four, three thousand and fifty-five, three thousand and fifty seven, three thousand and fifty-eight, three thousand and fifty-nine, three thousand and sixty-three, three thousand and sixty-four, three thousand and sixty-seven, three thousand and sixty-eight, three thousand and sixty-nine, three thousand and seventy, three thousand and seventy-four, three thousand and seventy-six, three thousand and seventy-nine, three thousand and eighty-three, three thousand and eighty-four, three thousand and eighty-five, three thousand one hundred and four and three thousand one hundred and five of the Revised Statutes of Ohio be amended so as to read as follows:

Ohio National Guard.

## ORGANIZATION.

SEC. 3036. Each regiment shall consist of eight or twelve companies, and shall have a colonel, a lieutenant-colonel, a major for every four companies, a surgeon, with the rank of major, an assistant surgeon, with the rank of captain, an adjutant and a quartermaster each with the rank of first lieutenant, and a chaplain, and a non-commissioned staff, to consist of a sergeant-major, a quartermaster-sergeant, a commissary-sergeant, a hospital-steward and two principal musicians. Every battalion of three companies, shall have a major, and a battalion of five or more companies a lieutenant-colonel and major together with an assistant surgeon, a quartermaster, a chaplain, sergeant-major, quartermaster sergeant, a commissary sergeant and a hospital steward. The commander of a regiment or a battalion of not less than four companies, may enlist a band, to consist of a drum-major, a leader, with the rank of sergeant-major, and not more than twenty-four musicians. Each company of infantry shall consist of a captain, a first lieutenant, a second lieutenant, one first sergeant, four sergeants, eight corporals, two musicians, a wagoner, and not less than forty-four, nor more than eighty-three privates.

Infantry organization.

SEC. 3037. Each troop of cavalry shall consist of a captain, a first lieutenant, a second lieutenant, one first sergeant, five sergeants, eight corporals, two trumpeters, two farriers, two blacksmiths, a saddler, a wagoner, and not less than thirty men nor more than eighty-one privates.

Cavalry organization.

Sec. 3068. For all fines incurred under the provisions of this title, not otherwise provided for, each commanding officer shall, within five days after the penalty has been incurred, notify the delinquents of the amount of fines to which they have made themselves liable, and if such delinquents shall neglect or refuse to pay these fines, or fail to excuse themselves to the satisfaction of the commanding officer, within five days after such notice is given, a list thereof, and of the delinquents, shall be placed in the hands of justices of the peace within the townships in which the delinquents respectively reside, who shall thereupon render judgment against such delinquents separately, together with the costs of suit, without issuing process thereon, and shall issue execution thereon, without stay, directed to any constable of said township, who shall collect the same without exemption, and the money so collected, shall, after deduction of costs, be disposed of by such justices as provided in the next section.

Suits for recovery of fines.

Sec. 3069. All fines and dues shall be paid to the treasurer of the battalion, regiment, company, troop, or battery, for the use of such organization.

To whom to be paid.

#### CHAPTER 4.

##### UNIFORMS, ARMS, DRILL, AND PAY.

Sec. 3070. The fatigue and dress uniform of the officers and enlisted men shall conform to and correspond with the uniform prescribed for the United States army, except the coat-of-arms, which shall be that of the State.

Uniforms.

Sec. 3074. Every regiment, battalion, company, troop or battery organized under the provisions of this act, shall be furnished with the necessary arms and equipments on application to the adjutant-general, and on delivering to him a sufficient bond to the State, approved by the probate judge of the county in which such regiment, battalion, company, troop or battery is situated, signed by the officer commanding such organization, for the safe-keeping and return of the same whenever required by the commander-in-chief. Such arms and equipments shall be receipted for by each officer receiving the same, to be held and accounted for as public property.

Arms, equipment, etc.

##### DRILLS AND ENCAMPMENTS.

Sec. 3076. Each company of the national guard shall assemble for drill and instruction at least twice in each month from October to April, inclusive, once and in each month from May to September, inclusive, and the commanding officer of each regiment and battalion shall inspect at least one drill of each company of his command during the semi-monthly drill season, or detail a field officer for such inspection. The companies of any regiment or battalion may be assembled for battalion drill one day in each year. The commanding officer of each regiment and battalion shall call meetings of the commissioned officers of his command at the place most convenient, at least once in each quarter, for instruction in tactics and customs of the service; but nothing in this section shall be construed as allowing compensation for attendance at such meetings.

Company, battalion and regimental drills; instruction in tactics, etc.

Rules in force during active service and encampment.

Exercises.

Violating bounds of encampment; penalty.

Sale, etc., of intoxicating liquor near encampment; penalty.

SEC. 3079. Whenever any portion of the national guard shall be ordered into active service, or while on duty at any encampment the rules and articles of war and general regulations for the government of the army of the United States shall be considered in force, and regarded as a part of this act, during the continuance of such service. While in camp the troops shall be thoroughly exercised in military drill, and in the routine of camp duty. The commanding officer of an encampment may fix certain bounds, not including any public road, within which no spectator shall enter without leave; and whoever intrudes within such limits, when forbidden to do so, or after entering by permission conducts himself in a disorderly manner, or whoever resists a sentry or guard, acting under orders to prevent such entry, or to prevent disorderly conduct, may be arrested by the commanding officer, or by his order, and taken before a justice of the peace of the proper township, and, upon conviction of the offense, shall be fined not more than fifty nor less than ten dollars and the costs of prosecution, and committed until such fine and costs are paid. Or, if any person shall temporarily erect any stand, booth, or other structure for the purpose of exposing for sale, giving, bartering, or otherwise dispose of any spirituous or other intoxicating liquors whatsoever, at or within a distance of one mile from any such parade or encampment, he may be put immediately under guard, and kept at the discretion of the commanding officer, and such commanding officer may turn over such person to any police officer or constable of the city, township or town wherein such duty, parade or drill, encampment or meeting is held, for examination or trial before any court of justice having jurisdiction of the place.

#### PAY.

Pay, etc., during actual service and encampments, how paid.

SEC. 3083. Payments under the last two sections shall be made on the pay-rolls prepared according to such forms as the adjutant-general shall direct, upon warrant of the adjutant-general, approved by the governor, out of moneys in the treasury appropriated for that purpose; and the necessary commissary and quartermaster stores, and medical supplies, and transportation for the troops in actual service, and, while attending the annual encampment, shall be contracted for by the proper department officers, by direction of the commander-in-chief, and paid for in like manner.

Pay for service and attendance on courts-martial, etc.

SEC. 3084. Compensation for service and attendance upon courts-martial and courts of inquiry appointed by the commander-in-chief, shall be as follows: The judge-advocate and members shall receive three dollars each for each day's attendance, and five cents per mile for traveling to and from sessions; provost-marshals shall be allowed for their services the same as sheriffs are allowed for similar services, and witnesses shall receive fifty cents for each day's attendance, and five cents per mile for traveling to and from sessions. Vouchers for such compensation shall be certified as correct by the president of the court or board, approved by the adjutant-general, and audited and paid as other accounts against the State.

3083, 3084, 3085, 3104, 3105, and sections 3033, 3034, 3035, 3038, 3039, 3046, 3071, 3081 and 3082, as amended April 19, 1881, (78 v. 287), sections 3078, as amended April 19, 1881, (78 v. 287), and April 2, 1884, (81 v. 97) and section 3080, as amended April 3, 1883, (80 v. 93), be and the same are hereby repealed.

Discharge of  
now enlisted  
men.

SECTION 6. Any enlisted man in the service of the State at the time of the passage of this act, if he shall so elect, shall be discharged at the end of three years from the date of its passage.

SECTION 7. This act shall take effect and be in force from and after its passage.

JOHN C. ENTREKIN,  
*Speaker of the House of Representatives.*

ROBT P. KENNEDY,  
*President of the Senate.*

Passed April 28, 1886.

[Senate Bill No. 84.]

AN ACT

To amend section 4000 of the Revised Statutes of Ohio, as amended April 18, 1883, (O. L., v. 80, p. 172).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 4000 of the Revised Statutes of Ohio, as amended April 18, 1883, be so amended as to read as follows:

Cleveland  
public libra-  
ry board.

SEC. 4000. The public library board of the city of Cleveland shall consist of seven suitable persons, residents of said city, no one being a member or officer of the board of education. The members of the library board shall serve without compensation, and hold their offices for three years, and until their successors shall have been elected and qualified, except that at the first election two of the board shall be elected for one year, two for two years, and three for three years. After said first election so many shall be elected each year as equals the number whose term expires that year. They shall be elected by roll-call as in other cases, by the board of education of the city of Cleveland, at its first regular meeting after the third Monday of April, 1886, and annually thereafter as hereinbefore provided. The board of education shall have power at any time to fill vacancies in the library board for unexpired terms by election as aforesaid.

SECTION 2. That said section 4000, as amended April [18], 1883, (O. L., v. 80, p. 172), be and the same is hereby repealed.

SECTION 3. This act shall take effect from and after its passage.

JOHN C. ENTREKIN,  
*Speaker of the House of Representatives.*

ROBT P. KENNEDY,  
*President of the Senate.*

Passed April 28, 1886.