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ACTS

OF THE

GENERAL ASSEMBLY

OF THE

COMMONWEALTH OF KENTUCKY,

PASSED AT THE

REGULAR SESSION OF THE GENERAL ASSEMBLY, WHICH WAS
BEGUN AND HELD IN THE CITY OF FRANKFORT, ON
FRIDAY, THE THIRTIETH DAY OF DECEMBER,
EIGHTEEN HUNDRED AND EIGHTY-SEVEN.

VOLUME 1.

PROPERTY OF THE STATE OF KENTUCKY.

FRANKFORT, KY.
THE CAPITAL OFFICE, JOHN D. WOODS, PUBLIC PRINTER AND BINDER.
1888.

keep a cross-index to said book, referring to all executions entered therein by the names of each plaintiff against the defendants, and in the name of each defendant *ads* the plaintiffs, and refer to the executions by their numbers, as numbered on said book. This act shall apply to Daviess county only.

§ 2. That this act shall take effect from its passage.

Approved May 8, 1888.

CHAPTER 1525.

AN ACT to amend an act, entitled "An act in relation to the militia of this Commonwealth, and the organization of the Kentucky State Guard," approved April 8th, 1878, and the amendments thereto, approved respectively May 5th, 1880, and December 16th, 1882.

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

That an act, entitled "An act in relation to the militia of this Commonwealth, and the organization of the Kentucky State Guard," approved April 8th, 1878, and the amendments thereto, approved respectively May 5th, 1880, and December 16th, 1882, be, and the same are hereby, amended as follows:

§ 1. It shall be unlawful for any body of men whatever, other than the regular organized militia of this Commonwealth, and the troops of the United States, to associate themselves together as a military company or other armed organization, or to drill or parole with arms anywhere in this Commonwealth, without the license of the Governor thereof, which license may, at any time, be revoked: *Provided*, That nothing herein contained shall be construed so as to prevent benevolent or social organizations from wearing swords, or students in educational institutions chartered by the Legislature, wherein military science is part of the course of instruction, from drilling and parading with arms in public, under the superintendence of their instructors, or honorably discharged soldiers of the

United States Army from parading or doing escort duty with arms. This section shall not apply to the Louisville Light Infantry.

§ 2. Whoever offends against the provisions of the preceding section, or belongs to or parades with any such unauthorized body of men with arms, shall be punished by a fine not exceeding the sum of ten dollars, or by imprisonment in the county jail for a term not exceeding six months, or both.

§ 3. Unless otherwise specially ordered, all elections shall be held at the armory or other ordinary place of meeting of each company or other command ; and field and staff officers may vote likewise at their ordinary headquarters.

§ 4. The Adjutant-General shall order elections, on reasonable notice, before each term of office expires, and to fill vacancies ; and all officers, except those of the staff, shall be elected by persons subject to military duty within their respective companies, battalions, regiments, or other commands, and the person receiving a majority of the votes cast shall be elected.

The mustering officer shall make a certified statement of the number of votes cast, and of the result of the election, direct to the Adjutant-General, who shall at once issue his order announcing the result, and the person elected shall, if not already a member of the State Guard, at once enlist in some company of the organization, and be thereupon entitled to command.

§ 5. No primary election in a company shall be valid unless at least forty votes be cast, but in all elections thereafter held in said company, the election shall be valid if a majority of the members of the company shall vote or be present ; and when less than a majority of the members are present, the mustering officer may continue the balloting for such time as he may deem reasonable to enable a majority or all the members to vote.

§ 6. Where, by any accident or neglect, the term of a commissioned officer shall expire without an election

having been held to choose his successor, the office shall not be deemed vacant until his successor is elected and qualified, unless the resignation of such officer be accepted by the Governor, or he be dismissed from the service upon sentence of a general court-martial.

§ 7. Every staff officer shall, on receiving his commission, take the oath of office prescribed in the Constitution, and in addition thereto the following: "And I further swear that I will well and truly execute and obey the lawful orders of all officers legally placed over me when on duty." The person who administers the oath shall furnish a certificate thereof to the officer, and shall also indorse on the commission the fact of qualification. The certificate shall be immediately forwarded to the Adjutant-General.

§ 8. So much of section 24 of the act in relation to the militia, approved April 8, 1878, as requires regimental or battalion adjutants and quartermasters to be appointed from among the company officers, is repealed.

§ 9. It shall be the duty of the Governor, whenever he may deem it necessary for the safety or welfare of the Commonwealth, or when any actual or threatened invasion, insurrection, domestic violence or other danger to the public interest makes it necessary to employ military force in aid of the civil power of the government, for the enforcement of law, or to preserve the peace and the security of the rights, lives or property of citizens, to order into active service so much of the State Guard or military force of the Commonwealth as he may deem necessary; and he may employ them anywhere in the Commonwealth.

§ 10. The military shall be at all times and in all places in strict subordination to the civil power.

§ 11. When in active service, the Governor may direct the commanding officer of the military force to report to any one of the following-named officers of

the district in which the said force is employed :
mayor of a city, sheriff, jailer or marshal.

§ 12. A general court-martial shall be composed of
Court-martial. not less than three and not more than seven commis-
sioned officers of the line, field or staff, and shall be
convened only by order of the Governor. Such court
Jurisdiction. shall have jurisdiction of all offenses against the mil-
itia or military laws of the Commonwealth, and the
rules and articles of war, committed by persons in the
militia or military service of the Commonwealth, and
of like offenses against the Commonwealth in time of
war or public danger, as are made cognizable by such
court under the laws creating and governing the army
Laws applicable. of the United States. And in all respects, except as
may be otherwise specially provided by statute, the
laws, rules and regulations governing general courts-
martial and their proceedings in the army of the
United States, shall apply to and regulate the militia
or military force of the Commonwealth. But for any
act done under color or in virtue of his office by a
Liability. military officer, for which he may be civilly liable,
the action shall be brought in the Franklin circuit
court.

§ 13. On all judgments of general or company
Judgments. courts-martial imposing a fine, a *capias pro fine* shall
issue if the fine be not paid, and shall be executed
by any sheriff, constable, marshal or jailer to whose
hands the same may come.

§ 14. No member of the State Guard, or of the mil-
itia of the reserve, shall improperly use any public
Arms and equip- arm, equipment or property. For violation of this
ments. section the penalty shall be a fine of not more than
five dollars, if the offense be tried by a company
Penalty. court-martial, and not more than fifty dollars if the
offense be tried by a general court-martial.

§ 15. The staff of the Governor shall consist of not
Governor's staff more than ten officers, as follows : an Adjutant Gen-
and rank. eral with the rank of Brigadier General, who shall
be *ex officio* chief of the staff ; Commissary General,

Quartermaster General, and Inspector General, a Judge Advocate General, a Surgeon General, an Assistant Adjutant General, each with the rank of Colonel; and whenever he may deem it necessary for the public service, such aids or other officers corresponding with the staff corps of the regular army of the United States, as he shall appoint, whose grade shall not be higher than Colonel. The Governor may likewise direct the appointment by his subordinates, of the proper number of staff officers corresponding with those of the regular army of the United States. The duties of officers of the staff shall be such as are ^{Staff officers' duties.} prescribed by the statutes of this Commonwealth, and the laws, rules, and regulations, creating and governing similar offices in the army of the United States, so far as applicable, and subject to such modifications as the Governor may prescribe.

§ 16. It shall not be necessary to precede regimental ^{Regimental officers.} by battalion organizations; and in all regimental organizations there shall be elected one colonel, one lieutenant colonel, and one major.

§ 17. All laws or parts of laws in conflict herewith are hereby repealed.

§ 18 This act shall take effect from its passage.

Approved May 4, 1888.

CHAPTER 1528.

AN ACT to regulate the salaries of circuit judges in this Commonwealth.

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

§ 1. That hereafter the salaries of circuit judges in ^{Salaries.} this Commonwealth shall be three thousand dollars per year.

§ 2. That all acts or parts of acts inconsistent herewith be repealed.

§ 3. This act shall be in force from its passage.

Approved May 4, 1888.