

L A W S
OF THE
STATE OF NEW YORK,

PASSED AT THE
ONE HUNDRED AND TWENTY-FIRST SESSION

OF THE
LEGISLATURE,

BEGUN JANUARY FIFTH, 1898, AND ENDED MARCH THIRTY-
FIRST, 1898, IN THE CITY OF ALBANY.

VOL. I.



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L A W S
OF THE
STATE OF NEW YORK.

PASSED AT THE ONE HUNDRED AND TWENTY-FIRST REGULAR SESSION OF THE
LEGISLATURE, BEGUN THE FIFTH DAY OF JANUARY, 1898, AND ENDED THE
THIRTY-FIRST DAY OF MARCH, 1898, AT THE CITY OF ALBANY.

Chap. 1.

AN ACT making appropriation for contingent expenses of the
legislature.

Became a law January 18, 1898, with the approval of the Governor.

Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and
Assembly, do enact as follows:*

Section 1. The sum of twenty-seven thousand five hundred
dollars is hereby appropriated, out of any moneys in the treasury
not otherwise appropriated, for advances by the comptroller to
the clerks of the senate and assembly for contingent expenses
and clerical services for the legislature, as may be approved on
the part of the senate by its temporary president and on the
part of the assembly by the speaker of the assembly.

§ 2. This act shall take effect immediately.

Chap. 2.

AN ACT to amend chapter seven hundred and five of the laws of
eighteen hundred and ninety-seven, entitled "An act for the pro-
tection of fish in Chautauqua lake, in Chautauqua county.

Became a law January 27, 1898, with the approval of the Governor.

Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and
Assembly, do enact as follows:*

Section 1. Sections two, three, four and five of chapter seven
hundred and five of the laws of eighteen hundred and ninety-
Act amended.

after the payment of the expenses of operating the same, and any moneys which may come into their hands from other sources on account of the water works, to the payment of the principal and interest of said bonds, certificates or other obligations, and if said rents and income and other moneys, shall be insufficient for such purpose, then it shall be the duty of said board of trustees to provide for the payment of the balance of the principal and interest of said bonds, certificates or other obligations, in the manner now provided by law.

§ 2. This act shall take effect immediately.

Chap. 212.

AN ACT in relation to the militia, constituting chapter sixteen of the general laws.

Became a law April 2, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

CHAPTER XVI OF THE GENERAL LAWS.

THE MILITARY CODE.

- Article**
- I. The militia of the state. (§§ 1-19.)
 - II. The national guard of the state. (§§ 21-34.)
 - III. The naval militia of the state. (§§ 41-46.)
 - IV. Commissioned officers of the national guard and naval militia. (§§ 51-66.)
 - V. Enlisted men of the national guard and naval militia. (§§ 71-79.)
 - VI. Service of the national guard and naval militia. (§§ 81-90.)
 - VII. Military courts. (§§ 91-118.)
 - VIII. Arms, uniforms and equipments for the national guard and naval militia. (§§ 121-126.)
 - IX. Armories. (§§ 131-143.)
 - X. Pay and allowances. (§§ 151-166.)
 - XI. Privileges, prohibitions and penalties. (§§ 171-177.)
 - XII. Miscellaneous provisions. (§§ 181-191.)

ARTICLE I.

THE MILITIA OF THE STATE.

Section 1. Persons subject to militia duty; exemptions.

2. Enrollment.

division or signal corps for which the same is held in trust. The bond now required by law to be given by county treasurers for the faithful discharge of their duties, shall be held to apply to any moneys that may come into their hands under the provisions of this chapter, but no fees or commissions on any such moneys shall be charged, received or retained by any county treasurer. The adjutant-general is hereby authorized and empowered to draw, use and apply to the benefit of the national guard and naval militia any and all moneys and balances remaining in the hands of the several county treasurers of the state, to the credit of any organizations of the national guard or naval militia which have been disbanded, or to pay audited bills of disbanded national guard or naval militia organizations from such funds, or from unexpended national guard or naval militia appropriations where balances remain. The several county treasurers of this state are authorized and directed to pay to the adjutant-general, upon his order, all moneys remaining in their hands to the credit of any disbanded organization of the national guard or naval militia. The certificate of the adjutant-general shall be sufficient evidence of the disbandment of any such organization. The use or appropriation by a county treasurer of any money belonging to the military fund of an organization of the active militia to any other use or purpose different from that authorized by this chapter, shall constitute the crime of larceny and be punished accordingly.

ARTICLE XI.

PRIVILEGES, PROHIBITIONS AND PENALTIES.

Section 171. Exemption from civil process.

172. Right of way in streets.

173. Free passage through toll gates.

174. Exemption from jury duty.

175. Unlawful conversion of military property; unlawful wearing of uniforms and devices indicating rank.

176. Trespassers and disturbers to be placed in arrest; liquors and huckster sales prohibited.

177. Military parades by unauthorized bodies prohibited.

Section 171. Exemption from civil process. No person belonging to the active militia of the state shall be arrested on any civil process while going to, remaining at, or returning from any place at which he may be required to attend for military duty.

bers of the order of Sons of Veterans, shall be guilty of a misdemeanor and in addition thereto shall forfeit to the people of this state one hundred dollars for each offence, to be sued for in the name of the people by a judge-advocate. All money recovered by any action or proceeding under this section shall be paid to the adjutant-general who shall apply the same to the use of the active militia.

§ 176. **Trespassers and disturbers to be placed in arrest; liquors and huckster sales prohibited.** The commanding officer upon any occasion of duty may place in arrest during the continuance thereof any person who shall trespass upon the camp ground, parade ground, armory or other place devoted to such duty, or shall in any way or manner interrupt or molest the orderly discharge of duty by those under arms, or shall disturb or prevent the passage of troops going to or returning from any duty. He may prohibit and prevent the sale or use of all spirituous liquors, wine, ale or beer, the holding of huckster or auction sales, and all gambling within the limits of the post, camp ground, place of encampment, parade or drill under his command or within such limits not exceeding one mile therefrom as he may prescribe. And he may in his discretion abate as common nuisances all such sales.

§ 177. **Military parades by unauthorized bodies prohibited.** No body of men, other than the regularly organized corps of the national guard and militia and the troops of the United States except such independent military organizations as were on the twenty-third day of April, eighteen hundred and eighty-three, and now are, in existence, shall associate themselves together as a military company or organization, or parade in public with firearms in any city or town of this state. No city or town shall raise or appropriate any money toward arming or equipping, uniforming or in any other way supporting, sustaining or providing drill-rooms or armories for any such body of men; but associations wholly composed of soldiers honorably discharged from the service of the United States, or members of the order of Sons of Veterans may parade in public with firearms on Decoration day or upon the reception of any regiments or companies of soldiers returning from such service, and for the purpose of escort duty at the burial of deceased soldiers, and students in educational institutions where military science is a prescribed

part of the course of instruction may, with the consent of the governor, drill and parade with firearms in public under the superintendence of their teachers. This section shall not be construed to prevent any organization authorized to do so by law from parading with firearms, nor to prevent parades by the national guard or naval militia of any other state. The independent military organizations mentioned in this section, not regularly organized as organizations of the national guard, are hereby made subject to the orders of the governor in case of emergency or necessity, to aid the national guard in quelling invasion, insurrection, riot or breach of the peace, provided the officers and members of such organization shall, when so called upon, first sign and execute and deliver through their commanding officer to the officer commanding the national guard, to whom it is ordered to report, a form of enlistment in form to be prescribed by the governor in regulations or orders for a term not less than thirty days nor more than ninety days at one time; and if the service of such organization shall not be required for the full term of their enlistment, they shall be discharged by the order of the governor. All members of such independent organizations when called into the service of the state, as herein provided for, shall be equipped and paid by the state, and shall be protected in the discharge of their duties, and in obeying the orders of the governor, as though a part of the national guard of the state. Any person violating any provision of this section shall be deemed guilty of a misdemeanor.

ARTICLE XII.

MISCELLANEOUS PROVISIONS.

Section 181. Bands.

182. Joint service on land.

183. Duties by title of office.

184. Formation of associations; by-laws.

185. Violation of by-laws; expulsion.

186. Rules and regulations.

187. Custom and usage of the United States army and navy.

188. Organizations not attached to a brigade.

189. Laws repealed.

190. Name of this chapter.

191. When to take effect.