

6th. Commissioned officers who shall have served as such in the militia of this state, or in any one of the United States, for the space of seven years; but no officer shall be so exempt unless by his resignation after such term of service duly accepted, or in some other lawful manner, he shall have been honorably discharged.

7th. Every non-commissioned officer, musician and private, of every uniform company or troop raised or hereafter to be raised, who has or shall hereafter uniform himself according to the provisions of any law of this state, and who shall have performed service in such company or troop for the space of seven years from the time of his enrollment therein, shall be exempt from military duty, except in cases of war, insurrection or invasion.

Time of
service how
computed.

§ 2. If any member of such company or troop, who shall have been regularly uniformed and equipped, shall, upon his removal out of the beat of such company or troop, or upon the disbandment thereof, enlist into any other uniform company or troop, and uniform and equip himself therefor, and serve in the same, whenever the whole time of his service in such companies or troops, computed together, shall amount to seven years, he shall be exempt from military duty in like manner as if he had served for the whole period in the company or troop in which he was first enrolled.

§ 3. Idiots, lunatics, paupers, habitual drunkards and persons convicted of infamous crimes shall not be subject to military duty.

OF THE ENROLLMENT OF PERSONS SUBJECT TO MILITARY DUTY.

Enrollment

§ 4. Under the direction and superintendence of the Commander-in-Chief, all persons liable to military duty within this state, who are not already members of the organized militia thereof, shall, immediately upon the passage of this act, and from time to time thereafter, as the Commander-in-Chief shall deem necessary, but as often as once in every two years, be enrolled by the captain or commandant of the company district within whose bounds such person shall reside, or if there be no such captain or commandant, then by an officer to be detailed by the commanding officer of the regiment in which such company district is situated, or to be appointed by the Commander-in-Chief. Such enrollment

shall distinctly specify the names and residences of the persons enrolled, and shall also divide the same into two classes, the persons between the ages of eighteen and thirty years to constitute one class, and the persons between the ages of thirty and forty-five years to constitute the other class; four copies of such enrollment shall be prepared by the officer making the same, one of which, after the same shall have been corrected as hereinafter provided, shall be retained by him, another shall be filed in the office of the town or city clerk in which such company district is situated, if there be such office, another shall be filed in the office of the clerk of the county where such district is situated, and the fourth shall be filed in the Adjutant General's office; the officer making such enrollment may, with the approval of the Commander-in-Chief, appoint one or more of his non-commissioned officers or other proper persons, to assist in making said enrollment and copying said rolls; the persons making such enrollment shall be compensated at the rate of one dollar and fifty cents per day for every day necessarily spent in making and copying the same; the number of days to be certified by the commandant of the regiment, and not to exceed ten, and the amount of such compensation to be paid by the Comptroller upon production of such certificate, together with the certificates of the town clerk, county clerk and Adjutant General that such rolls have been duly filed in their offices. Such rolls shall be so filed on or before the first day of July in each year in which such enrollment shall be made.

Rolls to be filed.

Compensation.

Time for filing rolls.

Assessment rolls and poll lists may be examined.

§ 5. For the purpose of preparing such enrollment, the assessors in each city, village, town or ward of this state, shall allow captains or commandants of companies or other officers appointed for that purpose, as above provided, at all proper times to examine their assessment rolls and to take copies thereof, and the clerks of all towns and cities shall in like manner, at all proper times, allow the said commandant or other officer to examine and copy the poll lists on file in their offices.

§ 6. All tavern keepers, keepers of boarding houses, persons having boarders in their families, and any master and 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 resid-

Tavern keepers, &c. to give information.

ing or lodging in such house liable to be enrolled, and all other proper information concerning such persons as such officer may demand.

Penalties
for refusal.

§ 7. If any person of whom information is required by any such officer, in order to enable him to comply with the provisions of this act, shall refuse to give such information, or shall give false information, he shall forfeit and pay ten dollars for each item of information demanded of him by any such officer and falsely stated, and the like sum for each individual name that may be refused, concealed or falsely stated; and every person who shall refuse to give his own name and proper information, when applied to by any such officer, or shall give a false name or information, shall forfeit and pay a like sum; such penalties to be recovered in any court of competent jurisdiction, in the name of the people of the State of New York; and it is hereby made the duty of such officer to report the names of all persons who may incur any penalty in this section prescribed, to the commandant of the regimental district in which they reside.

Publica-
tion to be
made.

§ 8. Whenever an enrollment shall be made as provided in this act, the clerk of the board of supervisors of each county shall cause to be published, once a week for four weeks previous to the first day of August, in a newspaper published in such county, a notice that such rolls have been completed and filed as aforesaid, which notice shall also specify that any person who claims that he is, for any reason, exempt from military duty, shall on or before the fifteenth day of August, then next ensuing, file a written statement of such exemption verified by affidavit in the office of said town or city clerk, or of the county clerk, if there be no such town or city clerk, and the publication of such notice, shall be a sufficient notice of such enrollment to all persons named therein; such roll shall be made in the form prescribed by the Commander-in-Chief, and the Adjutant General shall furnish to all commandants of companies suitable blanks and instructions therefor.

Persons
claiming to
be exempt
to file state-
ment.

Blanks to
be furnish-
ed.

§ 9. Such commandant shall not include in said enrollment the names of any officers nor members of the uniformed militia of this state, nor of the officers or members of any fire company, and the foreman of every fire company in any city, village or town of this state, shall,

Foreman of
fire com-
panies to
file list of
members.

before the fifteenth day of May in each year, file in the office of the town or city clerk, a list containing the names of all persons belonging to their respective companies, which list shall show the town or ward in which each member of such company resides.

§ 10. All persons claiming exemptions shall file a written statement of the same verified by affidavit in the office of the town or city clerk, or of the county clerk, in case there be no such town or city clerk, on or before the fifteenth day of August, in default of which such person shall lose the benefit of such exemption, except such as are especially exempt by act of congress.

Time and place of filing exemptions.

§ 11. The captain, commandant, or other officer making such enrollment, shall thereupon, if such person be exempt, according to law, mark the word "exempt" opposite the name of each person presenting such exemption; if such exemption be permanent the name of such person shall not be included in any subsequent enrollment. If any person shall swear falsely in such affidavit, he shall be guilty of perjury.

Exempt persons not to be subsequently enrolled.

§ 12. The persons thus enrolled shall form the reserve militia of the state of New York; those between the ages of eighteen and thirty years shall constitute the reserve of the first class, and those between the ages of thirty and forty-five years shall constitute the reserve of the second class.

The reserve militia.

§ 13. The reserve militia of the first and second classes, except such as shall volunteer, or be drafted as members of the national guard as hereinafter provided, shall assemble in their several company districts, armed and equipped, as provided by law, for parade and inspection, on the first Monday of September in each year, at such hour and place as the captain or commandant shall designate in orders to be posted in three public places in the said company district for ten days, and shall be under the orders of the captain or commandant of such district, and such captain or commandant shall make a roster of all such as shall attend at such parade, armed and equipped as aforesaid, and shall file a copy of the same on or before the tenth day of October, in the office of the Adjutant General and of the county clerk.

Parade and inspection.

§ 14. All persons duly enrolled as aforesaid, who shall neglect to attend said parade, shall be subject to a fine of one dollar, which, if not paid to the county treasurer on

Fine for non-attendance.

or before the first day of December, shall be collected by the collector or receiver of taxes of the town or city in which such company district is situated, and the supervisors of the several counties at their annual meetings are authorized and directed to annex a list of the several delinquents with the fines set opposite their respective names to the assessment rolls of the several towns and wards, and the warrants for the collection of the same shall direct the collectors and receivers of taxes to collect the amount from every person appearing by the said assessment roll liable to pay the same, in the same manner as taxes are collected. The same to be paid to the county treasurer, and when the name of any person, between the ages of eighteen and twenty-one years shall appear on the said roll liable to pay the said fine, the said warrant shall direct the collector to collect the same of the father, master or guardian with whom such person shall reside, or out of any property such minor may have in the city, village, town or ward; and such collector shall proceed and execute such warrant and no property now exempt from execution shall be exempt from the payment of such fine.

Duty of
county treas-
urer.

§ 15. The county treasurer of each county shall, on or before the fifteenth day of March in each year, pay to the Comptroller, upon his order, the sum of one dollar for each person so enrolled who does not appear from said roster to have attended such parade. And in case he shall not, on the presentation of such draft, have received all or any of the money directed by this act to be collected and paid to him, he is hereby authorized and directed to borrow an amount sufficient to pay said draft upon the credit of the county, and the sum borrowed shall be a county charge, to be assessed by the board of supervisors of said county at their next annual meeting, upon the taxable property of said county, and collected as other county assessments shall be assessed and collected. And it shall be the duty of the county treasurers of the several counties, and the commanding officers of the several regiments, to report and certify under oath to the board of supervisors at their annual meetings the deficiencies arising from the non-collection of military fines within their respective counties and regimental districts.

§ 16. The provisions of article first, title three, chapter thirteen of part first of the Revised Statutes, shall apply to this act so far as the same are applicable. Revised Statutes to apply.

§ 17. The bond required to be executed by the collector, receiver of taxes and county treasurer, shall apply to any moneys required to be collected for military purposes by this act. Bonds of collectors, &c., to apply.

§ 18. Any deficiency arising from the non-collection of said fines shall be a county charge, and shall be raised as aforesaid by the supervisors of said county by taxation, on the real and personal estates therein, in the manner now provided by law. Deficiencies to be a county charge.

§ 19. If any collector or receiver of taxes, county treasurer, town, county or city clerk, or supervisor, or any other civil or military officer, charged with any duty under the provision of this act, shall refuse or neglect to perform any of the duties required of him by this act, he shall forfeit and pay the sum of not less than twenty-five nor more than one hundred dollars for each and every offence, to be recovered in the name of the people of the State of New York; and if any of such officers shall willfully neglect or refuse to perform such duties as are hereby required, he shall be deemed guilty of a misdemeanor, and it shall be the duty of the district attorney of any county within which such delinquent offender resides, upon the complaint of the commanding officer of the regiment, to prosecute the same. Any penalty incurred and paid or collected under this section, shall be paid into the treasury of the county, and belong to the military fund of such regiment. Penalties of collectors, &c., in the case of neglect. Penalty to be paid into the county treasury.

OF THE GENERAL ORGANIZATION OF THE MILITIA, AND THE ORGANIZATION OF THE NATIONAL GUARD OF THE STATE OF NEW YORK.

OF ORGANIZATION.

§ 20. The Commander-in-Chief of the militia of this state shall organize and arrange the same, and the districts thereof, into divisions, brigades, regiments, battalions, squadrons, troops, batteries and companies, and cause the same to be numbered as nearly in conformity to the laws of the United States as local circumstances and the public convenience may permit, and may alter, divide, annex or consolidate the same and the districts Commander-in-chief to organize into districts, &c.