five years, in which case they shall rank as of the date of such detail and the governor may return them to the reserve list at his discretion. An officer on the reserve list shall not be detailed to active duty for more than nine-tailed to active duty for more than nine-teen days until he has passed the examination prescribed for like officers in section 12 of which he is detailed.

§ 12. Section seventy-nine of said chapter as last amended by chapter six hundred and forty-four of the laws of nineteen hundred and seventeen is hereby further amended to read as follows:

79. Retirement. Any officer of the national guard or naval militia who has attained the age of sixty-four years shall be discharged from active service and placed upon the retired list by the governor. Any commissioned officer who shall have served in the same grade for the continuous period of ten years, or in the military or naval service of the state as a commissioned officer for fifteen years, or in the case of an officer of the naval militia retiring such service may have been in the naval service of the United States combined with the United States combined for fifteen years, provided at least ten years of such service shall have been in the state, may, upon his own request, be placed on the retired list. The governor may in his discretion detail officers from the retired list to active duty and upon them to such duty in his discretion provided that officers retired for age shall not be detailed to command troops but only to perform duties of staff corps or departments or to sit on military courts or boards, except in time of war or imminent danger when such officer may be detailed by the governor to perform any military duty designated by him.

§ 13. Section eighty of said chapter as amended by chapter six hundred and forty-four of the laws of nineteen hundred and seventeen is hereby further amended to read as follows:

80. Examination and discharge of officer. The governor may, whenever he may deem that the good of the service requires it, order any commissioned officer before a board of examination, to consist of three officers senior in rank to the officer whose fitness for service is under examination, which is hereby invested with the powers of courts of inquiry and courts-martial, and such board shall examine into the mental character, sobriety and general fitness for the service of such commissioned officer, and record and return the testimony taken and a report of the facts and the finding of such board be unfavorable to such officer and be approved by the governor, he shall be discharged from the service. No officer shall be made or promotion would in any way be affected by the decision of such board, in any case that may come before it, notwithstanding the examination or decision of the board in such case. Failure to appear when ordered before a board constituted under this section shall be sufficient ground for a finding by such board that the officer ordered to appear be discharged. Upon the recommendation of the board, an officer discharged under the provisions of this section may be placed upon the retired list by the governor when the discharge is based solely because of physical inability to perform active service. An officer discharged under the provisions of this section shall not be eligible for re-appointment as a commissioned officer in the militia, unless he first re-enlists and shall have performed at least eighty-four days in each year after such enlistment for three successive years.

§ 14. Section eighty-a of said chapter as added by chapter six hundred and forty-three of the laws of nineteen hundred and fifteen is hereby amended to read as follows:

80-a. Reserve list for enlisted men. There shall be a reserve list for enlisted men of the active militia. The governor may place on such reserve list any person who served in the active militia as an enlisted man and been honorably discharged therefrom. A duly qualified person who applies to be placed on this list will be enlisted therein for a period of one or three years under such conditions, as may be prescribed by regulations. Such enlistment shall be credited to a person thereon in the computation of seniority, pay, length of service, privileges and exemptions pertaining thereto.

§ 15. Section eighty-one of said chapter as amended by chapter six hundred and forty-four of the laws of nineteen hundred and seventeen is hereby further amended to read as follows:

81. Dropping from rolls or dismissal. Any commissioned officer who absents himself without leave for three months shall be dropped from the rolls of the active militia. Enlisted men who have been absent without leave for a period of six months or more shall be dropped by the governor.

§ 16. Section eighty-five and ninety-six of said chapter as last amended by chapter six hundred and forty-four of the laws of nineteen hundred and seventeen are hereby further amended to read as follows:

§ 95. Enlistments. The qualifications for enlistment and re-enlistment in the national guard, the term and form of oath to be taken shall conform to the requirements of the laws of the United States relating to the national guard now in force or hereafter to be enacted.

§ 96. Enlistment papers. Every person who enlists or re-enlists shall sign and make oath to an enlistment paper. Such oath shall be taken and subscribed before an officer authorized to administer the same by the regulations issued under this chapter. A person making a false oath as to any statement contained in such enlistment papers shall upon conviction be deemed guilty of perjury.

§ 17. Section ninety-seven of said chapter as amended by chapter six hundred and forty-four of the laws of nineteen hundred and seventeen is hereby amended to read as follows:

97. Transfers. Enlisted men may be transferred to or from organizations, departments or corps or otherwise as provided by the regulations issued under this chapter.

§ 18. Sections ninety-eight and one hundred of said chapter as last amended by chapter six hundred and forty-four of the laws of nineteen hundred and seventeen are hereby further amended to read as follows:

98. Warrant officers; non-commissioned staff and chief petty officers; non-commissioned and petty officers. Warrant officers shall be appointed and warrants by the governor on the recommendation of the commanding officer of the organization with which they are to serve. Non-commissioned staff and chief petty officers, non-commissioned officers and petty officers shall be warranted—

a. In regiments, battalions or squadrons not part of a regiment and in other similar organizations by the commanding officer thereof;

b. In the quartermaster corps by the senior officer of the quartermaster corps unless otherwise prescribed herein. In the enlisted force in the medical department by the chief surgeon unless otherwise prescribed herein. In the staff corps and departments by the senior officer of the corps or department in which the enlisted man is to serve;

c. Petty officers of separate divisions by the commanding officer of the naval militia;

d. In all cases not hereinbefore provided for by the commanding general of the national guard.

All non-commissioned officers shall be warranted in the discretion of the officer having the warrant upon the written nomination of the officer under whose immediate command they shall respectively serve. When an examination is required by federal laws or regulations or by state regulations no enlisted man shall be warranted until he shall have successfully passed such examination. In all other cases warrants may be issued without examination. The officer warranting a non-commissioned or petty officer shall have power to reduce for the same.

§ 100. Restoration to duty. An enlisted man dropped as a deserter may be restored to duty by the governor and will thereafter serve for such period as added to the time served prior to his desertion will amount to the full term for which he enlisted.

§ 25. Section one hundred and ten of said chapter is hereby amended to read as follows:

§ 110. Responsibility for efficiency for service. The commanding general of the national guard and the commanding officer of the naval militia may each cause those under his command to perform any military duty he may require and shall be responsible to the governor for the general efficiency of the national guard or naval militia and for the drill, instruction, inspection, small arms and artillery practice, movements, operations and care of troops.

All other commanding officers shall be responsible for the immediate condition, movements and efficiency of their respective commands.

Every commissioned officer and enlisted man shall be responsible to the officer under whose immediate command he serves for promptness and unhesitating obedience, proper drill and the discipline. Proper use of the property of the United States, state or organization in his possession.

§ 26. Section one hundred and eleven of said chapter as amended by chapter six hundred and forty-four of the laws of nineteen hundred and seventeen is hereby further amended to read as follows:

§ 111. Drills and parades. Each company, troop, battery and detachment shall have labor target practice, not less than twenty-eight times each year, and shall in the exercise participate in streamers first participating in any such exercise.

§ 27. Section one hundred and twenty of said chapter is hereby amended to read as follows:

§ 120. Drills in forts and posts. The officer commanding officer may require the officers and enlisted man of his command to meet for parade, drill and instruction at such times and places as he may appoint. No parade or drill of the militia shall be ordered in time of peace for any day during which any general election shall be held, and in cases of riot, invasion or insurrection or imminent danger thereof.

§ 28. Section one hundred and twelve of said chapter is hereby amended to read as follows:

§ 112. Small arms practice. To encourage marksmanship the governor is authorized to offer annually a state decoration to those who shall excel in small arms practice; a prize not exceeding three hundred dollars in value, for competition among the organizations and corps of the national guard and naval militia, armed with rifle or carbine; a prize of one hundred dollars in value, for competition among the organizations and corps (1) attached to the division, (2) of the national guard, (3) of the naval militia, armed with rifle or carbine; and three prizes of the value of one hundred dollars, seventy-five dollars and fifty dollars respectively, for competition among the three companies (1) in organizations and corps attached to the division, (2) in each brigade and (3) in the naval militia, with the highest general figure of merit. The governor may also in his discretion provide suitable decorations and prizes for proficiency in practice with light and heavy guns. All such prizes to be competed for under regulations prescribed by the commanding general of the national guard and commanding officer of the naval militia approved by the governor. Members of any staff corps, corps or department assigned to duty with any command shall be considered a part of such command for the purpose of the competitions herein authorized.

§ 29. Section one hundred and fifteen of said chapter is hereby amended to read as follows:

§ 115. In case of insurrection or invasion. In case of insurrection or invasion or imminent danger thereof, within the limits of any command, the senior commanding officer of such command shall order out for the defense of the state, the forces under his command, or any part thereof, and immediately report his action and the circumstances of the case to the governor and the commanding general of the national guard or commanding officer of the naval militia, as the case may be.

§ 29. Section one hundred and eighteen of said chapter as amended by chapter six hundred and forty-four of the laws of nineteen hundred and seventeen, is hereby further amended to read as follows:

§ 118. Excuses from duty. The officer ordering court-martial may authorize the power to excuse any officer or enlisted man for absence therefrom upon good and sufficient grounds. The governor or commanding officer of the national guard or the commanding officer of the naval militia, with the approval of the governor, may relieve any officer from the further performance of such duty, and may order any other organization to perform such duty when in his opinion the public interest shall not curtail the rights of commanding officers to grant leave of absence and furloughs as provided by regulations, unless the same be specifically modified by orders from superior authority.

§ 30. Section one hundred and thirty-one of said chapter is hereby amended to read as follows:

§ 131. Courts of inquiry. Courts of inquiry, to consist of from one to three officers, may be ordered by any commanding officer, or with the senior officer if there be more than one, in regard to whom the court is ordered, may be ordered by the governor or the officer in charge of the commanding general of the national guard to examine into the nature of any transaction, of or accusation or imputation against any officer or soldier. The court shall, without delay, report to the officer ordering it the evidence adduced, a statement of the facts, and, when required, an opinion thereon. Any officer may request a court of inquiry.

§ 31. Section one hundred and thirty-seven of said chapter as added by chapter six hundred and forty-four of the laws of nineteen hundred and seventeen is hereby amended to read as follows:

§ 137. Warrants, subpoenas, attachments. In the national guard presidents of courts-martial and summary court officers shall have power to issue warrants to arrest accused persons and to bring them before the court for trial whenever such persons shall have disobeyed an order issued by or from the convening authority to appear before such court, a copy of the charge or charges having been delivered to the accused in such order, and to issue subpoenas and subpoenas duces tecum and to enforce by attachment attendance of witnesses and production of books and papers, and to sentence for a refusal to be sworn or to answer as provided in actions before civil courts.

All processes and sentences of said courts shall be executed by such civil officers as may be prescribed by the laws of the state. For this purpose the marshals provided for by section one hundred and forty of this chapter shall be deemed civil officers.

§ 32. Section one hundred and sixty-seven of said chapter as amended by chapter six hundred and forty-four of the laws of nineteen hundred and seventeen is hereby amended to read as follows:

§ 167. Responsibility for public property. Every officer and enlisted man to whom public property shall have been issued, shall be personally responsible to the state for such property, and no one shall be relieved from such responsibility, except it be shown to the satisfaction of the governor that the loss or destruction of such property was unavoidable and in no way the fault of the person responsible for the same; in all other cases the value of the property lost or destroyed in the amount determined by a surveying officer or a board as herein provided shall be charged against the person at fault or with the concurrence of its commanding officer, in the amount for which it had been issued, and if not relieved from such charge by the governor, it shall be an indebtedness from such person to the command to which it belongs. If the commanding officer of the organization so charged shall not concur in the finding of the surveying officer, then the value of lost or destroyed property and the person or command to be charged therewith, shall be determined by a board to consist of three officers appointed by the commanding general of the national guard or naval militia, as the case may be, and the amounts required shall be transmitted to the several county treasurers designated by the commissioners to receive the same which amounts shall be expended for the maintenance of the several armories as provided for in this chapter. The amount used for the current year, alteration, repair, enlargement, renting and equipping armories within each district shall be paid upon the warrant of the comptroller, upon the certificate of the armory commission for the purposes hereinabove specified. The armory commission in presenting its certificate to be transmitted to the comptroller shall deduct from the amount required by the estimate of the officer in charge and control of any armory, as approved, such balance as the treasurer of the county where such armory is located may have credited to it in his hands to the credit of such armory maintenance fund remaining from the appropriation of the preceding fiscal year and shall credit such balance to other moneys which are a part of said fund.

Upon the disbandment of a military or naval organization located in an armory outside of the city of New York, the armory commission shall certify to the comptroller the amount of maintenance funds to the credit of such organization and not required to meet its outstanding obligations, in the hands of the treasurer of the county where such armory is located, and upon receipt of such certificate the comptroller shall issue a requisition upon such county treasurer for the amount so certified and shall place such amount to the credit of the state treasurer and the credit of the brigade district from which it was originally collected, to be held by the treasurer and disbursed by him as part of the money collected for armory maintenance in such brigade district during the next fiscal year.

The fiscal year for the purposes of this chapter shall begin on the first day of July and end on the thirteenth day of June of the succeeding year.

§ 33. Section one hundred and seventy-nine of said chapter as added by chapter five hundred and fifty-eight of the laws of nineteen hundred and thirteen is hereby amended to read as follows:

179. Armories commissioners to furnish armories. Whenever it shall appear by the certificate of the commanding general of the national guard or the commanding officer of the naval militia that an organization of his command has at least the minimum number of enlisted men established by law, and is otherwise qualified required to perform the duties prescribed thereby, the armory commission of the brigade district in which such organization is located, shall, upon the demand of the commanding officer of such organization approved by the commanding general of the national guard or the commanding officer of the naval militia, as the case may be, and by intermediate commanding officers, provide such and suitable and convenient headquarters or quarters, within the boundaries of such brigade district, for the use of such organization, a suitable and convenient armory, drill room and place of deposit for the safe keeping of the arms, equipment, accoutrements, uniforms and military property as shall be required by the provisions of this chapter. The size, suitability and convenience of such armory, drill room, place of deposit and the suitability and convenience of the equipment shall be determined by the commanding officer of the brigade to which the organization of the national guard commanding such armory belongs or is attached, or by the commanding general of the national guard if the organization of the national guard is attached to a brigade, or in the case of the naval militia by the commanding officer thereof. The erection, repairs, alterations and equipment of all buildings or accommodations erected or rented at the expense of a brigade district shall be made under the direction and supervision of an inspector appointed by the armory commission of the brigade district. This section shall not apply to or affect any portion of the several counties lying within the boundaries of the city of New York.

§ 34. Section one hundred and eighty of said chapter as last amended by chapter one hundred and sixty-two of the laws of nineteen hundred and fourteen is hereby further amended to read as follows:

§ 180. Armories and headquarters; how provided for or constructed. Whenever the armory commission shall deem it expedient that an armory be provided for the use of one or more organizations of the national guard or naval militia or for the use of regimental, battalion, squadron or squadron headquarters, or the headquarters of a similar organization, the armory commission of the brigade district in which such organization or organizations or headquarters is located shall, except when such accommodation is provided by the national guard or naval militia, rent and equip in such brigade district a suitable and convenient armory or provide suitable accommodations and equipment for such headquarters. When two or more armories are located in one building the armory commission shall designate the armory in charge and control of the building and apportion the quarters of each organization and regulate the military use and the care of the entrances, drill rooms, armories and storage spaces of such building. Whenever in the opinion of the officer in charge and control of any armory or headquarters, the same shall be unfit for use as an armory or headquarters, he may make complaint to the armory commission; such commission forthwith shall make or cause to be made an examination of such armory or headquarters, and, if after such examination the commission shall decide that such armory or headquarters is unfit for use, it shall immediately direct the alteration, repair, enlargement or abandonment of the same, and, in case of an abandonment, provide another suitable armory or headquarters. Headquarters when provided shall be deemed for all purposes an armory within the meaning of that word whenever used in this chapter. This section shall not apply to or affect any portion of the several counties lying within the boundaries of the city of New York.

§ 35. Section one hundred and eighty-two of said chapter as amended by chapter five hundred and fifty-eight of the laws of nineteen hundred and thirteen is hereby further amended to read as follows:

§ 182. Headquarters for regiments and battalion composed of divisions, separate troops or companies. The armory commission shall, when practicable, provide in state arsenals or armories headquarters for regiments and similar organizations composed of separate troops, batteries or companies, and for battalions, squadrons and similar organizations not composed of separate companies or troops, batteries or companies and quarters for the field and staff officers, the non-commissioned staff officers and detachments attached to such organizations. Whenever it shall appear to the armory commission of the third or fourth brigade districts attached to a brigade, quarters cannot be provided in a state arsenal or armory for the organization, officers, commissioned staff officers or detachments hereinbefore specified, it shall be the duty of the armory commission of the brigade district or similar staff headquarters or quarters are to be located, to provide, upon the demand of the commanding officer of the organization requiring such headquarters or quarters, approved by the commanding officer of the brigade to which such organization is attached or the commanding general of the national guard or the commanding officer of the naval militia, as the case may be, and by intermediate commanding officers, such and suitable and convenient headquarters or quarters, within the boundaries of such brigade district, for the use of such organization, a suitable and convenient armory, drill room and place of deposit for the safe keeping of the arms, equipment, accoutrements, uniforms and military property as shall be required by the provisions of this chapter. The size, suitability and convenience of such armory, drill room, place of deposit and the suitability and convenience of the equipment shall be determined by the commanding officer of the brigade to which the organization of the national guard commanding such armory belongs or is attached, or by the commanding general of the national guard if the organization of the national guard is attached to a brigade, or in the case of the naval militia by the commanding officer thereof. The erection, repairs, alterations and equipment of all buildings or accommodations erected or rented at the expense of a brigade district shall be made under the direction and supervision of an inspector appointed by the armory commission of the brigade district. This section shall not apply to or affect any portion of the several counties lying within the boundaries of the city of New York.

§ 36. Section one hundred and eighty-three of said chapter as last amended by chapter one hundred and sixty-five of the laws of nineteen hundred and fourteen is hereby further amended to read as follows:

§ 183. Armories in the city of New York. In the city of New York the applications of commanding officers of organizations of the national guard or naval militia located in said city, approved by the commanding general of the national guard or the commanding officer of the naval militia, as the case may be, and by intermediate commanding officers, for suitable armories or headquarters and for alterations of and improvements of armories and quarters and for furnishing thereof shall be made to a board herein termed the armory board, to consist of the president of the board of estimate and of the board of aldermen, two commanding officers having headquarters in the city of New York and which shall be members of the national guard quartered in said city, to be designated from time to time by the commanding general of the national guard, the commanding officer of the naval militia and the president of the department of taxes and assessments. If the armory board approve such application, they shall make a recommendation to the commissioners of the sinking fund, who, if they concur therein, shall specify the sums to be appropriated for such purpose and such sums shall be included by the comptroller of said city in his departmental estimates for the ensuing year, and the board of estimate and apportionment and the board of aldermen are hereby directed to include such sums in the budget for the ensuing year; or the commissioners of the sinking fund may, from time to time, in their discretion authorize and direct the comptroller of the city to issue corporate stock of the city in such amount as shall be necessary to provide such sums or any part thereof, and the mayor and comptroller are hereby authorized and directed to sign such stock, which shall be redeemable not more than fifty years from the date of issue, and shall bear interest at the rate not to exceed six per centum per annum, and shall be made payable on the first day of February following the expiration of two months from the date of issue, and the amount thereof shall be raised in the next tax budget of said county succeeding their issue, and applied to the payment of the principal. Said county treasurer shall sell such certificates at public or private sale, and apply the proceeds thereof to the payment of such armory board compensation. In the city of New York the duties hereby imposed upon a county treasurer shall be performed by the chamberlain of said city, who shall raise the money necessary to comply with the provisions of this section by the issue and sale of revenue bonds of said city, the sum necessary to pay said bonds shall be included by the board of aldermen and board of estimate and apportionment in the annual tax budget of said city for expenses of said city for the year succeeding that in which said bonds were issued. Any county treasurer or chamberlain who shall neglect or refuse to perform any of the duties required by this section, shall be personally charged with the amount of all necessary disbursements of any action or proceeding brought to compel such performance, together with the reasonable additional allowance to the plaintiff or relator in such action or proceeding, to be fixed by the court.

§ 42. Section two hundred and twelve of said chapter as last amended by chapter four hundred and fifty-three of the laws of nineteen hundred and fifteen is hereby further amended to read as follows:

§ 212. Pay of officers serving on boards, commissions and courts. Members of boards and commissions created by this chapter, and all officers, detailed to serve on courts-martial or courts of inquiry, ordered by the governor, or under his authority by the commanding general of the national guard, or the commanding officer of the naval militia, or on any court of inquiry, court-martial or summary court, ordered by proper authority in pursuance of any provision of this chapter, shall be paid for each day actually employed in such board, commission, or court, or engaged in the business thereof, or in traveling to and from the same, as follows: An officer detailed to serve on a summary court for the trial of enlisted men shall be paid for each day actually employed therein, engaged in the business thereof, traveling to and from the same, and traveling expenses and subsistence, when such duty shall be performed at a place other than the city or town of his residence. An officer to whom a warrant for collection of fines under the sentence of a military court is delivered shall be paid by retaining to his own use, twenty-five per centum of the fines collected. Said percentage shall be taxed by the officer issuing the warrant and indorsed thereon and added to the amount collectible to satisfy the sentence of the court. In addition to this percentage a marshal of a military court shall be paid two dollars for each day actually employed in the execution of the duties required of him and mileage or actual necessary traveling expenses while engaged in executing any process or mandate of a military court. Mileage shall be computed at the rate of ten cents for each mile necessary traveled going and returning to serve any process or mandate of a military court, the distance to be computed from the place where it is served to the place where it is returnable.

§ 43. Section two hundred and twenty of said chapter as last amended by chapter two hundred and fifty-two of the laws of nineteen hundred and eighteen is hereby further amended to read as follows:

§ 220. Pensions. Every member of the militia who shall be wounded or disabled or has been so disabled in the performance of any actual service of this state within three years next prior to application for a pension under this chapter, in case of riots, tumults, breach of the peace, resistance to process, invasion, insurrection or imminent danger thereof, or whenever called upon in aid of the civil authorities, or while engaged in any lawfully ordered military duty, encampment or inspection, shall, upon proof of the fact, as hereinafter provided, be placed on the roll of invalid pensioners of the state, and receive such pension of any moneys in the treasury of the state, not otherwise appropriated, upon the audit of the adjutant-general of the state and approval of the governor, the like pension or reward that persons under similar circumstances receive from the United States, and every such member of the militia who shall receive his salary or compensation as such officer or employee, provided the period of such absence in any calendar year exceed thirty days. If the period of such absence in any calendar year exceeds thirty days he shall receive for such period of absence the excess of thirty days such part of his salary or compensation as such officer or employee as equals the excess, if any, of such salary or compensation of the commissary paid to him for the performance of such duty.

§ 50. Section two hundred and forty-seven of said chapter as added by chapter six hundred and twenty-seven of the laws of nineteen hundred and twenty is hereby amended to read as follows:

§ 247. Section two hundred and forty-four of said chapter is hereby amended to read as follows:

§ 244. Separate companies and separate divisions. The words "separate company," or "separate division," when ever used in this chapter shall be construed to apply to and mean separate companies or separate divisions existing, organized and recognized by the governor as such on April second, eighteen hundred and ninety-eight, irrespective of their being now or hereafter part of a regiment or battalion, or other similar organization and to such similar units as may have been since or may be hereafter created, and as may be certified by the adjutant-general of the state to be separate companies, or separate units or separate divisions within the meaning of this section, irrespective of their being or becoming parts of a regiment or battalion, or other similar organization.

§ 49. Subdivision one of section two hundred and forty-five of said chapter as added by chapter one hundred and three of the laws of nineteen hundred and eleven and as last amended by chapter six hundred and twenty-four of the laws of nineteen hundred and twenty is hereby further amended to read as follows:

1. Every officer and employee of the state or of a municipal corporation or of any other political subdivision thereof who is a member of the national guard or naval militia shall be entitled to absent himself from his duties or service while engaged in the performance of ordered military or naval duty, under the provisions of this chapter and while going to and returning from such duty. No such officer or employee shall be prejudiced by any person whatever directly or indirectly by reason of such absence to any loss or diminution of vacation or holiday privilege, nor be prejudiced by reason of such absence with reference to promotion or continuance in office or employment or to reappointment to office or to re-employment in the position of such officer or employee, while engaged in the performance of ordered military or naval duty as a member of the militia, or for an injury or disease resulting from such duty, or for the death of such member of the militia shall receive no salary or compensation as such officer or employee, provided the period of such absence in any calendar year shall not exceed thirty days. If the period of such absence in any calendar year exceeds thirty days he shall receive for such period of absence the excess of thirty days such part of his salary or compensation as such officer or employee as equals the excess, if any, of such salary or compensation of the commissary paid to him for the performance of such duty.

§ 50. Section two hundred and forty-seven of said chapter as added by chapter six hundred and twenty-seven of the laws of nineteen hundred and twenty is hereby amended to read as follows:

§ 247. Section two hundred and forty-four of said chapter is hereby amended to read as follows:

§ 244. Separate companies and separate divisions. The words "separate company," or "separate division," when ever used in this chapter shall be construed to apply to and mean separate companies or separate divisions existing, organized and recognized by the governor as such on April second, eighteen hundred and ninety-eight, irrespective of their being now or hereafter part of a regiment or battalion, or other similar organization and to such similar units as may have been since or may be hereafter created, and as may be certified by the adjutant-general of the state to be separate companies, or separate units or separate divisions within the meaning of this section, irrespective of their being or becoming parts of a regiment or battalion, or other similar organization.

§ 49. Subdivision one of section two hundred and forty-five of said chapter as added by chapter one hundred and three of the laws of nineteen hundred and eleven and as last amended by chapter six hundred and twenty-four of the laws of nineteen hundred and twenty is hereby further amended to read as follows:

1. Every officer and employee of the state or of a municipal corporation or of any other political subdivision thereof who is a member of the national guard or naval militia shall be entitled to absent himself from his duties or service while engaged in the performance of ordered military or naval duty, under the provisions of this chapter and while going to and returning from such duty. No such officer or employee shall be prejudiced by any person whatever directly or indirectly by reason of such absence to any loss or diminution of vacation or holiday privilege, nor be prejudiced by reason of such absence with reference to promotion or continuance in office or employment or to reappointment to office or to re-employment in the position of such officer or employee, while engaged in the performance of ordered military or naval duty as a member of the militia or for an injury or disease resulting from such duty, or for the death of such member of the militia shall receive his