

EXTRACTS FROM CHARTER AND AMENDMENTS.

AN ACT to Incorporate the Veterans of the National Guard,
Seventh Regiment, First Division, New York State Militia.

Passed March 11, 1861.

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

Section 1.—Linus W. Stevens, Morgan L. Smith, John M. Catlin, Washington R. Vermilye, Andrew A. Bremner, Abram Duryee, Marshall Lefferts, Philetus H. Holt, Charles Roome, Henry Meigs, Jr., Cyrus H. Loutrel, John H. Brower, Asher Taylor, Thomas M. Adriance, David T. Valentine, Edward A. Lambert, James B. Wilson, Samuel D. Denison, Theodore W. Todd, William Everdell, and such other persons as now are associated as the Veterans of the National Guard, or may hereafter become associated with them, are hereby constituted a body corporate by the name of "The Veterans of the National Guard."

Sec. 2.—The objects of said corporation are to afford pecuniary relief to indigent or reduced members, and their widows and children; to promote social union and fellowship, and preserve and continue the recollections of service in the National Guard.

Sec. 3.—The said corporation shall have power to make and adopt a Constitution and By-Laws, Rules and Regulations, for the admission of members, and their government, the election of officers and their duties, the suspending or expelling of members, and for the safe-keeping of its property and funds, and from time to time to alter or repeal such Constitution, By-Laws, Rules, and Regulations. The present officers shall hold their respective offices until others are chosen in their places.

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Sec. 6.—This act shall take effect immediately.

CHAPTER 314.

AN ACT to amend Chapter Forty-one of the Laws of eighteen hundred and sixty-one, entitled "An Act to Incorporate the Veterans of the National Guard, Seventh Regiment, First Division, New York State Militia."

Passed May 23, 1878.

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

Section 1. Section 1 of Chapter forty-one of the laws of eighteen hundred and sixty-one, entitled "An Act to Incorporate the Veterans of the National Guard, Seventh Regiment, First Division, New York State Militia," is hereby amended to read as follows:

Sec. 1. Linus W. Stephens, Morgan L. Smith, John M. Catlin, Washington R. Vermilye, and such other persons as now are associated as the Veterans of the National Guard, or may hereafter become associated with them, are hereby constituted a body corporate by the name of "The Veterans of the Seventh Regiment, N. G. S. N. Y."

Sec. 2. This act shall take effect immediately.

THE BENEVOLENT FUND OF THE VETERANS OF
THE SEVENTH REGIMENT, N. G. S. N. Y.

CHAPTER 89.

AN ACT to amend Chapter Forty-one of the Laws of eighteen hundred and sixty-one, entitled, "An Act to Incorporate the Veterans of the National Guard, Seventh Regiment, First Division, New York State Militia."

Passed April 9th, 1882, three-fourths being present.

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

Section 1.—Section Four of Chapter Forty-one of the Laws of eighteen hundred and sixty-one, entitled, "An Act to Incorporate

the Veterans of the National Guard, Seventh Regiment, First Division, New York State Militia," is hereby amended to read as follows :

Section 4.—The said Corporation may purchase and hold real or personal estate, and is authorized to accumulate a fund for the pecuniary relief of indigent and reduced members, and of their widows and children, to be called the "Benevolent Fund of the Veterans of the Seventh Regiment, N. G. S. N. Y.," and said Fund shall be administered by Officers of said Association, who shall be the Colonel, Paymaster, and Chaplain of said Association, as Trustees. The said Fund shall be invested in the manner required by law for the investment of trust funds, and no more than its income shall be used or disbursed in any one year. Additions to the said Fund may be made by appropriations from the said Association, by donation, and by legacies and devises to the said Association, which it is hereby authorized to receive and apply in the manner aforesaid.

This Act shall take effect immediately.

EXTRACTS FROM THE CONSTITUTION.

ARTICLE I.

OFFICERS.

The officers of the Association shall be a Colonel, Lieut.-Colonel, Major, Adjutant, Quartermaster, Paymaster, Chaplain, Commissary, Surgeon, ten Captains and ten Lieutenants, who shall constitute a Board of Management, and who shall conduct the affairs of the Association.

The said Colonel, Lieut.-Colonel, Major, Adjutant and Paymaster shall respectively be ex-officio President, first and second Vice-Presidents, Secretary and Treasurer.

All officers shall hold office for two years.

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ARTICLE IV.

Section 1. Any person who shall have received an honorable discharge, or become entitled thereto, from the former Twenty-seventh, present Seventh Regiment, N. G. S. N. Y., having served therein the full term required by law at the date of his enlistment (seven years under the old law, or five years under the present law), or who, being a member of the Seventh Regiment, N. G. S. N. Y., may have entered the Army or Navy of the United States during the War of the Rebellion, and been honorably discharged from such service, or who may remain in the Army or Navy of the United States, shall be eligible to membership in this Association.

ARTICLE V.

UNIFORMED BATTALION.

The Uniformed Battalion, as organized by this Association, shall consist of such members as shall have uniformed and subscribed to its by-laws.

STATEMENT REFERRED TO IN THE INTRODUCTION WHICH
APPEARED IN THE PRESS, AND IN CIRCULARS,
ON FEBRUARY 19TH, 1884.

A STATEMENT OF THE

Reasons why regiments of the National Guard S. N. Y. should not allow their names and numerical designations to be used by any UNIFORMED battalions, organizations or associations.

I.—The practical result of the existence of *uniformed* organizations bearing the names and numerical designations of regiments of the National Guard has been to induce young men, who would otherwise continue to perform active military duty in the National Guard, to take their discharge from the service of the State to join the *uniformed* veteran battalions. For this reason the extraordinary efforts to make such uniformed battalions attractive by expensive and showy uniforms, by parades and excursions, and by other festivities, is a positive detriment to the National Guard, and the existence of such *uniformed* veteran battalions has become a standing menace to the strength and welfare of the regiments whose names they have assumed.

II.—The names and numerical designations of the National Guard regiments have been assumed and used by the *uniformed* veteran battalions without the authority of the regiments or of their officers, and have of late been carried upon parades and excursions and to balls and dinners, in this and other States. Those who are charged by law with the maintenance of the good name of any regiment should not be held responsible for the conduct of those over whom they have no control ; but so long as any *uniformed* battalion bears the name of a National Guard regiment, such regiment will be held responsible by the public for any want of discipline in such *uniformed* battalion, and for the unsoldierly and ungentlemanly conduct of any of its members while in uniform. Would any business man allow his name or the name of his firm, or would any corporation allow its name to be used by persons, however respectable, who are not responsible to or subject to the orders of such firm or corporation? And yet the National Guard regiments have quietly submitted to the assumption and use of their names and numbers by those who were once

members of these regiments, but who are no longer held to any duty therein, and are not responsible for their present character and welfare.

III.—An important objection to the use of the names and numerical designations of the National Guard regiments by the *uniformed* veteran battalions, is the fact that such organizations assume and use in an official manner, and upon parades and public occasions, the military insignia and the military titles which belong only to officers who hold or have held commissions in the regular or volunteer service of the United States, or in the National Guard and militia of the several States. It is fair to presume that military titles are of some value to those who have won them on the battle-field, or by long and faithful service in the regular army or the National Guard ; but in these *uniformed* veteran battalions military titles are thoughtlessly assumed, and are officially and publicly used by persons who have never held commissions that entitled them to such titles, rank and distinction. It is noticeable that in organizations of the veterans of the late war this abuse does not exist, and military titles, gallantly earned, are duly respected, and they are not assumed by those who have never legally held them. When the attention of honorable men is called to the fact that, by assuming and using military titles to which they have no right, a great injustice is done to those who have held or now hold military commissions, it can hardly be supposed that the practice will be continued.

IV.—The unauthorized wearing of military uniforms by organizations not a part of the United States Army or of the National Guard, and not veterans of the late war, depreciates the character and reputation of all military service and is an affront to all, whether officers or privates, who are held by law to the military service of the State or the Nation. Men of mature years who leave their business to parade the public streets with music and banners, and decked out with sword, chapeau and feathers, or who consent to appear in public in other than the ordinary attire of the citizen and the gentleman, should surely have some substantial reason or some manly and noble object to justify them in so doing and to secure themselves from public ridicule. Such an object is apparent in the parades of the National Guard and of the veterans of former wars, and is claimed to exist in the parades

of some benevolent, Masonic, and other societies. Even boys at school wear military uniforms without objection, because it contributes to their discipline and physical improvement. But what reason, excuse or apology can there be for the parade or public appearance in ostentatious military uniform of the ex-members of a militia organization who are legally exempt from military duty, who are not organized for the defense of the city, the State, or the country, and who have no well-recognized and generally approved object for semi-military parade or fantastic display.

V. —The *uniformed* “veteran” battalions should not be allowed to use the names and numerical designations of National Guard regiments, because the assumption of the name of “veteran” by the very young men who publicly appear in the uniform of such battalions is discourteous to the gallant *veterans* of the last war, as well as to those who by long and distinguished service in the National Guard and by mature years, may be fairly entitled to that designation. To be eligible to wear the regalia of these *uniformed* “veteran” battalions, it is only necessary to perform five years of indifferent service in the militia of the State, and at the age of twenty-three years young men may, and sometimes do, lay aside the modest uniform of the private soldier in the National Guard in exchange for the chapeau and sword and uniform of a general officer, and parade in public as “veterans.” It is clearly the duty of the National Guard regiments to protect the “veterans” of the war, as well as the real “veterans” of the National Guard, from the ridicule which this abuse brings upon that distinguished and honorable title.

Associations of the exempt and veteran members of the National Guard regiments for benevolent and social purposes, and to cherish and preserve pleasant memories of the service, are universally approved, and have the hearty sympathy and support of every officer and member serving in the National Guard; and every man who has faithfully served his term of enlistment should be proud to be a member of such an association. It is only the *uniformed* battalions, composed of exempt members of the National Guard, that are no credit but a positive detriment to the regiments whose names and numerical designations they, without authority, assume and use.

The undersigned, commandants of regiments of the National Guard S. N. Y., approve of the above statement, and recommend that the use of the names and numerical designations of regiments by *uniformed* battalions, organizations or associations be prohibited.

(Signed)

EMMONS CLARK, Colonel Seventh Regiment.
 GEORGE D. SCOTT, Colonel Eighth Regiment.
 WM. SEWARD, Jr., Colonel Ninth Regiment.
 FREDERICK UNBEKANT, Colonel Eleventh Regiment.
 JAMES H. JONES, Colonel Twelfth Regiment.
 JAMES MCLEER, Colonel Fourteenth Regiment.
 JOSIAH PORTER, Colonel Twenty-second Regiment.
 RODNEY C. WARD, Colonel Twenty-third Regiment.
 LOUIS FINKELMEIER, Colonel Thirty-second Regiment.
 TRUMAN V. TUTTLE, Colonel Forty-seventh Regiment.
 JAMES CAVANAGH, Colonel Sixty-ninth Regiment.
 RICHARD VOSE, Colonel Seventy-first Regiment.

The undersigned, General officers of the National Guard S. N. Y., approve of the above recommendation of commandants of regiments.

(Signed)

ALEXANDER SHALER, Major-General Commanding First Division.
 W. G. WARD, Brigadier-General Commanding First Brigade.
 LOUIS FITZGERALD, Brigadier-General Commanding Second Brigade.
 C. T. CHRISTENSEN, Brigadier-General Third Brigade, Commanding Second Division.
 WILLIAM H. BROWNELL, Brigadier-General Commanding Fourth Brigade.

Dated New York and Brooklyn, February, 1884.

NEW YORK, March 3, 1884.

MAJOR-GENERAL ALEXANDER SHALER,

NEW YORK :

GENERAL—

I have concluded, after mature consideration, to withdraw my signature from the statement published some days since, affecting the uniformed battalions of the National Guard. In the hasty perusal of the paper when presented to me for signature I failed to properly weigh the harsh expressions, unjust aspersions, and unmerited rebuke contained therein. I feel that by my action I have inflicted deep wounds upon those I consider it an honor to call friends, and this being repugnant to my soldierly instincts, leads me to ask that my signature be stricken from the paper in question. I have the honor to be, very respectfully,

WILLIAM SEWARD JR.,
Colonel Ninth Regiment, N. G. S. N. Y.

HEADQUARTERS TWENTY-THIRD REGIMENT, }
March 8, 1884, }

SIR: In reply to the resolutions adopted by your association February 21, relative to my action in signing a circular deprecating the wearing of uniforms by exempt members of the National Guard and the assumption of military titles and insignia of rank by the officers of the Uniformed Veteran Battalion, such officers not being commissioned by the State. I have to reply, that, while conceding that courtesy would seem to demand that the responsible heads of the Uniformed Veteran Battalion should have been notified of the contemplated action of the signers of the document in question previous to its being given to the public through the medium of the press, I feel that I cannot consistently or honorably withdraw my signature therefrom or recede from the position taken by me.

A careful consideration of the document convinces me upon reflection that it contains statements which do not apply to the Veteran Battalion of the Twenty-third Regiment, unwarrantable expressions, that I should insist upon having expunged before signature, were the matter again to be submitted to me. My action was entirely free from any personal feeling and purely of an official character as the commanding officer of the Twenty-third Regiment. Respectfully,

RODNEY C. WARD.

To FREDRICK H. RAND, Secretary.

NEW YORK, February 20, 1884.

At a meeting of the Board of Management of the Veterans of the Seventh Regiment, N. G. S. N. Y., held this day, the following was unanimously adopted :

Whereas, the Constitution of the Veterans of the Seventh Regiment, N. G. S. N. Y., provides in Article 5 for a Uniformed Battalion within its membership, and whereas the propriety of the adoption of said Article has been assailed, as being detrimental to the welfare of the National Guard, in a printed circular, with the name of Col. Emmons Clark, Commanding the Seventh Regiment, N. G. S. N. Y., as its leading signer.

Therefore, be it resolved that a Committee be appointed to investigate the matter, and report at a meeting of the Association, at as early a day as practicable.

H. L. FREELAND,
Adjutant and Ex-officio Secretary.

COLONEL WINCHESTER'S REPLY TO THE STATEMENT.

HEADQUARTERS VETERANS OF THE SEVENTH REGT., }
NATIONAL GUARD S. N. Y., }
NEW YORK, February 23, 1884. }

In order to prevent misunderstanding and misapprehension on the part of the public, and the members of the Veteran Association, which I have the honor to command, in regard to the circular issued by some of the Colonels and Generals of the First and Second Division, relating to Uniformed Battalions, which has been so suddenly sprung upon us, I desire to say that we cannot but express our astonishment and amazement that Col. Emmons Clark, commanding the Seventh Regiment, N. G. S. N. Y., should have signed such a circular. I have never, since my election to the Command of the Veteran Association and the Uniformed Battalion, received one word, officially, from Col. Clark or from any officer of the Seventh Regiment, that the Uniformed Battalion was a detriment to the Regiment. Had any formal notice been sent to me or any other officer of the Battalion, requesting an interview, one cer-

tainly would have been accorded, and we believe that any misunderstanding would unquestionably have been adjusted. What seems strange to us is this: that Col. Clark, living as it were under the same roof, and in daily intercourse with us, and always apparently of the pleasantest nature, should not have in some manner suggested to us that such a circular was being prepared, and was about to be issued. It seems to us unkind, ungenerous, and unmanly; it is an apparent insult, and intended to degrade the officers and members of the Uniformed Battalion, as well as the members of the whole Association. Joined together as we are for one sole object, to aid and benefit the Seventh Regiment in every way possible, and conscientiously believing that we were aiding and benefiting the Regiment by our acts, we feel that no more unfair way of attacking us could possibly be found. Among those who are uniformed will be found the oldest and most distinguished and esteemed ex-members of the Seventh Regiment, many of whom held office for a life-time, and devoted a life service to the benefit and discipline of the Regiment, "before many of the present officers were born," and many of them distinguished themselves during the War of the Rebellion. Their sons, their grandsons, and other relatives are serving in the Regiment to-day.

There is not one among us who would ever have put on the uniform that has been so fiercely characterized by the circular, had we for one moment imagined that we were not doing the Regiment a service.

A committee has been appointed to investigate the whole matter, and we ask the public to suspend judgment in this case until a report is made, which will be done at an early date.

The great injury intended is weakened by the vulgar and ungentelemanly expressions contained in the circular.

Very respectfully,

L. W. WINCHESTER,
Colonel Commanding.

COLONEL EMMONS CLARK'S REPLY TO COLONEL WINCHESTER.

HEADQUARTERS SEVENTH REGIMENT, N. Y. S. N. G., }
 NEW YORK, February 26, 1884. }

If ex-Quartermaster L. W. Winchester, who is President of the Veteran Association of this Regiment and nominally Colonel thereof, had attempted, in his circular dated February 23, to answer any part of the statement recently published and signed by all the Generals and Colonels of the National Guard in New York and Brooklyn, it is probable that some of those officers who he accuses of "vulgar and ungentlemanly expressions" might have thought proper to reply. But the *Army and Navy Journal*, the highest authority in the United States on Army and National Guard affairs, in its issue of February 23, answers them as follows:

"The man who wears a uniform or assumes a title to which he has no legal claim is possessing himself, so far as in his power, of property to which he has no right. The National Guard of New York have been especial sufferers from this form of dishonest appropriation, until their patience has finally become exhausted, and some of them have united in a vigorous protest against the nuisance."

Instead of defending the assumption and use of military titles by men who have never fairly earned them in any military service, and the wearing of military uniforms by men who are not in the military service of the State or the Nation and who are not veterans of the late war, the circular referred to is evidently intended to divert public attention by a tirade of personal abuse of the Colonel of the Seventh Regiment. The undersigned cannot be drawn into any *personal* controversy on a subject which concerns only the welfare of the National Guard; nor can he be induced to assume an attitude personally hostile to any part of the exempt and veteran members of the Seventh Regiment. It is necessary, however, to state, in reply to the circular, that it is a pretense for the writer thereof to assert that he did not know that the Colonel of the Seventh Regiment and many of its officers and members, although on friendly terms with the officers and members of the *Uniformed Veteran Corps*, were very hostile to the existence of such corps, for the reason that they believed it to be detrimental to the interests and welfare of the Regi-

ment. In May, 1875, the undersigned and a committee of the Board of Officers of the Seventh Regiment, *officially* called the attention of the then Commandant of this *Uniformed Veteran Corps* to the injury done to the Regiment by the existence of such corps, and from that day to this there have been periodical outbreaks,* though no public demonstrations, of this feeling. It has been often predicted, and by many persons, that an open conflict must come, sooner or later, between the Seventh Regiment and this *Uniformed Veteran Corps*, in which one or the other must unconditionally surrender, and any one prominently connected with either cannot be ignorant of the facts as above stated. If this necessary action had been taken only by the Colonel of the *Seventh* Regiment, or by its Board of officers, some notice would probably have been given of the publication of the impending protest; but as it was the *joint* action† of the Generals and Colonels of the First and Second Divisions, without an exception, in defense of the interests of the whole National Guard, no such notice could be expected or was advisable. The writer of this remarkable circular would seem to convey the idea that the Seventh is the only regiment in New York and Brooklyn, and that its Colonel is the only one holding that rank. He is hereby informed that the Seventh Regiment is only an eighth part of the National Guard of the two cities; that the five Generals and the eleven other Colonels who signed the statement to which he objects are men of large experience and who have earned the commissions they hold and the titles they bear; that they are as competent to

* Colonel Emmons Clark in a communication to General Marshall Lefferts in May, 1875, in reference to a proposed joint trip of the Seventh Regiment and Uniformed Battalion to Boston, expressed an opinion, that the adoption of the present uniform, would tend to induce young men to leave the regiment, earlier than they otherwise would, in order to join the Uniformed Battalion, but experience proved that he was mistaken, and in consequence of the many cordial and affable communications from Colonel Emmons Clark (hereinafter printed), it was concluded, that he had withdrawn his objection. No communication has at any time been received by the Board of Officers of the Veterans, in reference to the uniform, from a Committee appointed by the Board of Officers of the Seventh Regiment. The Board of Officers of the Veterans of the Seventh Regiment are not cognizant of the periodical outbreaks referred to.

+ While Colonel Clark intimates in the foregoing communication that the statement was published at the instigation and after conference with the other officers of the National Guard whose names are signed thereto, the committee have positive assurance that he was the author of the statement, and that he personally presented it to most of the other officers for their signature.

judge of what is detrimental to the regiments they command, and to the National Guard generally, as any ex-staff officer of this or any other regiment; that five of these officers are graduates of the Seventh Regiment and love that organization as well as he does, and far more wisely; that six of them, viz., Shaler, Christensen, Fitzgerald, McLeer, Porter and Cavanagh, are veterans of the late war, and entered the service of the United States in 1861, about the same time that the writer of the circular retired from the militia to the congenial pursuits of peace. No better evidence is needed that these *uniformed veteran battalions* should be abolished than the fact that the commander of the largest of them, in a public circular, can deliberately apply to these real veterans of the late war, and to the other distinguished National Guard officers signing the statement, such epithets as "vulgar and ungentlemanly," and to the Colonel of the regiment in which he was once a staff officer, a variety of additional ones. Vituperation must have become a profession.

That the public may understand one important part of this matter, so far as the Seventh Regiment is concerned, it is necessary to state that there are in the City of New York and vicinity about 3,000 exempt or veteran members; that of this number about 1,200, more or less, are members of an association called the "Veterans of the Seventh Regiment," chartered, not for *military*, but for benevolent and social purposes; that of this 1,200 members of this association about 400 have obtained and worn military uniforms, and their officers wear the military insignia of rank or grade, although in express violation of Section 59, Chapter 299, Laws of 1883;* that the exempt or veteran members of the regiment who do not wear uniforms, say 2,500 in number, are, so far as known, opposed to the *uniformed Veteran Corps*; that the 400 uniformed members of the Association have obtained control of it; that the *ununiformed* members of the Association are practically excluded from office or from any part in its management, and, therefore, naturally absent themselves from its meetings; that the usefulness of the Association is greatly impaired because the men who control it are chiefly interested in fancy uni-

* By reference to the section referred to, hereinafter printed, p. 60, it will be seen that Colonel Clark is in error.

forms, parades, excursions, and other festivities; that consequently the benevolent fund of the Association, which should long since have reached a large amount, is now only \$5,000, and very inadequate to the relief of needy members and their families;* and that some of the members of the *uniformed veteran corps* who procured uniforms, supposing that they were benefiting or honoring the regiment thereby, have long since laid them aside and have refused to wear them again in street parades or on any other occasion. While the President or commanding officer of the Association may probably represent a majority of the 400 *uniformed* members of the Association, he does not properly represent the *ununiformed* members to any considerable extent, nor the exempt and veteran members who are not enrolled in the Association, nor all of the members who have been induced to procure uniforms. The time may come when the ununiformed members of the Association and the *uniformed* members who desire to promote the interests of the regiment, will assert their rights and restore the Association to its legal and legitimate purposes.

EMMONS CLARK,
Colonel Scerenth Regiment, N. G. S. N. Y.

* See Supplementary Report of the Committee hereinafter printed, p. 24. from which it will be seen that Colonel Clark is again in error.

NEW YORK, March 1, 1884.

REQUEST FOR A SPECIAL MEETING OF THE VETERANS
OF THE SEVENTH REGIMENT, N. G. S. N. Y.

COLONEL LOCKE W. WINCHESTER,

Commanding Veterans of the Seventh Regiment, N. G. S. N. Y.:

DEAR SIR—We, the undersigned members of the Veterans of the Seventh Regiment, National Guard, S. N. Y., respectfully request that a special meeting of the Association be called for Saturday evening, March 8th, at 8 o'clock, to hear the report of the Committee of the Board of Management, appointed February 20th, to investigate a Statement issued and signed by some of the Colonels of the various regiments, of which Colonel Clark was the first signer, and to transact such other business as may be brought before the meeting.

WM. R. MACDIARMID,
H. L. FREELAND,
W. A. HOEBER,
GEORGE P. EDGAR,
FRED A. GOODWIN,
EDWARD A. KINGSLAND,
W. H. JACKSON,
CHAS. B. BOSTWICK,
JAS. BLEECKER,
FRANCIS A. SILVA.

HEADQUARTERS VETERANS OF THE SEVENTH REGT., }
NATIONAL GUARD, S. N. Y., }
NEW YORK, March 3, 1884. }

A special meeting of this association will be held at the Armory on Saturday evening, March 8th, at 8 o'clock, to hear the report of the Committee of the Board of Management, appointed February 20th, to investigate a Statement issued and signed by some of the Colonels of the various regiments, of which Colonel Clark was the first signer, and to transact such other business as may be brought before the meeting.

L. W. WINCHESTER,
Colonel Commanding.