

CHANGES

—IN THE—

General Statutes of 1878,

EFFECTED BY THE

GENERAL LAWS OF 1879 AND 1881,

Arranged with reference to the Chapter and Section Amended.

SAINT PAUL:
WEST PUBLISHING COMPANY.
1883.

missioners of the county where the lands are situate, setting forth facts claimed to invalidate said certificate within the meaning of any decision of the supreme court of this state, said commissioners shall inquire into the truth of the facts alleged in said petition, and if they are satisfied that all the facts affecting the case are fully and fairly stated, they shall so certify to the state auditor, and the latter officer, if he is satisfied, upon consultation with the attorney general, that the facts stated render the certificate void within the principle of any decision of the supreme court, shall authorize the refunding of the amount paid for said certificate, with interest, together with the amount of all other subsequent taxes paid on said property by the holder of said certificate, with interest from the payment thereof, upon the surrender of said certificate, if the same has not been recorded, or upon the delivery of an assignment thereof to the state, duly executed, acknowledged, and recorded, as by law provided for the execution, acknowledgment, and record of instruments conveying real property; and thereupon the county auditor shall draw an order, for the sum so authorized to be refunded, on the treasurer of said county, to be countersigned and paid as other county orders. The several funds—state, county, town, city, village, school, and other—shall be charged with their several proportions of the amount so refunded, and the same proceedings shall be had for re-assessing said property for said taxes or again selling the same as provided by law in other cases of void assessment or sales. (1881, c. 10, § 21.)

See page 251.

*§ 150. Hay and wood cut from forfeited lands. Any hay, wood, or timber cut upon lands forfeited to the state under the provisions of the general tax law, shall be liable to seizure and sale by the county treasurer at any time, and wherever found, prior to its possession by a *bona fide* purchaser, to satisfy the taxes, interest, and costs that may be due on the tract or lot upon which it may have been cut; and the said treasurer, in making such seizure and sale, shall be governed by the provisions of law prescribing his duties in the collection of personal property taxes. (1881, c. 142, § 1.)

See page 251.

CHAPTER XII.

MILITIA.

*§ 16. National guard shall consist of what—muster rolls. The uniformed militia of this state, and such volunteers as shall hereafter enlist therein, shall constitute the national guard of the state of Minnesota. The aggregate force of the same, in time of peace, fully uniformed, armed, and equipped, shall not exceed ten companies of infantry, two troops of cavalry, and two sections of light artillery; but the commander in chief shall have power, in case of war, insurrection, or invasion, or imminent danger thereof, to increase said force beyond the limit aforesaid, and to organize the same as the exigencies of the service may require.

The adjutant general shall cause to be prepared a proper muster roll, which shall be signed by every member of each company, troop, or section, now or hereafter to be organized, and said rolls, when so signed, shall be returned to his office. (1881, c. 116, § 1.)*

*§ 17. Regimental and battalion organization—officers. In case the commander in chief shall deem regimental or battalion organizations of said national guard advisable, he shall designate what companies shall compose the same respectively, and shall order an election of the field and staff officers thereof.

All elections of general and field officers, when necessary, shall be ordered by the commander in chief. All elections of line officers of a regiment or battalion, after the same is organized, shall be ordered by the commandant thereof; and all

(*An act relating to the organization, and to promote the efficiency of the uniformed militia of the state of Minnesota Approved February 23, 1881.)

elections in unattached companies shall be ordered by the commandants of the same respectively.

Field officers of the regiments, battalions, brigade, or division, if any such be created, shall be entitled to vote at the election of general officers; the field officers of a regiment or battalion, and the line officers of the companies composing such regiment or battalion, shall be entitled to vote at the election of the field officers thereof, and all officers, non-commissioned officers, musicians, and privates of a company, troop, or section, shall be entitled to vote at the election of the commissioned officers of the company, troop, or section of which they are members. All elections shall be by written or printed ballot, and every person entitled to vote at any election shall be previously duly notified of the time and place at which the same is to be held.

All officers elected as aforesaid shall be commissioned by the commander in chief, unless they are incompetent or otherwise unacceptable to him, in which case a new election shall be ordered as aforesaid.

All non-commissioned officers of regiments or battalions shall be appointed by the warrant of the commandant of the same, countersigned by the adjutant of said regiment or battalion, and all non-commissioned officers of companies shall be appointed by the commandants of their respective companies. (*Id.* § 2.)

*§ 18. **Company of infantry or troop of cavalry.** A company of infantry or troop of cavalry shall consist of a captain, a first lieutenant, a second lieutenant, five sergeants, six corporals, two musicians, and not less than thirty (30) nor more than sixty (60) privates. A section of artillery shall consist of such officers and men as the commander in chief may order. (*Id.* § 3.)

*§ 19. **Constitution and by-laws of companies.** Every uniformed company may make a constitution and by-laws for its government which shall be binding upon its members: *provided*, that the same shall not conflict with the militia laws of this state, or with the rules and regulations governing the militia thereof.

A copy of such constitution and by-laws, properly attested by the captain or president and the secretary of such company, shall be competent evidence of the provisions thereof, in any action or proceeding in any court of this state. (*Id.* § 4.)

*§ 20. **Power of company—collection of fines and penalties.** Such company shall have full power and authority to prescribe in said constitution and by-laws dues to be paid by its members, and fines and penalties to be imposed upon them for failure or neglect to perform their duties as such members, and for disobedience of orders or acts of insubordination, or acts prejudicial to military discipline.

Such company shall have and is hereby granted full power and authority to sue for and recover in its company name, in any court of competent jurisdiction in this state, any and all dues which may be owing it under its said constitution and by-laws from any member thereof. And said court shall proceed and shall issue its processes for the collection of said dues as in other civil actions.

The certificate of the adjutant general that said company is a duly organized company of the national guard of the state of Minnesota, shall be competent and conclusive evidence, in any court of this state, of the organization of said company and of its authority to sue thereunder.

In case any member of such company shall have incurred any of the fines and penalties prescribed in said constitution and by-laws by reason of his failure or neglect to perform his duty as a member of said company, or by disobedience of orders, or by acts of insubordination, or conduct prejudicial to military discipline, such failure or neglect is hereby declared to be a misdemeanor, and the commandant, or other proper officer of such company, shall make complaint against such member before any justice of the peace, or any court of competent jurisdiction, within the county in which such member of such company may reside. Said justice, or court, shall thereupon proceed to hear and determine said complaint and matter in the same manner as in the trial and hearing of cases of misdemeanor under the laws of this state. Such member shall, upon conviction of such misdemeanor, be punished by a fine not exceeding ten dollars, together with the costs of such proceeding, and shall be committed to the county jail of said county until said fine and costs are paid, for a period not to exceed ten days. Said complaint shall

be made and proceedings taken thereunder in the name of the state of Minnesota, but without cost to said state; and all fines paid thereunder shall be paid into the treasury of such company for the benefit of its military fund. (*Id.* § 5.)

*§ 21. **Company drills and parades—camp—rifle practice.** Every company of the national guard of this state shall have at least two company drills or parades in each month of each year, and the commander in chief may order any company or companies into camp for a period not to exceed five days in each year, if deemed advisable by him. He may also provide such rules and regulations for rifle practice by the national guard of this state as he may deem necessary and proper. (*Id.* § 6.)

*§ 22. **Exemption of uniforms, arms, and equipments—exemption of member from arrest and jury duty.** The uniforms, arms, and equipments of any member of the uniformed militia of this state shall not be liable to attachment or sale on any final process of any court of this state; and he shall not be arrested while going to, remaining at, or returning from any place at which he may be required to attend for the performance of military duty. Every such member who shall have served therein for two successive terms of three years each, and shall have been thereafter honorably discharged, shall forever after be exempt from jury duty. (*Id.* § 7.)

*§ 23. **Annual allowance from state treasury.** There shall be annually paid from the treasury of the state for the use of each company, troop, or section of said national guard, as herein constituted, the sum of seven dollars for each active member thereof, the aggregate amounts of such payments, however, not to exceed the sum of three hundred dollars per annum for each of said companies, troops, or sections: *provided*, that each troop of cavalry and section of artillery shall be entitled to the same allowance for each horse actually used by it for military purposes in such troop or section as is allowed for each member of the same; said allowance for horses, however, not to exceed the additional sum of three hundred dollars per annum for each troop or section aforesaid.

The money so paid shall be used only for the purchase of uniforms, the expenses of armory and care of arms, the hire and use of horses, and for the other necessary military expenses of the company, troop, or section receiving the same.

Said moneys shall be paid to the treasurer of said company, troop, or section (or to such other person as may be designated in the requisition herein provided for) upon the requisition of the commandant of said company, troop, or section, made upon the adjutant general therefor, and accompanied by the certificate or return of said commandant as to the number of men in said company, troop, or section performing active duty therein, and the number of horses actually used for military purposes in said troop or section.

The adjutant general shall thereupon certify to the state auditor the amount of money which such company, troop, or section is entitled to receive under the provisions of this act, and said auditor shall thereupon draw his warrant on the state treasurer for said amount in favor of said company, troop, or section, or of the person so designated in said requisition, and the same shall be paid by said treasurer upon the presentation of said warrant properly indorsed. The treasurer of said company, troop, or other person so receiving said moneys, shall give bond to said company, troop, or section for the safe-keeping and disbursement thereof. (*Id.* § 8.)

*§ 24. **Compensation when called into actual service.** That whenever the militia of the state, or any portion thereof, shall be called into actual service by the governor, each and every officer and enlisted man so called into such service, and who shall respond thereto, shall have and receive for such service the sum of two dollars per day for the time he shall be engaged in such service, including the time of going to and returning from the place of such service, to be paid from the treasury of the state upon the requisition of the governor. (*Id.* § 9.)

*§ 25. **Appropriation for carrying out the act.** There is hereby appropriated, out of any moneys in the state treasury belonging to the general fund, the sum of five thousand dollars per annum, or so much thereof as may be necessary, for the purpose of carrying out the provisions of this act. But no indebtedness shall be created hereunder in excess of the appropriation herein made. (*Id.* § 10.)

See page 251.