

GENERAL STATUTES

33

OF THE

STATE OF MINNESOTA,

IN FORCE JANUARY, 1891.

VOL. 1.

CONTAINING ALL THE LAW OF A GENERAL NATURE NOT
REMEDIAL, THE LATTER BEING IN VOL. 2.

COMPILED AND ANNOTATED

BY

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OF THE ST. PAUL BAR.

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CHAPTER 12.

MILITARY CODE.

The militia laws enacted prior to 1866 were revised by commissioners and inserted as ch. 12 of G. S., but the legislature rejected it. Acts 1867, ch. 59, provided "for organizing, arming and disciplining the militia." This was superseded by acts 1870, ch. 22, providing "for enrolling and organizing the militia," and was subsequently amended by acts 1871, ch. 11; 1877, ch. 16. While acts 1870, ch. 22, has not been expressly repealed, it has become obsolete by reason of the law in this chapter.

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ARTICLE I.

SEC. 1584. **Constituted.**—The national guard of the state of Minnesota shall consist of three (3) regiments of infantry and one battalion of mounted troops.

1883, ch. 74, art. 1, § 1, as amended 1885, ch. 92; 1889, ch. 114; 1889, ch. 115. Acts 1883, ch. 74, is "An act to provide for the organization of the national guard of the state of Minnesota and the maintenance thereof, and entitled the *Military Code*." Approved March 14, 1883. Repealed all inconsistent acts, and superseded acts 1881, ch. 116. Amendment of 1885 added, "And one troop of cavalry, and all other provisions of said code relating to the battery of artillery shall apply in like manner to the troop of cavalry." Amendments of 1889 struck out "one battery of artillery" and inserted "one battalion of mounted troops." Amendment of 1889, ch. 115, struck out "two" regiments and inserted "three" regiments.

SEC. 1585. **Regiments.**—Each regiment of infantry shall consist of one (1) colonel, one (1) lieutenant colonel and one (1) major; one (1) surgeon with the rank of major; one (1) chaplain with the rank of captain; one (1) adjutant, one (1) quartermaster, one commissary of subsistence, one inspector of rifle practice, two (2) assistant surgeons, one (1) judge advocate, each with the rank of first lieutenant; one (1) sergeant major, one (1) quartermaster sergeant, one (1) commissary sergeant, one (1) hospital steward, one (1) chief musician, two (2) color sergeants, two general guides; not less than eight (8) nor more than ten (10) companies, and one (1) band of not more than twenty (20) musicians.

1883, ch. 74, art. 1, § 2, as amended 1883, ch. 75; 1885, ch. 91; 1887, ch. 95. Amendment of 1883 struck out "eight companies" and inserted "not less than eight nor more than ten companies." Amendment of 1885 added "one commissary of subsistence, one inspector of rifle practice." Amendment of 1887, ch. 95, increased assistant surgeon from one to two, and added "two general guides."

SEC. 1586. **Companies.**—Each company of infantry shall consist of one (1) captain, one (1) first lieutenant, one (1) second lieutenant, five (5) sergeants, six (6) corporals, two (2) musicians and not less than thirty (30) nor more than sixty (60) privates.

1883, ch. 74, art. 1, § 3.

SEC. 1587. **Battalions.**—The battalion of mounted troops shall consist of one (1) major, one (1) adjutant, one (1) assistant surgeon, one (1) quarter master, each with the rank of first (1st) lieutenant; one (1) sergeant major, one (1) quarter master sergeant, one (1) hospital steward, two (2) batteries of artillery and one troop of cavalry.

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[SECS. 1583-1591.]

Each battery or troop shall consist of one (1) captain, one (1) first (1st) lieutenant, one (1) second (2d) lieutenant, seven (7) sergeants, eight (8) corporals, two (2) musicians and not less than twenty-six (26) nor more than fifty-six (56) privates. *Provided*, that whenever by reason of the exigencies of the service, the battalion shall actually be reduced to two (2) batteries of artillery, then and thereafter the battalion shall consist only of such batteries, and the battalion officers and non-commissioned officers herein provided for.

1883, ch. 74, art. 1, § 4, as amended 1889, ch. 114. Prior to amendment this section limited to battery of artillery constituted as the "battery or troop" above is constituted.

SEC. 1588. **Brigades.**—The commander-in-chief may, at his discretion, form the national guard into a brigade, in which case he shall order an election for a brigadier-general to be elected by the field officers of said brigade. Said brigadier-general shall have power to appoint the following staff officers: One (1) assistant adjutant-general, one (1) assistant inspector, one (1) brigade quartermaster, one (1) brigade judge advocate, one commissary of subsistence, one inspector of rifle practice, and one (1) aid-de-camp, each with the rank of captain: Said staff officers shall hold office during the pleasure of said brigadier-general.

1883, ch. 74, art. 1, § 5, as amended 1887, ch. 95; 1889, ch. 114. Amendment of 1887 inserted "one commissary of subsistence, one inspector of rifle practice," after "one brigade judge advocate." Amendment of 1889, ch. 114, struck out "and the captain of the battery of artillery" after "field officers of said brigade," and "with the rank of lieutenant colonel" after "one assistant adjutant general" and "one brigade inspector," and inserted one "assistant inspector general."

ARTICLE II.

SEC. 1589. **Officers.**—Commissioned officers of companies, batteries and of the troop shall be elected by the votes of the officers, non-commissioned officers and privates of their respective companies, batteries or troop. Company non-commissioned officers shall, on the recommendation of the captains of their respective companies, be appointed by the colonel of the regiment to which their respective companies belong, and shall be subject to reduction to the ranks by the captain of their company with the approval of the colonel of their regiment. Non-commissioned officers of the battalion shall on the recommendation of the captains of their respective organizations, be appointed by the major of the battalion and shall be subject to reduction to the ranks by their respective captains with the approval of the major of the battalion.

1883, ch. 74, art. 2, § 1, as amended 1889, ch. 114, by adding "troop" in the first paragraph, and changing the third paragraph from the provision that "non-commissioned officers of the battery shall be appointed by the captain and be subject to reduction to the ranks with the approval of the commander-in-chief," to read as above.

SEC. 1590. **Same.**—The field officers of the regiments and of the battalion shall be elected by the votes of the field and line officers of their respective regiments and battalion. The staff officers of each regiment and of the battalion shall be appointed by the commanding officer thereof and shall hold office during his pleasure, subject to the approval of the commander-in-chief. Regimental and battalion non-commissioned staff officers shall be appointed by the colonel of each regiment and the major of the battalion respectively, from among the non-commissioned officers or men of some company or companies in his command, and shall be subject to reduction to the ranks by him.

1883, ch. 74, art. 2, § 2, as amended 1889, ch. 114, by inserting "battalion," making staff officers appointive instead of elective, and providing for major of battalion to appoint non-commissioned staff officers, and that such officers may be reduced to the ranks.

SEC. 1591. **Elections.**—Elections for general and field officers shall be ordered by the commander-in-chief. Elections for line officers of infantry companies shall be ordered by the commanding officer of the respective regiments. * Elections for line officers of batteries and of the troop shall be ordered by the commanding officer of the battalion. After the national guard is organized into a brigade, elections for field officers thereof shall be

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ordered by the commanding officer of said brigade.* Five (5) days' notice of the holding of any election must be given.

1883, ch. 74, art. 2, § 3, as amended 1885, ch. 91; 1889, ch. 114. Acts 1885 struck out the provision that notice be given "to each person entitled to vote at such election." Acts 1889 struck out "and for officers of the battery," "and staff officers of regiments," and inserted matter between * *.

SEC. 1592. Presiding officer at elections.—The officer ordering an election shall preside thereat in person or shall designate some other officer to perform the duty. In the absence of the presiding officer, the chair shall be taken by the senior officer present; but no officer shall preside at any election at which he is a candidate for any office to be filled thereat.

1883, ch. 74, art. 2, § 4.

SEC. 1593. Voting by ballot.—All voting shall be by ballot, and a majority of all the votes cast shall be necessary to a choice. *Provided*, however, that a majority of those entitled to a vote at such election are present and voting.

1883, ch. 74, art. 2, § 5.

SEC. 1594. Term of enlistment.—Every person who shall enlist in the national guard shall be mustered into the service of the state for the term of five (5) years unless sooner discharged by competent authority, and any person who, prior to the passage of this act, shall have enlisted for three (3) years, may at the expiration of his term of service be re-enlisted for two (2) years. After the organization of a company, recruits shall sign their names in a book of enlistment kept by the company for that purpose, which signing shall be a legal enlistment.* Any person who shall have faithfully served for five years and be entitled to an honorable discharge may be re-enlisted for such further term of one year each as his commanding officer shall elect.

1883, ch. 74, art. 2, § 6, as amended 1887, ch. 95. Amendment added below *.

SEC. 1595. Discharges, except upon expiration of term of service, shall only be granted in case of permanent removal from the state, or from the city or town in which the company of the member seeking the discharge is located, or for physical disability, or for the good of the service, or by order of the commander-in-chief. The commanding officer of each regiment and battalion is hereby authorized to pass upon and issue such discharges for enlisted men of his regiment, and also to grant an honorable discharge to any person who, prior to the passage of this act, shall have enlisted for a second term of three (3) years and shall have faithfully served for two (2) years of said enlistment.

1883, ch. 74, art. 2, § 7, as amended 1889, ch. 114. Amendment inserted "or by order of the commander-in-chief," "and battalion," and struck out "Discharges from the battery can only be issued by the commander-in-chief."

SEC. 1596. Commission.—Officers of the national guard shall be commissioned by the commander-in-chief, with rank from date of their election or appointment. The commander-in-chief may, at his discretion, withhold the commission of any officer until he can determine the qualifications of such officer for the office to which he may have been elected or appointed, and for the purpose of so determining, the commander-in-chief shall convene a board of officers of the national guard, who shall examine into the qualifications of said officer and report thereon to the commander-in-chief. *Provided*, however, that no member of said board shall be inferior in rank to said officer. Should the said board report that the person so elected or appointed is incompetent to perform the duties of the office to which he shall have been elected or appointed, the commander-in-chief shall have power to annul said election or appointment.

1883, ch. 74, art. 2, § 8, as amended 1887, ch. 95, by giving the board, instead of commander-in-chief, power to decide the incompetency.

SEC. 1597. Resignations of officers shall be in writing, directed to the adjutant general and transmitted immediately through and by all intermedi-

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até commanders, who will endorse the same with their approval or disapproval. No officer shall be considered out of the service until his resignation is accepted by the commander-in-chief.

1883, ch. 74, art. 2, § 9.

SEC. 1598. Examining board.— On the application of the colonel of any regiment, or the major of the battalion, the commander-in-chief is authorized to appoint an examining board of three (3) officers who shall enquire into the capability of any subordinate officer who may be sent before said board by the officer making the application, and should said board find the officer thus sent before them to be incompetent to fill the position held by him, the commander-in-chief shall cancel the commission of the officer thus found incompetent.

1883, ch. 74, art. 2, § 10, as amended 1889, ch. 114, by striking out "captain of the battery," and inserting "major of the battalion."

SEC. 1599. Hold one commission only.— No officer shall hold two (2) commissions in the national guard at the same time, and the acceptance of a second (2d) commission by any officer shall be considered as a resignation of the first (1st).

1883, ch. 74, art. 2, § 11.

SEC. 1599a. Staff officer.— No staff officer can assume or be placed in command of any troops, except when no commissioned officer of the line is present with such troops.

1883, ch. 74, art. 2, § 12, as amended 1889, ch. 114, by adding the exception.

SEC. 1600. Professor of military science.— That the governor of the state may commission the professor of military science and tactics of the state university, or at any seminary or college within this state maintaining military instruction and drill in its course of study, and having not less than one hundred (100) students on its drill-roll at any one term to the rank of colonel of infantry; said commission, however, shall not entitle such professor of military science to command in the state militia.

1885, ch. 220: "An act relating to professors of military science in colleges, university and other institutions in the state." Approved March 7, 1885.

ARTICLE III.

SEC. 1601. Staff officers.— The staff of the commander-in-chief shall consist of one (1) adjutant general, one (1) inspector general, one (1) quartermaster general, one (1) surgeon general, one (1) judge advocate general, and one (1) commissary general, each with the rank of brigadier general; two (2) aides-de-camp, each with the rank of colonel. They shall be appointed by the commander-in-chief, and their commissions shall expire with the term for which the commander-in-chief appointing them shall have been elected, except that the adjutant general shall continue to hold office until his successor has been appointed and commissioned.

1883, ch. 74, art. 3, § 1.

SEC. 1602. Assistant.— When the service requires, each of the general officers named in section one (1) shall have power, with the approval of the commander-in-chief, to appoint one (1) assistant in his department, with the rank of lieutenant colonel, who shall hold office during term of his chief.

1885, ch. 91, § 3, which amended this article by adding this section thereto.

ARTICLE IV.

SEC. 1603. Inspection.— There shall be an annual inspection of the national guard by the inspector general, at such time and place as may be directed by the commander-in-chief.

1883, ch. 74, art. 4, § 1.

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SEC. 1604. **Same — Drill.**— At such inspection the regiments, companies or battery, as the case may be, shall be exercised by their respective commanders in the manual of arms and in Upton's tactics generally, and shall be carefully counted by the inspector general. A roll of each company or battery, certified to by the captain thereof, shall be delivered to the inspector general prior to such inspection. The adjutant of each regiment shall deliver to the inspector general prior to such inspection, a roster of the field, staff and non-commissioned staff officers, and of the band of said regiment.

1883, ch. 74, art. 4, § 2.

SEC. 1605. **Same — Report of.**— The inspector general shall report to the commander-in-chief the result of said inspections, and shall certify to the number of troops present, the condition of their uniforms, arms, accoutrements, and as to their proficiency in drill.

1883, ch. 74, art. 4, § 3.

SEC. 1606. **Number of drills.**— Every company or battery [battalion] of the national guard of this state, shall make at least thirty company drills or parades in each year, exclusive of camp and actual service.

1883, ch. 74, art. 4, § 4, as amended 1885, ch. 91, by requiring thirty drills in each year, instead of two in each month.

ARTICLE V.

SEC. 1607. **Pay.**— There shall be paid annually to each regiment of infantry, battalion and troop of cavalry the sum of seven (7) dollars for each officer, non-commissioned officer, musician and private as shall be inspected by the inspector general at the annual inspection provided for in article four (4) and shall be found to be fully uniformed, armed and equipped according to law.* But no allowance or payment shall be made to any company, battery or troop which at said annual inspection shall not in members present and members accounted for to the satisfaction of the inspecting officer, muster at least the minimum number of men as provided for in this act, provided that the battalion and the troop of cavalry shall be entitled to the same allowance for each horse actually used for military purposes in such battery and troop respectively as is allowed for each member of the same. But said allowance for horses shall not exceed the sum of three hundred (300) dollars per annum for the battery and three hundred (300) dollars per annum for the troop.

1883, ch. 74, art. 5, § 1, as amended 1887, ch. 95; 1889, ch. 114. Acts 1887 below *. Acts 1889 inserted "battalion." Before amendment the aggregate payments could not exceed \$300 for each company of infantry and battery of artillery, and \$300 for the horses.

SEC. 1608. **Requisition for.**— The money thus due to each company or battery, shall be paid to the commander thereof, and the money thus due to the field, and staff and non-commissioned staff officers, and the band of each regiment and battalion shall be paid to the commanding officer of said regiment and battalion upon his requisition upon the adjutant general. The money so paid shall be used only for the purchase of uniforms, the expense of armory and care of arms, and for other necessary expenses of the regiments, companies and battery.

1883, ch. 74, art. 5, § 2, as amended 1889, ch. 114, by inserting word "battalion."

SEC. 1609. **Same.**— Upon the receipt of said requisition, the adjutant general shall certify to the state auditor the amount of money which such regiment, battalion, company or battery is entitled to receive under the provisions of this act, and said state auditor shall thereupon draw his warrant on the state treasurer for said amount, in favor of said regiment, battalion, company or battery, or of the person designated in said requisition, and the same shall be paid by said state treasurer upon presentation of said warrant, properly endorsed.

1883, ch. 74, art. 5, § 3, as amended 1889, ch. 114, by inserting word "battalion."

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SEC. 1610. **Issue of arms, etc.**—Arms, accoutrements and ammunition shall be issued to the regiments, and to the battalion on the order of the commander-in-chief, subject to such regulations as he may make.

1883, ch. 74, art. 5, § 4, as amended 1889, ch. 114, by substituting "battalion" for "battery."

SEC. 1611. **Armory exempt from taxation.**—The armory owned by any company, regiment or incorporated military association, and used exclusively for the benefit of such organization, shall be exempt from all taxes or assessments.

1883, ch. 74, art. 5, § 5.

ARTICLE VI.

SEC. 1612. **Encampment.**—The commander-in-chief shall order both regiments of infantry and the battalion of mounted troops into camp for a period not to exceed ten (10) days in each year, at such times and places as he may deem best.

1883, ch. 74, art. 6, § 1, as amended 1887, ch. 95; 1889, ch. 114. Acts 1887 inserted "troop of cavalry" after artillery, and ten days instead of seven. Acts 1889, not noticing amendment of 1887, substituted "battalion of mounted troops" for "battery of artillery," which would then read "battalion of mounted troops and troop of cavalry."

SEC. 1613. **Pay during encampment.**—There shall be paid to each and every enlisted man of the national guard, when ordered into camp by the commander-in-chief, the sum of one dollar and fifty cents (\$1.50) per day during the time of such encampment, including the time of going to and returning from the place of such encampment: *Provided*, however, that such payments shall only be made to the * men present at, and doing duty in such camp. In addition thereto, free transportation shall be furnished by the state. A deduction of fifty (50) cents per day from the pay of each officer and enlisted man shall be made for subsistence, if furnished by the state. The pay herein granted, shall be drawn and paid in the same manner as the annual allowance provided for in article five (5) of this act.

1883, ch. 74, art. 6, § 2, as amended 1887, ch. 95, by striking out at * the words "officers and."

SEC. 1614. **Pay during actual service.**—That whenever the national guard of this state or any portion thereof, shall be called into actual service by the commander-in-chief, each and every enlisted man so called into such service, and who shall respond thereto, shall have and receive for such service the sum of two dollars (\$2) 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 commander-in-chief.

1883, ch. 74, art. 6, § 3, as amended 1885, ch. 91, by striking out words "officer and" after "each and every."

SEC. 1615. **Same.**—That each and every officer of the national guard, while in actual service under orders of the commander-in-chief, shall receive the same rate of compensation as is allowed officers of similar rank in the United States army, except officers whose salaries are otherwise provided by law.

1885, ch. 91 (which added this section to this article), as amended 1887, ch. 95, by striking out word "actual" and inserting "any" service.

ARTICLE VII.

SEC. 1616. **Exempt from jury duty.**—Every officer and enlisted man of the national guard shall, during his term of service, be exempt from duty as a juryman in any court of this state.

1883, ch. 74, art. 7, § 1.

SEC. 1617. **Same.**—Every person who shall have received an honorable discharge from the national guard after a continuous service of not less than

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five (5) years, shall be forever thereafter exempt from jury duty in any court of this state.

1883, ch. 74, art. 7, § 2.

SEC. 1618. Exemption from execution.— The uniforms, arms and equipments of any member of the national guard shall not be liable to attachment or sale, on any final process of any court in this state.

1883, ch. 74, art. 7, § 3.

SEC. 1619. Exemption from arrest.— No member of the national guard shall 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; but nothing contained herein shall be construed to prevent an arrest by order of the commanding officer of the regiment, company or battery to which such member may belong, or for felony or for breach of the peace.

1883, ch. 74, art. 7, § 4.

ARTICLE VIII.

SEC. 1620. Constitution and by-laws.— Each company or battery of the national guard may make a constitution and by-laws for its government, which shall be binding on its members, *provided*, that the same shall not be in conflict with the military code of this state, or with any rules and regulations governing the national guard thereof and issued by the commander-in-chief. Such constitution and by-laws may prescribe the amount of dues to be paid by each member, and the fines and penalties for absence from or tardiness at any drill meeting or parade ordered by the commandant of such company or battery, or for disobedience of orders, or for acts prejudicial to military discipline. A copy of such constitution and by-laws, properly attested by the commandant of such company or battery or troop shall be competent evidence of the provisions thereof in any action or proceeding in any court of this state.

1883, ch. 74, art. 8, § 1, as amended 1889, ch. 114, by inserting "or troop" after the word "battery."

SEC. 1621. Same.— It shall be the duty of the commissioned officers of each regiment and battalion to make a constitution and by-laws for such regiment and battalion. Said constitution and by-laws shall prescribe the amount of fines and penalties to be imposed on the officers, non-commissioned officers, musicians and privates of such regiment and battalion for non-attendance or tardiness at any drill or parade ordered by the commandant of such regiment, or for acts prejudicial to military discipline. A copy of such constitution and by-laws, properly attested by the commandant of such regiment, shall be competent evidence of the provisions thereof in any action or proceeding in any court of this state.

1883, ch. 74, art. 8, § 2, as amended 1889, ch. 114, by inserting "and battalion" after "each regiment."

SEC. 1622. Power to sue.— Each regiment, battalion, company or battery shall have, and is hereby granted, full power and authority to sue and recover in its regiment, battalion, company or battery 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.

1883, ch. 74, art. 8, § 3, as amended 1889, ch. 114, by inserting word "battalion" after word "regiment."

SEC. 1623. Fines and penalties.— In case any member of such regiment, battalion, company or battery shall have incurred any of the fines or penalties prescribed in its said constitution and by-laws by reason of his failure or neglect to perform his duty as a member of said regiment, battalion, company or

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battery, 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 regiment, company or battery, 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 regiment, company or battery 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 (\$10), 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 (10) 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 regiment, battalion, company or battery, as the case may be, for the benefit of its military fund.

1883, ch. 74, art. 8, § 4, as amended 1889, ch. 114, by inserting word "battalion."

ARTICLE IX.

SEC. 1624. **Service uniform.**—The commander-in-chief shall appoint a board of five (5) officers who shall examine into and report the most suitable service uniform for the national guard, and the uniform so reported shall, when approved by the commander-in-chief, be the service uniform for the national guard of this state. The commander-in-chief shall give such time as he may see fit, not to exceed six (6) months, for the several regiments and the battery to make such changes from their present service uniform as may be necessary in order to comply with the provisions of this section.

1883, ch. 74, art. 9, § 1.

ARTICLE X.

SEC. 1625. **Rules and regulations.**—The commander-in-chief is hereby authorized to make such rules and regulations for the government of the national guard as he may deem for the good of the service; *provided* same shall not be inconsistent with this act.

1883, ch. 74, art. 10, § 1.

SEC. 1626. **Courts-martial.**—The commander-in-chief is hereby authorized to appoint courts-martial for the trial of officers of the national guard, against whom charges may be preferred to him. Such courts-martial shall be conducted in accordance with the regulations of the army of the United States, and the findings shall be submitted to the commander-in-chief, who shall approve or disapprove them; and in the former case he is hereby authorized to carry them out, or to modify any sentence that may have been imposed. The colonel of each regiment and major of the battalion is authorized to appoint courts-martial for the trial of enlisted men of his command against whom charges may be preferred to him, and such courts-martial shall have the same jurisdiction as regimental courts-martial in the United States army, and shall be conducted in accordance with the regulations, and the findings shall be submitted to the officers appointing the court, who shall approve or disapprove them, and, in the former case, he is hereby authorized to carry them out, or to modify any sentence that may have been imposed; but no part of such sentence shall be executed until after the time allowed for appeal has expired, nor pending the adjudication of an appeal taken, and he shall transmit the record of the court proceedings and sentence, with his approval or disapproval thereof, to the adjutant general, to be kept in his office. The right of appeal in all cases to the commander-in-chief, as it now exists by

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military usage, is reserved; but no appeal shall be entertained unless made within twenty (20) days after the decision appealed from is made known to the person appealing.

1883, ch. 74, art. 10, § 2, as amended 1885, ch. 91; 1889, ch. 114. Amendment of 1885 struck out word "members" and inserted "officers" in second line, and added below*. Amendment 1889 struck out "captain of the battery" and inserted "major of the battalion."

SEC. 1627. Appropriations.— There is hereby appropriated, out of any moneys in the state treasury belonging to the general fund, the sum of twelve thousand dollars (\$12,000) 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 appropriations herein made, except for extraordinary expenses in case of insurrection, invasion or rebellion.

1883, ch. 74, art. 10, § 3. Acts 1883, ch. 75, § 2, appropriated additional \$2,500 annually. Acts 1885, ch. 91, appropriated an additional sum of \$5,500 for that year and annually thereafter. Acts 1887, ch. 95, § 9, appropriated, in addition to all appropriations, \$10,000 for that year and annually thereafter, for the purpose of carrying out the provisions of the military code. Acts 1889, ch. 115, appropriated an additional \$10,000 for that year and annually thereafter, for the same purpose, and provided that the amount expended in any year for the third regiment shall not exceed the amount therein appropriated.

ADJUTANT GENERAL.

SEC. 1628. Custodian of books, accounts, etc.— The adjutant general, by virtue of his office, is the custodian of all records, books, papers and accounts of the military department of the state, and, under the commander-in-chief, shall have general supervision of all property belonging thereto, shall issue all requisitions (to be countersigned by the governor) for arms and ammunitions, keep accounts with the military storekeeper and supervise his accounts, and perform all other duties required of him by the commander-in-chief; and shall keep his office at the capitol of the state.

1870, ch. 22, § 5: "An act to provide for enrolling and organizing the militia." Approved March 2, 1870. The residue of this act is superseded by acts 1883, ch. 74. Acts 1871, ch. 12, provided for a revision of the war records by the adjutant general, and acts 1872, ch. 95, provided for a completion of that revision. Acts 1885, ch. 219, provides for the adjutant general to compile a history of the Renville Rangers.

SEC. 1629. Seal of office.— That the seal now used in the office of the adjutant general shall continue to be the seal of his office, and shall from time to time be delivered to his successors in office, and all copies of records or papers in his office, duly certified and authenticated under the said seal, shall be evidence in all cases in like manner as if the originals were produced.

1868, ch. 25: "An act to amend an act for organizing, arming and disciplining the militia of the state of Minnesota." Approved March 4, 1868.

SEC. 1630. Duty in pension claims.— It is hereby made the duty of the adjutant general of this state to act as claim agent for all persons having claims against the government of the United States for pensions, bounty or back pay, where such claims have arisen out of or by reason of the late war, and shall prosecute such claims without pay or compensation from the party seeking such pension, bounty or back pay, or from any other source other than that provided by law for the salary of the adjutant general.

1865, ch. 42, § 1, as amended 1873, ch. 112. Section 2 of acts 1865 gave adjutant general \$400 per annum for performing these services, and a clerk to receive \$200 per annum.

SEC. 1631. Take bond for safe-keeping of arms, etc.— No arms, accoutrements or material of war shall be issued by the state to the militia or inhabitants of this state, unless a good and sufficient bond is given for the safe-keeping, preservation and return of said arms, said bonds to be approved by the adjutant general: *provided*, always, that arms issued to the militia called out by the commander-in-chief for active service shall be issued to the proper commanding officer, and be kept and accounted for by such officer according to the army regulations of the United States.

1868, ch. 24, § 1: "An act relating to state arms." Approved March 5, 1868.

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[SECS. 1632-1637.]

SEC. 1632. Issue arms, etc., to Sons of Veterans.— That the adjutant general of the state is hereby authorized to issue, from time to time, to the regularly organized camps of the military organization known as the Sons of Veterans, U. S. A., now or hereafter existing within the state, such military arms and accoutrements as may be under his control, belonging to the state and not necessary for the arming and equipment of the national guard, upon such camps giving bonds as hereinafter provided, conditioned for the safe keeping of such arms and accoutrements and for the safe and prompt return thereof when called for by the adjutant general.

1889, ch. 249, entitled "An act to authorize the adjutant general to supply the various camps of the Sons of Veterans, U. S. A., organized and existing within this state, with such arms and accoutrements as may belong to the state, and not be necessary for the equipment of the national guard." Approved April 24, 1889.

SEC. 1633. Same — Requisition for.— Said arms and accoutrements shall be furnished only on requisition from the captains of the camps desiring the same, which requisitions shall be approved by the colonel of the division. Each requisition shall state the number of active members in the camp, and no camp shall at any time be entitled to a greater number of arms than the number of its active members.

1889, ch. 249, § 2.

SEC. 1634. Same — Bond for.— Before any arms shall be furnished under the provisions of this act, the camp applying therefor shall file with the adjutant general a bond in the penal sum of at least twice the aggregate value of the number of arms desired, estimating each rifle at ten (10) dollars, payable to the state of Minnesota, and conditioned for the safe keeping and prompt return of all arms furnished. Said bond shall be signed by at least one (1) adult member of the camp as principal, and by at least two (2) resident sureties, who shall each qualify in double the amount of the bond.

1889, ch. 249, § 4.

SEC. 1635. Same — Require return.— The adjutant general shall have the right to require the return of all such arms as may have been furnished to any camp under the provisions of this act, whenever in his opinion the same may be needed for other purposes; and whenever any camp shall disband, or in which the active members do not number at least twelve (12), the arms furnished to such camp shall forthwith be returned to the adjutant general.

1889, ch. 249, § 3.

SEC. 1636. Same — Penalty for damage to.— Any member of any camp who shall wilfully or wantonly injure or destroy any arm furnished to any camp under the provisions of this act, or who shall refuse to return to the state or the captain of his camp, any arm or arms, in his possession or control, within five (5) days after being duly notified to return the same, shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not more than fifty (50) dollars, and on default in the payment of such fine, shall be imprisoned in the county jail not more than thirty (30) days or until such fine is paid.

1889, ch. 249, § 5.

SEC. 1637. Appoint boards of survey.— The adjutant general, whenever in his opinion it is necessary, is authorized to appoint boards of survey of three persons, who shall inspect all arms, accoutrements and ordnance stores, stored in the state arsenal; said board shall make a detailed report of all arms, accoutrements and stores which are unserviceable and unfit for use, and such as cannot be made serviceable by reasonable repairs as provided for in section three of this act; and upon such report to the adjutant general, said arms and other stores shall be declared as condemned, and shall be sold

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SECS. 1638-1641.]

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at public auction, at least three weeks' notice being given of such public sale by publication.

1868, ch. 24, § 2: "An act relating to state arms." Approved March 5th.

SEC. 1638. **Same.**— The proceeds of such sale shall be turned over to the state treasurer, and kept by him as an arsenal fund, out of which shall be paid all proper expenses for the inspection and sale of said arms, and the repair of such other arms as may be necessary, and ordered by the adjutant general.

1868, ch. 24, § 3.

SEC. 1639. **Same.**— All vouchers paid from said fund shall be certified to by the adjutant general as to their correctness, and approved by the governor.

1868, ch. 24, § 4. Section 5 of this act relinquished arms and ordnance issued during Sioux war, 1862, and frontier defense in 1863 and 1864, etc.

SEC. 1640. **Same — Furnish blanks.**— The adjutant general shall prepare all necessary blanks, rules and instructions which may be necessary to carry into effect the provisions of this act.

1868, ch. 24, § 6.

ABSTRACTING ARMS, ETC.

SEC. 1641. **Penalty.**— Any person who shall unlawfully and wilfully carry away or conceal any of the public arms, equipments, accoutrements, military stores or munitions of war belonging to the state of Minnesota, or under the control or in the custody of said state, or who shall wilfully and maliciously refuse to deliver up the same to any officer or person having the legal right to demand such public arms, equipments, accoutrements, military stores or munitions of war, shall be deemed guilty of a misdemeanor, and, upon conviction in the proper court, shall be punished by a fine not exceeding one hundred dollars.

1866, ch. 29: "An act to prevent the concealment or carrying away of the public arms, equipments, accoutrements, military stores and munitions of war." Approved March 2, 1866.