

duties of their office all records, accounts, and other property of the office, shall be deposited with the Secretary of State.

To keep correct account of transactions—to be submitted to next Legislature

SEC. 8. The said Board shall keep a full and correct account of all their transactions, to be submitted to the Legislature at the commencement of the next regular session.

Penalty for malfeasance

SEC. 9. Any of the members of the special Board of Auditors, or their clerk, who shall be convicted in any court of competent jurisdiction of fraud, speculation, or malfeasance in office, or of any complicity in any fraud or speculation, shall be punished by imprisonment in the State prison for a period of not less than six months or more than ten years.

Quorum

SEC. 10. Two of said special Auditors shall constitute a quorum for the transaction of business, and in case of meeting at stated periods, the time and place of meeting shall be advertised in one of the daily papers published in St. Paul.

SEC. 11. This act shall take effect immediately.

Approved September 24th, 1862.

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## CHAPTER IV.

### *An Act to provide for the organization, equipment and discipline of the military forces of the State.*

#### TITLE I.

- SECTION 1. Who subject to military duty.  
 2. Who to be enrolled in the militia and infantry companies of the State—enrollment to be made from military roll in the office of County Auditor.

#### TITLE II.

1. Commissioned officers, how appointed.
2. Staff of the Commander-in-chief—of whom to consist—when commission to expire.
3. How captains and subalterns to be chosen.

## SECTION 4. Staff officers of divisions, brigades, &amp;c., how appointed—when term of office to expire.

5. Sergeant-majors, quarter-masters and drum-majors, how appointed—duty of commanding officer.
6. Vacancy in any field office, how filled.
7. Vacancy in the office of captain or subaltern, how filled.
8. Notice for an election, how served.
9. Who to preside at elections—power of presiding officer.
10. Who to preside in case of absence of senior officer.
11. When polls to be closed—who to canvass votes—if declining to serve another election shall be held.
12. Duty of presiding officer.
13. Promotion of officers—how.
14. Commissions to be issued without fee—commissioned officers to take the oath prescribed by the Constitution.
15. Who to accept resignations.
16. When vacancies may be declared.

## TITLE III.

1. Duty of commandants of military companies.
2. Duty of persons exempt from military duty.
3. Penalty for refusing to perform duties required by this act.
4. Duty of tavern-keepers and keepers of boarding houses.
5. Penalty for refusing to give information, or shall give false information.
6. Duty of County Treasurers.
7. Military fund—how disbursed.
8. Fees of County Treasurers.

## TITLE IV.

1. Divisions, brigades, regiments, &c., how organized.
2. Uniformed companies—when and how organized—disposition of cavalry and artillery.
3. Application to form uniformed companies—how made.
4. Officers of each company—of whom to consist.
5. All commissioned officers to provide themselves with uniforms—style of uniform.
6. Militia of the State to conform to the discipline of the army of the United States.
7. Each company, brigade, division, and regiment to be numbered.
8. Non-commissioned officers—by whom appointed.
9. All existing uniformed companies deemed to be organized under the provisions of this act.
10. Duty of county commissioners in each of the organized counties of this State.
11. When State to be divided into division, brigade, regimental and battalion districts.
12. Duty of Governor after provisions of foregoing section have been made.
13. Who to nominate proper officers for the several division and brigade districts—term of office.
14. Staff of major general, brigadier general, and colonel.
15. When in active service, who to provide medical attendance and supplies.
16. Who to furnish all blank forms necessary.
17. Each uniformed company to rent suitable armory.
18. Who to furnish necessary arms and equipments.
19. Who to be responsible for the safe keeping and return of all arms and equipments.
20. Commanding officers of each company shall distribute the arms and equipments to his company as he shall deem proper.
21. Who to make rules and regulations for the observance of officers having charge of armories.
22. Election of officers of company districts—by whom ordered—who entitled to vote.
23. By whom company officers to be appointed in case of failure to elect.
24. Duty of county auditor after election and appointment of commissioned officers.

## TITLE V.

1. General parade of companies—when—for what purpose.
2. General parade of regiments or battalions—when—for what purpose.
3. Power of commanding officer at any parade.
4. Days on which no parade or rendezvous of militia shall be ordered.
5. Commandants of companies to issue orders warning non-commissioned officers, privates, &c., to appear on parade.

- SECTION 6. Duty of officer or non-commissioned officer.
7. Non-commissioned officer to make return to commandant.
  8. How notices to be served.
  9. Officers and non-commissioned staff—how warned.
  10. Penalty for neglecting to appear on parade for duty.
  11. Commissioned officers required to meet for exercise and improvement.
  12. Commanding officer of each company to report to commanding officer of each regiment the name of each member, and duty performed by each.
  18. Commanding officer of each regiment to make complete roster of commissioned and non-commissioned staff officers—when.
  14. Duties of commandants of brigades.
  15. When commandants of companies to make annual return to adjutant general—what to contain.
  10. When commandants of regiments to make annual returns to the adjutant general—what to contain.
  17. Duty of general officer or any member of his staff in case of neglect of duty.
  18. Compensation in case of war, insurrection, invasion or riot.

## TITLE VI.

1. Duty of commanding officers in case of insurrection, invasion or riot.
2. Wounded or disabled persons while in actual service shall be taken care of at the expense of the State.
3. Power of sheriffs of any county, or mayor of any city, in case of breach of peace, riot, &c.
4. Notices to be given by commandants of companies, calling out their men, either written or verbal.
5. Penalty of commanding officer for refusing or neglecting to obey the orders of such public officer.
6. Duty of county attorneys in such cases.
7. Penalty of non-commissioned officers, musicians, or privates, for refusing to obey orders of commanding officer.
8. Drafts—how conducted.
9. Who to be in command of any military force called into service.

## TITLE VII.

1. Duty of adjutant general.
2. Duty of commandants of divisions and brigades.
3. Books required by the adjutant general to be furnished by the State.
4. Seal of the adjutant general.
5. Further duties of the adjutant general.
6. Who to appoint military store keeper and armorer—compensation.
7. Duty of adjutant general previous to entering upon the duties of his office.
8. To keep a just and true account of necessary expenses incurred in said department.
9. Adjutant general to prosecute any bond, the condition of which is violated by neglect, &c.

## TITLE VIII.

1. Who to prescribe rules and regulations, &c., for the use of the military forces of the State.
2. When commanding officer to give certificates to members of his company—what to contain.
3. Uniforms, arms, and accoutrements exempt from all suits, sales for debts, or payment of taxes.
4. Adjutant general to prepare suitable index to this act, &c.
5. Salary of adjutant general.
6. Annual appropriation to be made by the Legislature—for what purpose.
7. What act of congress not inconsistent with this act.
8. What declared to be a disobedience of orders—penalty for disobedience of orders.
9. Persons delinquent for fines and penalties shall be subject to criminal prosecution.
10. Creation of a military fund.
11. Repeal of acts inconsistent with this act.
12. Act, when to take effect.

*Be it enacted by the Legislature of the State of Minnesota:*

## TITLE I.

## OF THE PERSONS SUBJECT TO MILITARY DUTIES.

SECTION 1. All able-bodied male citizens, and those

who have declared their intentions to become citizens of the United States, between the ages of eighteen and forty-five years, residing in the State, not exempted by the laws of the United States, shall be subject to military duty, excepting

Who subject to military duty

1. All persons in the army or navy of the United States.

2. Ministers of organized churches, and regularly practicing physicians.

3. The Lieutenant Governor, the Secretary of State, Attorney General, State Auditor, State Treasurer, the Judges of the Supreme and District Courts, Sheriffs of counties, and members of organized fire companies doing duty as such.

4. Persons who have been or shall be hereafter honorably discharged from the army or navy of the United States, after five years' service therein: *Provided*, That the persons mentioned in this and the foregoing paragraph shall not be exempt in cases of war, insurrection or invasion.

SEC. 2. Every able-bodied male citizen, and those who have declared their intention to become citizens of the United States, resident within this State, who are or shall be of the age of eighteen years, and under the age of forty-five years, excepting persons absolutely exempted by the preceding section, idiots, lunatics, common drunkards, vagabonds, paupers and persons convicted of infamous crime, shall be enrolled in the militia, and every such citizen not holden by law to perform military duty in any other manner, shall be enrolled in the infantry company within whose bounds he resides, by the captain or commanding officer of the same, and the orderly sergeant of said company shall assist his commanding officer in the performance of said duty. Such enrolment shall be made from the military rolls in the office of the county auditors in the several counties from year to year, and the commanding officer shall, without delay, notify such person of his enrolment in such company, by a proper non-commissioned officer of such company, and by whom such enrolment may be proved; and any notice or warning, by a non-commissioned officer to attend any inspection, training, muster or election of officers shall be legal notice of such enrolment. All officers and privates, discharged from any uniformed company, or having belonged to any

Who to be enrolled in the militia and infantry companies of the State—to be taken from military roll in the office of County Auditor

such company which is disbanded, shall be enrolled as privates in the infantry company within the bounds of which they severally reside; and in all cases of doubt respecting the age of any person, or of his liability to do military duty, the proof shall be upon him.

## TITLE II.

### OF THE ELECTION AND APPOINTMENT OF MILITARY OFFICERS, AND THE TERM OF THEIR OFFICE.

**SECTION 1.** All commissioned officers above the rank of Colonel and general staff officers, and the Adjutant General, shall be nominated by the Governor and appointed by him, by and with the advice and consent of the Senate.

Commissioned officers—how appointed

**SEC. 2.** The staff of the commander-in-chief shall consist of an adjutant general with the rank of colonel, who shall be ex-officio quartermaster and inspector general, two aids with the rank of colonel and lieutenant colonel respectively, who shall be appointed by the Governor, and whose commission shall expire with the time for which the Governor shall have been elected.

Staff of the commander-in-chief—of whom to consist—when commission to expire

**SEC. 3.** Captains and subalterns shall be chosen by the written or printed votes of the members of their respective companies; field officers of regiments and battalions, by the ballots of the commissioned officers of their respective regiments and battalions, and a majority of all the votes cast shall be necessary to a choice.

How captains and subalterns chosen

**SEC. 4.** Major generals, brigadier generals, and commanding officers of regiments and battalions shall appoint the staff officers of their respective divisions, brigades, regiments or battalions, whose term of office shall expire when the persons appointing them shall retire from office; but they shall continue to hold such office until their successors shall be appointed, and have qualified.

Staff officers of divisions, &c., how appointed—when term of office to expire

**SEC. 5.** Sergeant-majors, quartermaster-sergeants and drum-majors shall be appointed by the commanding officer of the regiment to which they belong, by warrant under the hand of such commanding officer, and shall hold their office during his pleasure, and such appointment so made shall be immediately reported to the adjutant general of the State.

Sergeant-majors, &c., how appointed—duty of commanding officer

**SEC. 6.** Whenever the office of any field officer in any

regiment or battalion is vacant, the senior officer of such regiment or battalion shall cause a written or printed notice to be served on each commissioned officer in such regiment or battalion, of an election to fill the vacancy. The notice shall specify the time and place of holding the election, and be served at least ten days before such election shall take place.

Vacancy in any field office, how filled

SEC. 7. Whenever the office of captain or subaltern in any company or troop is vacant, the senior officer of such company or troop shall cause a written or printed notice of an election to fill the vacancy to be served on the members of such company or troop at least six days before the election shall take place, and shall specify in such notice the time and place of the election.

Vacancy in the office of captain or subaltern, how filled

SEC. 8. All notices for any election shall be served on the persons entitled to vote thereat, in the same manner as non-commissioned officers, musicians and privates are warned to attend a parade.

Notice for an election, how served

SEC. 9. The officer causing the notice to be given for any of the aforesaid elections, shall attend at the time and place of holding such election; he shall organize the meeting and preside thereat, and may from sufficient cause adjourn the same from time to time.

Who to preside at elections—power of presiding officer

SEC. 10. If the officer causing the notice to be given shall not attend the meeting for the election, then the officer of the highest rank present shall preside.

Who to preside in case of absence of senior officer

SEC. 11. The presiding officer at any election for commissioned officers, shall keep the polls open at least one hour after the time appointed for holding the same. He shall then publicly canvass the votes received from the electors for the officers to be elected, and shall forthwith declare the result, and give notice to every person elected of his election. If such person shall not within ten days after being notified of his election, signify to such officer his acceptance, he shall be considered as declining the office to which he shall have been chosen, and an election shall be held for a new choice.

When polls to be closed—who to canvass votes

SEC. 12. Immediately after the person elected shall have signified his acceptance, the officer who shall have presided at the election, shall notify the commander-in-chief, through the adjutant general, who will give proper publicity to the fact.

Duty of presiding officer

SEC. 13. If at any election an officer then in commission shall be elected to fill a vacancy, and shall not

Promotion of officers—how

decline, the electors present shall proceed to elect a person to fill the place of the officer so promoted, if the officers or persons assembled at such meeting have authority to make the choice.

Commissions to be issued without fee—commissioned officers to take oath

SEC. 14. The commander-in-chief shall issue commissions to all officers duly elected or appointed in pursuance to the provisions of this act, without fee or charge for any such commission. Every officer duly commissioned shall within ten days after his commission shall be tendered to him, take and subscribe the oath prescribed in the constitution of this State; a neglect or refusal to do which within the time mentioned will be equivalent to declining an appointment.

Who to accept resignations

SEC. 15. The commander-in-chief may accept the resignation of any officer whose resignation shall have been forwarded through the proper channel. No commissioned officer can be removed from office except in cases specified in this act.

When vacancies may be declared

SEC. 16. The Governor may declare any office vacant in case of a change of residence of the incumbent, if in his opinion such change has removed the officer so far from his command as to be detrimental to the service.

### TITLE III.

#### OF THE ENROLMENT OF PERSONS SUBJECT TO MILITARY DUTY.

Duty of commandants of military companies

SECTION 1. The commandant of every military company, in any city, village, town or ward, in his company district, shall annually prepare a list containing the names of all persons belonging to their respective companies which shall show the town or wards in which each member of such company resides; and said list shall be filed with the county auditor on or before the first day of September in each year.

Duty of persons exempt from military duty

SEC. 2. Any person who claims that he is not liable to military duty on account of some physical defect or bodily infirmity, or that he is exempt from the performance of military duty, by any law of the State or of the United States, may on or before the day hereinafter specified for the meeting of the board of county commissioners, and not after, deliver to either of said commissioners an affidavit by himself and a physician, stating such facts on which he claims to be exempt or not liable

to do military duty. If from such affidavit said commissioners shall be satisfied that such person is exempt or not liable to do military duty, they shall strike his name from the roll, and the said county commissioners shall make return of such exemptions to the adjutant general of the State within thirty days thereafter.

SEC. 3. If any commandant shall refuse or neglect to perform any of the duties required of him by this act, he shall forfeit and pay the sum of not less than twenty-five or more than fifty dollars, to be recovered in the name of the State of Minnesota; and if any military officer shall wilfully neglect or refuse to perform such duties as are hereby required, he shall be deemed guilty of a misdemeanor; and such penalty, when paid or collected, shall be paid into the treasury of the county and belong to the county military fund. And it shall be the duty of the county attorneys of the several counties to prosecute any officer or collector who shall neglect or refuse to perform any of the duties required of him by this act, the costs of such prosecution, if not collected from the delinquent, shall be a charge upon the county military fund.

Penalty for refusing to perform duties required by this act

SEC. 4. All tavern keepers, keepers of boarding houses, persons having boarders in their families, and every master and mistress of any dwelling house, shall, upon the application of any proper officer, give information of the names of all persons residing or lodging in such house, liable to be enrolled, and all other proper information concerning such persons as the proper officer may demand.

Duty of tavern and boarding house keepers

SEC. 5. If any person of whom information is required by any proper officer in order to enable him to comply with the provisions of this act, shall refuse to give such information, or shall give false information, he shall forfeit and pay ten dollars for each item of information demanded of him by any such officer, and falsely stated, and the like sum for each individual name that may be refused, concealed or falsely stated; and every person who shall refuse to give his own name and proper information when applied to by any proper officer, or shall give a false name or information, shall forfeit and pay the like sum, such penalties to be recovered in any court of competent jurisdiction, and paid to the county treasurer, and placed to the credits of the county military fund.

Penalty for refusing to give information

Duty of County  
Treasurers

SEC. 6. It shall be the duty of every county treasurer in this State to procure suitable books, in which shall be entered an account of all fines and penalties collected in pursuance of this act. He shall also enter in said books an account of all moneys paid out of said fund, and for what purpose.

Military fund—  
how disbursed

SEC. 7. The fund so created shall be applied exclusively for military purposes, for the benefit of the militia, and no money shall be paid from such fund by the county treasurer, but upon the joint order of the senior officer of each regiment in said county, or if there is no regimental organization in such county, then upon the joint order of the senior officer of each company, countersigned by the general officer commanding the same, if there be one, and if there be none, then by the chairman of the board of county commissioners of said county.

Fees of County  
Treasurers

SEC. 8. The treasurer of any county to whom any fines shall be paid, may retain therefrom one per cent. as his fees for the receipts and disbursements thereof.

#### TITLE IV.

##### OF THE ORGANIZATION AND UNIFORM OF THE MILITIA, AND THE ISSUING AND SAFE KEEPING OF ARMS.

Divisions, brigades,  
regiments, &c., how organized

SEC. 1. The organization of the militia, in divisions, brigades, regiments, battalions, squadrons, troops and companies, shall be conformed to the provisions of the laws of the United States.

Unformed companies—when  
and how organized—disposition  
of cavalry and artillery

SEC. 2. Whenever any number of persons, not less than thirty-two, nor more than one hundred, shall volunteer in the manner herein prescribed to form a uniform company in any regimental district, they shall present their application to the Governor, who may organize the same; *Provided*, that the cavalry and artillery of the State shall be assigned by the Governor at his discretion to regiments or companies.

Application to  
form companies;

SEC. 3. Such application shall be by petition addressed to the commander-in-chief, and signed by each volunteer to be organized as such uniform company. Such petition shall designate the names of the persons to be commissioned officers for such company.

Company officers  
of whom to consist

SEC. 4. To every such company there shall be one captain, one first and one second lieutenant, five sergeants and eight corporals.

SEC. 5. Every officer of the line and staff, and every commissioned officer of any military company in this State, shall provide himself with a uniform complete, which shall be such as is worn by the same arm of service in the army of the United States, with the exception of buttons, and the privates of every such company may, until uniformed by the State, provide themselves with such uniform as a majority of the company shall designate.

Uniforms of commissioned officers—how provided for—style of

SEC. 6. The militia of this State shall conform their system of discipline and exercise to that of the army of the United States, as is now or shall hereafter be prescribed by the Congress of the United States.

Discipline of the militia

SEC. 7. The commander-in-chief shall cause each company, regiment, brigade and division to be numbered or lettered in such manner as he shall deem proper and best calculated to secure uniformity. Each company, regiment, brigade and division shall be known by its number and designation, which shall be registered at the adjutant general's office.

Each company, &c., to be numbered

SEC. 8. Non-commissioned officers shall be appointed by the captain, from the members of the company to which they shall belong. The musicians, not exceeding three in number, shall be appointed by the commandant of each company.

Non-commissioned officers—how appointed

SEC. 9. All existing uniformed companies within the State shall be deemed to be organized under the provisions of this act.

Applicable to existing uniformed companies

SEC. 10. It shall be the duty of the county commissioners in each of the organized counties of this State, within sixty days after the passage of this act, to divide their respective counties into company districts, and number the same in order, being governed in such division by the lists of enrolled militia now on file in the office of the several county auditors. Each company district shall consist of one or more towns, and no town which contains less than thirty-two persons liable under this act to do military duty, shall be constituted a separate district; nor shall any town or city containing more than two hundred persons, liable to do military duty, have joined therewith any other town or city to constitute a district. Any town or city containing more than one hundred persons liable to do military duty, and not enlisted in any uniformed company, may have within it

Duty of county commissioners

two or more infantry companies: *Provided*, That in any district no company shall be organized with less than thirty-two men; nor shall more than one company be organized with less than thirty-two men; nor shall any company, more than one, be organized thereafter in any district until there shall be thirty-two persons in such district liable to do military duty, over and above the number of seventy-five to each of the infantry companies already organized, excepting such as may belong to any uniformed company.

State to be divided into military districts—when

SEC. 11. It shall be the duty of the Governor, on or before the first day of November next, to divide the State into division, brigade, regimental and battalion districts, which may at any time thereafter be altered or modified, as the necessities of the case may require; *Provided*, That the State shall consist of not more than two divisions, and no brigade district shall contain less than six regiments.

Duty of Governor after said division is made

SEC. 12. Whenever the division prescribed in the foregoing section shall have been made, it shall be the duty of the Governor to order an election of regimental officers in each regimental district, the election of a major in each battalion district having two companies and not more than four; the election of a lieutenant colonel and major in each battalion district having five companies and not more than six; and any battalion district having more than six companies shall be entitled to a regimental organization; *Provided*, That if any regiment or battalion shall refuse or neglect, for more than thirty days, to obey such order, it shall be the duty of the Governor to appoint the proper officers for such regiment or battalion.

Nomination of proper officers—term of office

SEC. 13. After the division above prescribed shall have been made, it shall be the duty of the Governor to immediately nominate the proper officers for the several division and brigade districts.

Major generals and brigadier generals shall hold their offices for five years, and until their successors shall be appointed and commissioned.

Regimental officers shall hold their office for five years, unless sooner removed for incompetency or misconduct and until their successors are elected and commissioned.

All commissioned company officers shall hold their offices for four years, and until their successors are elected and commissioned.

Non-commissioned company officers shall hold their offices for two years, or until their successor shall be appointed.

SEC. 14. The major general shall be entitled to one aid with the rank of lieutenant colonel, and one with the rank of major, and each brigadier general with one aid with the rank of captain. Each commander of a regiment shall appoint one adjutant and one quartermaster, each with the rank of lieutenant, the above officers to be reported by their respective chiefs to the Governor for commissions.

Staff of major general, brigadier general and colonel

SEC. 15. In time of active service, the commander of the forces in the field shall provide proper medical attendance, and supplies by contract, until it is deemed necessary to organize a medical corps.

Who to provide medical attendance and supplies when in active service

SEC. 16. The adjutant general shall furnish to all brigades, regiments or companies all the blank forms necessary.

Who to furnish blank forms

SEC. 17. When any uniformed company shall be organized according to the provisions of this act, the commander of such regiment or company shall rent a suitable armory or place of deposit for the safe keeping of such arms and camp equipage as shall be furnished such company under the provisions of this act.

Each company to rent suitable armory

SEC. 18. The acting quartermaster general of this State shall furnish, on the order of the commander-in-chief, all necessary arms and equipments suitable to each uniformed company or corps, belonging to each regiment, the same to be furnished at the expense of the State. But no arms and equipments shall be furnished to any company or corps unless such company or corps shall be uniformed according to the provisions of this act, and belong to the regular military organization of the State.

Who to furnish necessary arms and equipments

SEC. 19. The commanding officer of each company shall be responsible for the safe keeping and return of all arms and equipments committed to his charge, and shall execute such bond to the State as the commander-in-chief shall require from time to time, and no company shall be so furnished until bonds for the safe keeping and return shall be made out and approved by the commander-in-chief, and until a suitable armory or place of deposit shall be erected or rented for such company.

Safe keeping of arms—who to be responsible

SEC. 20. The commanding officer of any company who shall have received, according to the provisions of

Who to distribute arms and equipments

this act, any arms and equipments from the State for the use of his company, shall distribute the same to his company as he shall deem proper, and require of those to whom they were distributed to return them at such time and place as he shall order and direct; and any officer who shall neglect or refuse to comply with such order, shall forfeit a sum not to exceed the price of all arms and equipments he shall have received, to be sued for and collected in the name of the State for the use of the State military fund.

Who to make rules for the observance of officers in charge of armories

SEC. 21. The commander-in-chief shall from time to time make such orders, rules and regulations as he may deem proper for the observance of all officers having charge of any armory in which arms of the people of the State shall be deposited.

Election of officers—by whom ordered—who entitled to vote.

SEC. 22. For the purpose of a preliminary organization under the provisions of this act, the county commissioners of each county, as soon as they shall have divided their respective counties into company districts, shall order an election to be held within twenty days thereafter in each district, for the election of all company officers, and shall cause a written notice of said election, stating the time and place thereof, to be posted at least ten days before the day of said election, in two conspicuous places in each district. No person except those whose names are upon the military roll of the county, and who is a resident of the district where said election is being held, shall be entitled to vote thereat. The highest officers elected at each of said elections, shall, within ten days, return a written report to the county auditor, stating the persons elected as company officers in his district, and to what offices respectively.

In case of failure to elect officers to be appointed—by whom

SEC. 23. If the persons in any districts liable to do military duty shall omit, at the time so appointed, to elect company officers, the said county commissioners shall, within thirty days thereafter, appoint some competent person in each district, who will accept the same, to every company office which has not been filled by election, under the provisions of the preceding section.

And the persons so elected or appointed shall hold their respective offices until their successors are elected and qualified.

SEC. 24. The county auditor of each county shall, immediately after notice of the election or appointment

of any commissioned officers, certify to the adjutant general the names and residence of each officer, and to what office elected. Duty of county auditor

## TITLE V.

## OF THE SEVERAL PARADES AND RENDEZVOUS OF THE MILITIA AND THEIR COMPENSATION.

SECTION 1. Every commanding officer of a company shall parade his company on the first Saturday of June and September of each year, at ten o'clock in the forenoon, at some place within his district, for the purpose of inspecting, examining, and taking an exact account of all the equipments of his men, and for noting all delinquencies of appearance, and deficiencies of equipments, and for correcting his company roll in order that a thorough inspection may be made of all the militia in the State; and the orderly sergeant shall note all deficiencies, and revise and correct the company roll under the direction of the commanding officer. Every commanding officer of a company shall exercise and discipline, as well as inspect his company on said day. And the commanding officer of every military company shall have power to call out and drill the soldiers of his command not more than six days in each year, in addition to the times heretofore mentioned. When general parade of companies—for what purpose

SEC. 2. Every commanding officer of a regiment or battalion, shall, between the 15th day of September and the first day of November annually, parade his regiment or battalion for the purpose of discipline, and for inspection and review, at some place within his regimental or battalion district, on such day as the brigade commander shall appoint. At any such parade all the commissioned and all the non-commissioned officers, musicians and privates shall appear, and discharge any and all the duties required to be performed by the commanding officer. The infantry shall appear on drill and parade days, with such arms and equipments as they are able to furnish, including a rifle, musket or shot gun, until they shall be furnished with suitable arms and equipments by the State. When general parade of regiments or battalions—for what purpose

No person, after he shall have been furnished with arms and equipments by the State, shall be permitted to

be in the ranks of any uniformed company, on any parade, who does not appear in full uniform, and armed and equipped suited to the company to which he belongs; and all members of any uniformed company who shall appear without such arms or equipments, or without a uniform at any parade, and all members of any infantry company, who shall appear at any parade without his arms and equipments, as hereinbefore provided, shall be returned as absent from parade, and fined accordingly.

Power of commanding officer at any parade

SEC. 3. The commanding officer at any parade may cause those under his command to perform any field or camp duty as he shall require; and, also, may put under guard for the day, or time of continuing such parade, any officer, non-commissioned officer, musician or private, who shall disobey the orders of the superior officer, or in any wise interrupt the orders of the day; also, all other persons who shall trespass on the parade ground, or in any way or manner interrupt or molest the orderly discharge of duty of those under arms; and also may prohibit or prevent the sale of spirituous liquors within one mile of such parade or encampment; and also, in his discretion, all hucksters, or auction sales, or gambling, may be abated as a nuisance.

Days on which no parade shall be ordered

SEC. 4. No parade or rendezvous of the militia shall be ordered on any day during which a general or special election shall be held, nor within five days previous to such election, except in cases of riot, invasion or insurrection, or of imminent danger thereof.

Who to issue orders for parades

SEC. 5. For the purpose of warning the non-commissioned officers, musicians and privates to any parade or place of rendezvous, the commandant of each company shall issue his orders, under his hand, to his officers and non-commissioned officers, or to such of them as he may deem proper, requiring them respectively to warn all the non-commissioned officers, musicians and privates of his company to appear at such parade, encampment, or place of rendezvous.

Duty of officer or non-commissioned officer

SEC. 6. Each officer or non-commissioned officer, to whom such orders shall be directed, shall warn every person whom he shall be therein required to warn, by reading the orders, or stating the substance thereof, in the hearing of such person, or in case of his absence, by leaving a notice thereof at his usual place of abode or business, with some person of suitable age and discretion.

SEC. 7. Such non-commissioned officer shall make a return to his commandant, in which he shall state the names of all persons by him warned, and the manner of warning them respectively.

Who to make return to commandant

SEC. 8. All notices, warrants, or summons for officers, non-commissioned officers, musicians and privates, of any company or troop, to attend a drill, or court martial, may be served either personally or by leaving a written or printed notice containing the substance of such notice, warrant, or summons, at the dwelling house, store, counting-house, or usual place of business of the person to be notified, warned or summoned, with some person of suitable age and discretion.

How notices to be served

SEC. 9. The officers and non-commissioned staff officers of each regiment shall be warned to attend any parade or drill in the same manner as is provided by law for the warning of any privates of any company, and the commanding officer of each regiment may designate or order any or all of the non-commissioned staff officers of the regiment to perform that duty, who shall make return thereof to the commanding officer or the adjutant of the regiment, as are by law imposed upon non-commissioned officers of companies for similar delinquencies.

Officers and non-commissioned staff--how warned

SEC. 10. Every officer, non-commissioned officer, musician and private of any uniformed company, who shall neglect to appear on the days, at the time and place appointed for such duty, agreeable to the provisions of this act, shall forfeit his pay during the time that he may be absent, and also be subject to such fines and penalties as are hereinafter provided.

Penalty for neglecting to appear on parade

SEC. 11. The commanding officer of any brigade, regiment, or battalion, in addition to the annual regimental parade above described, may require the commissioned officers to meet for exercise and improvement at such times and places as he shall appoint, and he may require them to appear with such arms and accoutrements as he may prescribe.

Commissioned officers required to meet for drill

SEC. 12. The commanding officer of every company shall at the close of the annual regimental parade required by this act, make out an alphabetical list of the names of the members of his company who shall have appeared and performed duty on parade, armed and equipped as the law and regulation direct, and shall set opposite to each name the number of days each shall

Duty of commanding officers

have performed duty on parade during the year, and shall deliver the same, certified to be correct and true, to the commanding officer of his regiment, who shall immediately cause the same to be transcribed in a book or books to be kept by him for the purpose.

When to make complete roster

SEC. 13. The commanding officer of each regiment or battalion shall also, at the close of any such regimental parade, make, or cause to be made, a complete roster or list of commissioned officers and non-commissioned staff officers who shall have appeared and performed duty at such parade or encampment, uniformed, armed and equipped as the law and regulation direct, and shall immediately cause such lists to be transcribed in a book or books to be kept by him for that purpose. Within ten days thereafter the commanding officer of each regiment or battalion shall cause copies of such lists required to be made by this and the next preceding section, to be delivered to the commander of his brigade.

Duties of commandants of brigades.

SEC. 14. The commandant of each brigade shall attend with the officers of the brigade staff, the annual regimental parade of the several regiments and battalions in his brigade.

SEC. 15. It shall be the duty of commandants of companies, at the annual regimental parade to furnish the adjutant general with a return which shall show :

When commandants of companies to make annual return—what to contain

1. The number of commissioned, non-commissioned officers and privates of his company or troop present on parade, designating the number of each.
2. The number of each company absent from parade.
3. The number of uniforms belonging to said company or troop.
4. The arms and equipments in possession of such company or troop.

SEC. 16. It shall be the duty of each commandant of a regiment or battalion, within ten days after the annual regimental parade to furnish the adjutant general with a return of the field and staff officers and musicians of said regiment or battalion, present and absent.

When commandants of regiments to make annual returns

SEC. 17. In case any general officer, or any member of his staff, shall neglect to attend such inspection and review, it shall be the duty of the adjutant general to require such officer to render an excuse in writing to the commander-in-chief for his delinquency.

Neglect of duty—duty of general officer

SEC. 18. In case of war, insurrection, invasion or riot,

all officers and privates while in active duty shall receive such compensation as is allowed by law to officers and privates in the volunteer service of the United States. Compensation in case of war, riot, &c

## TITLE VI.

## OF INVASION, INSURRECTION, BREACHES OF THE PEACE, AND DRAFTS OF THE MILITIA.

SECTION 1. In case of any invasion, insurrection or riot, or of imminent danger thereof within the limits of any division, brigade, regiment or battalion, it shall be the duty of the commandant of such division, brigade, regiment or battalion, to order out for the defence of the State, the militia, or any part thereof, under his command, and immediately report the circumstances attending the same, and what he has done, to his commanding officer and to the commander-in-chief. Duty of commanding officer in case of invasion or riot

SEC. 2. Every person who, whilst in the actual service of this State, shall be wounded or disabled in opposing or suppressing any invasion, riot or insurrection, shall be taken care of and provided for at the expense of the State. Wounded and disabled to be taken care of at the expense of the State

SEC. 3. In case of any breach of the peace, tumult, riot, resistance to process of the State, or apprehension of imminent danger of the same, it shall be lawful for the sheriff of any county, or the mayor of any city, to call for aid from any brigade, regiment, battalion or company; and it shall be the duty of the commanding officer of such brigade, regiment, battalion or company, to whom such order is given, to order out, in aid of the civil authorities, the military force, or any part thereof, under his command. Power of sheriffs and mayors in case of riot

SEC. 4. In such cases it shall not be necessary for commandants of companies to issue written orders or notices calling out their men, but verbal orders and notices shall be sufficient. Manner of calling out men in case of riot

SEC. 5. Such officer shall be subject, as provided by law, to the sheriff or public officer who shall so require his aid; and for refusing or neglecting to obey the order of such sheriff or public officer so requiring service, or for interfering, or in any way hindering or preventing the men of his command from performing such duty, or in any manner, by neglect or delay, preventing the due Penalty for refusing to obey orders of public officer

execution of law, every such commanding officer, and every commissioned officer under his command so offending, shall be liable to a fine of not less than one hundred dollars, nor more than five hundred dollars, and imprisonment in the county jail for a period not exceeding six months.

**Duty of county attorneys** SEC. 6. It shall be the duty of the county attorney of any county where such offence shall be committed, to prosecute the same, and in addition thereto, such officer shall be liable to be tried by court martial and sentenced to be cashiered and incapacitated forever after for holding military commission in this State.

**Penalty for refusing to obey commanding officer** SEC. 7. Any non-commissioned officer, musician or private, who shall neglect or refuse to obey the orders of his commanding officer, in the case above provided for, shall be liable to a fine of not less than twenty-five nor more than one hundred dollars, and imprisoned in the county jail for a period not to exceed three months, to be prosecuted and recovered in the manner hereinbefore provided in the case of commissioned officers.

**Drafts—how conducted** SEC. 8. Whenever the President of the United States or the commander-in-chief shall order a draft from the militia for public service, it shall be made in conformity with the laws of the United States.

**Who to command force when in service** SEC. 9. The command of any military force called into service under the provisions of this title, shall devolve upon the senior officer of such force, unless otherwise specially ordered by the commander-in-chief.

## TITLE VII.

### OF THE DUTIES OF CERTAIN STAFF OFFICERS, AND OF VARIOUS MATTERS CONNECTED WITH THEIR RESPECTIVE DEPARTMENTS.

**Duty of adjutant general** SEC. 1. The adjutant general shall keep a roster of all the officers of the military forces of this State, containing the date of their commissions, their ranks, the corps to which they belong, the division, brigade, and regiment of such corps, and the places of their residences, as accurately as can be ascertained, which roster shall be revised and corrected every year.

SEC. 2. It shall be the duty of the commandants of divisions and brigades to furnish the adjutant general

with a roster of their officers, containing the facts requisite to enable him to comply with the provisions of this act.

*Duty of commanders of divisions*

SEC. 3. The books required by the adjutant general to comply with this act, shall be furnished him at the expense of the State, and shall go to his successor in office.

*Books—how furnished*

SEC. 4. 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 successor 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.

*Seal of the adjutant general*

SEC. 5. It shall be the duty of the adjutant general to cause so much of the militia laws as shall at any time be in force, to be printed in proper form from time to time, and to distribute one copy to each commissioned officer, and to each county auditor and county treasurer in the State, and also to prepare and cause all necessary blank books, forms and notices to be transmitted at the expense of the State military fund, to carry into full effect the provisions of this act.

*Further duties of adjutant general*

SEC. 6. The adjutant general, by and with the consent of the commander-in-chief, is authorized to appoint a military storekeeper and armorer, who shall hold such office during the pleasure of the adjutant general, and whose duty it shall be to preserve and keep in order the arms and other public property of the State in the possession of the adjutant general, and shall receive, in full compensation of all his services, three hundred dollars to be paid out of the treasury of the State.

*Appointment of military storekeeper—compensation*

SEC. 7. The adjutant general shall, immediately upon being notified of his appointment, and before entering upon the duties of his office, take an inventory of all the arms, ordnance, munitions of war and public property in the arsenal or connected with his department, and shall execute a duplicate receipt to his predecessor in office for the same, one of which receipts shall be filed with the commander-in-chief, and one be retained by the retiring adjutant general, and he shall thereafter report annually to the commander-in-chief, whose duty it shall be to transmit the same to the Legislature, a true and particular statement, showing the actual situation and disposition of

*Duty of adjutant general previous to entering upon the duties of his office*

all ordnance, arms, ammunition and other munitions of war, and property which in any wise appertain to or respect the department confided to his keeping, and report the number of arms and the amount of munitions of war furnished from the arsenal, or from his department, since entering upon the duties of his office, or since his last report, and to whom issued, and the number of arms and munitions of war and other public property that has come into his possession, and from whom, and the adjutant general shall be personally liable for all public property lost by his negligence.

**SEC. 8.** He shall keep a just and true account of all expenses necessarily incurred in and about his department, which shall include all expenses of transporting to and from the arsenal all ordnance, arms, ammunition and camp equipage, and deliver the same to the State Auditor, who shall thereupon examine and audit the same, and shall draw his warrant on the treasurer for such sum as he shall audit and certify to be due.

To keep accurate  
account of expenses  
incurred

Who to prosecute  
bonds

**SEC. 9.** It shall be the duty of the adjutant general to prosecute any bond, the condition of which is violated by neglect, or a refusal of any officer to report to him the condition of any arms or equipage, or to return the same to any of the arsenals of this State, as required by law.

## TITLE VIII.

### MISCELLANEOUS PROVISIONS.

Rules and regulations for the use  
of the military—  
how made

**SEC. 1.** The commander-in-chief is hereby authorized to establish and prescribe such rules, regulations, forms and precedents as he shall deem proper for the use and government of the military forces of the State, and to carry into full effect the provisions of this act. Such rules, regulations, forms and precedents shall be published in orders by the adjutant general, and from time to time distributed to the commissioned officers of the State.

When certificates  
to be given—  
what to contain

**SEC. 2.** The commanding officer of every uniformed company or troop shall, on the application of any commissioned, non-commissioned officer, musician or private of his company, deliver to him a certificate, stating that such person is a member of his company, and whether he is uniformed and equipped according to law, and how

recently he may have performed duty in said company. Such certificate when dated within six months, shall be deemed for all purposes prima facie evidence of the matters therein stated.

SEC. 3. Every officer, non-commissioned officer, musician and private of the militia of this State, who shall provide himself with a uniform, arms or accoutrements required by law or regulation, shall hold the same exempt from all suits, distresses, executions or sales for debts, or for the payment of taxes.

What exempt from suits, sales for debts, or payment of taxes

SEC. 4. It shall be the duty of the adjutant general to prepare a suitable index to this act, and to superintend its publication in suitable form, including appropriate and necessary forms for carrying the same into effect.

Duty of adjutant general

SEC. 5. The adjutant general while acting under the provisions of this act, as ex-officio quartermaster and inspector general, shall receive a salary from the State of three hundred (\$300) dollars per annum, in time of peace, and in time of war such further compensation as the Legislature may provide.

Salary of adjutant general

SEC. 6. The Legislature of the State shall annually appropriate a sufficient sum to enable the adjutant general to keep in serviceable order and repair the arms and accoutrements of the State, the payment for which is to be made upon his certificate and order upon the State Auditor.

Annual appropriation

SEC. 7. The act of Congress commonly called "articles of war," embraced in "an act for establishing rules and article for the government of the armies of the United States," is made a part of this act, so far as its provisions can be made applicable to the service of this State, and not inconsistent with this act.

Act not inconsistent with this act

SEC. 8. A failure to appear on parade on the part of any officer, non-commissioned officer, musician or private, in obedience to a warning or summons regularly served as hereinbefore prescribed, is declared to be a disobedience of orders.

Penalty for disobedience of orders

Any positive or willful disobedience of orders shall be punished by fines as follows :

For a non-commissioned officer, musician or private, two dollars.

For a company officer, five dollars.

For a field officer, twenty dollars ; and they shall be

further subjected to such penalties as shall be pronounced by sentence of court martial, under the rules and articles of war referred to in section 9, title 8, of this act.

Penalty for delinquents

SEC. 9. All persons delinquent under this act for fines and penalties, shall be subject to criminal prosecution; and it is made the duty of justices of the peace, on the sworn complaint of any private or officer of any company, battalion or regiment, of a delinquency within his jurisdiction, under this act, to issue his warrant for the arrest and trial of said delinquent, and upon such arrest being made, the justice shall proceed forthwith to try the matter of said complaint, and if said delinquent shall not show good and sufficient cause for his delinquency, he shall be fined as prescribed in the last preceding sections, and in default of payment of such fine, to commit him to the county jail until such fine is paid; *Provided*, That the time of commitment shall not exceed twenty-four hours for each dollar; *and Provided further*, That on any trial had under the provisions of this act, the party arrested shall be a competent witness.

Creation of a military fund

SEC. 10. All fines and penalties incurred under this act shall be paid into the county treasury and belong to the State military fund, except as hereinbefore otherwise provided.

Repeal of former act

SEC. 11. The act to organize and discipline the militia and volunteers of the State, approved August 12, 1858, and all other acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 12. This act shall take effect and be in force from and after its passage.

Approved September 29th, 1862.