

this State, for the year 1864, and which are not included in any organized township.

SEC. 2. That the assessor so appointed shall be governed by the laws relating to the duties of assessors, and shall be allowed the same compensation that is allowed to township assessors, to be paid by the said county of Blue Earth. By what laws to be governed—compensation

SEC. 3: That the lands so assessed, and the personal property thereon, as returned by said assessor, shall be subject to taxation, pursuant to the laws regulating the assessment and levying of taxes in organized townships. Lands subject to taxation

SEC. 4. This act shall be in force from and after its passage.

Approved March 4, 1864.

CHAPTER XIII.

An Act to amend an Act to Provide for the Organization, Equipment and Discipline of the Military Forces of the State, approved September twenty-ninth, A. D. eighteen hundred and sixty-two.

- SECTION 1. Who exempt from militia duty.
2. Repeal of portion of Section 2, Title 1, of former act.
3. Amendment to Section 2, title 3. Duty of persons exempt from military duty.
4. Repeal of Sections 7, 8, 9, 10, 11, 12 and 13 of Title 2. Vacancies of Commissioned Officers—when and how filled.
5. Repeal of Section 3, Title 3. Penalty for refusing to perform duties required by this act.
6. Amendment to Section 3, Title 4. Members of uniformed companies required to serve at least ten years.
7. Amendment to Section 14, Title 4. Surgeon of each Regiment—how appointed.
8. Amendment to Section 1, Title 5. Number of hours for drill and discipline on each day—general parade—when.
9. Regimental parade—when to be held.
10. When Court Martial may be convened—of whom to consist—Commandants of companies to make return to Court Martial of a list of all delinquents—each delinquent to be served with notice previous to the meeting of Court Martial—for what offences specific charges may be preferred—fines, how collected.
11. Disposition of fines when collected.
12. Duty of the Adjutant General after the passage of this act.

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

SECTION 1. That the act to provide for the organi-

zation, equipment and discipline of the military forces of the State, approved September 29th, A. D. 1862, be and the same is hereby amended as follows, to wit:

Who exempt from militia duty

To the third division of section one, title one, add—
 “not exceeding fifty in any company, also, all persons who have served as commissioned officers in the militia in this State, for at least the term of four years, and have been honorably discharged.”

Repeal of former act

SEC. 2. Amend section two (2), title one (1) by repealing the following provision in said section: “Such enrollment shall be made from the military rolls in the office of the county auditors in the several counties from year to year.”

SEC. 3. Section two of title three is hereby repealed, and the following section is enacted instead, to wit:

Duty of persons exempt from military duty

Section 2. “Any person who claims that he is not liable to military duty on account of some physical defect or bodily infirmity, shall go before the regimental surgeon of the proper regiment and be examined touching his defects or infirmity, and if said surgeon shall find the applicant not liable to military duty on account of such defect or infirmity, he shall give him a certificate of such fact, setting forth specifically the defect or infirmity, which certificate the applicant shall present to the commandant of the proper company, on or before the first Saturday of June in each year, who shall make the proper endorsement on the muster roll of his company.

“Any person who claims that he is exempt from military duty by virtue of section one, of title one, of the act to which this is an amendment, shall apply to the commandant of the proper company, before the first Saturday of June in each year, setting forth the grounds upon which he claims exemption, who shall, if he finds the applicant entitled to exemption, make the proper endorsement upon the muster roll of his company. The exemption herein provided for shall be only for one year.”

SEC. 4. Sections seven, eight, nine, ten, eleven, twelve, and thirteen, title two, are hereby repealed, and the following amendment is enacted in lieu thereof: “All vacancies of commissioned officers occurring in any

company shall be filled at the first company muster held after the vacancy occurs, by election, as provided in section three of title two of said act. The commandant of the company shall forthwith notify the commandant of the regiment or battalion of the result of said election, and the commandant of the regiment or battalion shall notify the commander-in-chief through the Adjutant General, who will give proper publicity to the fact.”

Vacancies of commissioned officers—when and how filled

SEC. 5. Section three of title three is hereby repealed, and the following section is enacted instead, to wit:

Section 3. “If any commandant shall refuse or neglect to perform any of the duties required of him by this act, or if any military officer shall willfully neglect or refuse to perform such duties as are hereby required, he or they shall, upon the finding of the proper court martial, be fined in any sum not less than fifty dollars, nor more than one hundred dollars, in the discretion of the court martial before whom he may be tried, to be collected as hereinafter provided.”

Penalty for refusing to perform duties required by this act

SEC. 6. Section three of title four is amended by adding the following thereto, to wit:

“All members of volunteer or uniform companies shall be required to serve as members of such companies, at least ten years, unless sooner honorably discharged.”

Uniformed companies to serve ten years

SEC. 7. Section fourteen of title four, is amended by adding the following, to wit:

“Each commandant of a regiment shall appoint one surgeon, with the rank of major, which appointment shall be reported to the Governor for commission.”

Surgeon of regiment—how appointed

SEC. 8. Section one of title five shall be amended as follows:

“Every commanding officer shall drill and discipline his company not less than five hours on each of said days. Said drill shall be held at some suitable place that shall best accommodate the company.”

Number of hours for drill—general parade—when

“There shall be but one company muster or parade of each company during the year, which shall be on the first Saturday of June.”

SEC. 9. The regimental parade or drill, provided for in section two of title five of the act to which this is an amendment, shall be held between the tenth of

Regimental parade—when to be held

September and the first of October, on such day as the brigade commander shall appoint, of which day the brigade commander shall notify the regimental commander, before the first Saturday in September in each year.

SEC. 10. In the month of October in each year, the commandant of each regiment or battalion, shall convene a court martial, to consist of one field officer, one captain and two lieutenants, one of whom shall be judge advocate, (to be designated by the commandant of the regiment or battalion,) to hear and try all offences and delinquencies under this act, and the act to which this is an amendment, which may have been committed during the year past.

It shall be the duty of the captains or commandants of each of the companies in the regiment or battalion, to make return to the court martial, provided for in this section, a certified list of all delinquents in his company, at each of the company or battalion drills held during the year, and said court martial when duly convened shall hear and determine all offences and delinquencies under the act to which this is an amendment, and especially those under section eight, title eight, and if no good and sufficient cause shall be shown for such delinquency, the court shall fine such delinquents according to the provisions of said section eight.

The commandant of each company shall, at least five days before the time for the meeting of the annual court martial, cause each delinquent to be served with a notice, that he will be returned as a delinquent to said court martial, and the return of the commandants of companies shall be deemed and taken as *prima facie* evidence of such delinquencies.

For all offences other than delinquencies, specific charges shall be preferred in writing against the offender; a copy of which shall be served upon him at least ten days before the time of trial. For the trial of any offences, other than delinquencies, the court martial may adjourn from time to time, or the commandant of the regiment or battalion may convene a court martial at any other time to try the same. The said court martial shall proceed to enter up their fines imposed by them, for all delinquencies and offences that may be

When court martial
may be convened
—of whom to consist

Commandants of
companies to make
return list of all
delinquents

Each delinquent
to be served with
notice previous to
meeting of court
martial

For what offences
specific charges
may be preferred

brought before them, according to their finding; which finding duly certified to by the president of the court, and attested by the judge advocate, and approved by the commandant of the regiment or battalion, shall be handed over to some justice of the peace in the district, (to be designated by the commandant of the regiment or battalion,) who shall proceed to issue execution thereon, against each one fined as aforesaid, and return to him, for the amount of such fine and costs, to be collected by a constable as other executions are collected; and in default of payment of such execution, the justice shall commit the defendant to the county jail until such fine is paid. *Provided*, That the time of commitment shall not exceed twenty-four hours for each dollar.

Fines how collected

The order convening the annual regimental court martial, provided for in this section, shall be read to the regiment or battalion at the close of the battalion drill in each year.

SEC. 11. All fines collected under this act and the act to which this is an amendment, shall be paid into the county treasury, and shall belong to the military fund of the proper regiment or battalion, and shall be paid out upon the order of the commandant of such regiment or battalion.

Disposition of fines when collected

SEC. 12. Section seven and the last clause of section one, of title three; sections fifteen and eighteen, of title four, and sections nine and ten, of title eight, of the act to which this is an amendment, are hereby repealed.

Repeal of former act

SEC. 13. It shall be the duty of the Adjutant General, immediately after the passage of this act, to cause to be printed, in pamphlet form, the act to which this is an amendment as amended by this act, together with blank forms to be used by the different officers in the discharge of their duties under said act, a sufficient number to furnish to each of the commissioned officers in the militia of this State, a copy, and forward the same to them.

Duty of the Adjutant General

Approved March 4, 1864.