

## CHAPTER LIX.

March 9, 1867.

*An Act to provide for organizing, arming and disciplining the militia.*

SECTION 1.--What persons entitled to be enrolled.

2.--Duty of township assessors.

3.--Boarding house keepers, etc., to furnish enrolling officer with names of boarders, etc.

4.--Penalty for refusing to give information.

5.--Duty of county treasurer.

6.--Fees of treasurer.

7.--Assessors neglecting to perform duty--Governor to delegate other parties--Penalty on assessors--How penalty recovered.

8.--Assessors to receive compensation.

9.--Penalty on physicians giving false certificates of exemption.

10.--How militia to be organized.

11.--When act to take effect.

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

Enrollment

SECTION 1. That all able bodied male persons who shall have been born or naturalized in the United States, or shall have declared, according to law, their intention to become citizens thereof, or shall have actually voted at any state, county or municipal election in this state and shall be residents thereof, and not less than eighteen nor more than forty-five years of age, excepting only Indians not taxed, idiots, lunatics and persons convicted of any infamous crime, shall be liable to enrollment in the enrolled militia in accordance with the provisions of this act.

SEC. 2. That it shall be the duty of township assessors of the several townships and precincts, and the assessors of the several wards of the several cities in ———, 1867, and every fifth year thereafter, at the same time they are taking the assessment of personal property, to make a list of persons living within their respective limits, liable to enrollment, and return certified copies thereof to the auditor's office of the proper

county on or before the — day of —, who shall file the same, and, on or before the — day of —, transmit a statement showing the number of enrolled persons in each township or ward, to the adjutant general of the state; county auditors, upon satisfactory proof, are authorized to correct said rolls, by adding the name of any person omitted, or striking off the name of any persons improperly enrolled. The governor of the state may, whenever he shall deem it unnecessary to make the enrollment provided for in this section, direct that the same be dispensed with; and he may also order the enrollment to be made at any other time than as above provided for, whenever in his opinion, there is a necessity for the same.

Duty of assessors

SEC. 3. All tavern keepers, keepers of boarding houses, persons having boarders in their families, and every master or 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.

Tavern keepers  
to give informa'tn

SEC. 4. 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 to the county military fund.

Penalties for re-  
fusing informa'tn

SEC. 5. 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 to this act. He shall also enter in said books an account of all moneys paid out of said fund, and for what purpose.

Duty of treasurer

SEC. 6. The treasurer of any county to whom any

- Fees** fines shall be paid, may retain therefrom one per cent as his fees for the receipts and disbursements thereof.
- Neglect of assessor, how provided for** SEC. 7. If any of the assessors of the several townships and precincts of this state, or of the several wards of the several cities, shall refuse or neglect to perform any of the duties required of them by this act, the governor may order the adjutant general, or such person or persons as he may deem proper, to perform any or all of the duties so neglected to be performed by said assessors. Every assessor who shall in any case refuse or knowingly neglect to perform any duty enjoined on him by this act, shall, for every such neglect or refusal, pay to the state not less than one hundred dollars, to be recovered before any court of record in the state, and shall be committed to the county jail until such fine and costs shall be paid, or secured to be paid.
- Compensation** SEC. 8. Assessors, or persons acting in their stead, shall be compensated for their services in making the enrollment required by this act at the same rate and in like manner as they are compensated for making the annual assessment of property.
- Penalty for false certificate** SEC. 9. If any physician or surgeon shall knowingly give a false certificate of disability, he shall be deemed guilty of a misdemeanor, and be fined in any sum not exceeding fifty dollars for each offense, to be recovered by indictment in the proper court; and if any person shall alter or transfer such certificate, with intent to commit fraud, or shall claim exemption under a certificate not issued to him, the person so offending shall be subject to the penalties of forgery.
- Organization** SEC. 10. 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, so far as the same may be practicable.
- Insurrection** SEC. 11. In case of insurrection or invasion the governor is hereby authorized to call out the militia of one or more counties of this state, and organize them according to the rules and regulations of the United States.
- SEC. 12. This act shall take effect and be in force from and after its passage.
- Approved March 9, 1867.