

## CHAPTER XXII.

March 2, 1870. *An Act to provide for enrolling and organizing the militia.*

SECTION 1. What to constitute the militia of this State.

2. Assessors to enroll all persons liable to do military duty in their respective districts—to make return to County Auditor under oath—no compensation for services in case of failure to make such enrollment—duty of County Auditor.
3. The Governor to be Commander-in-Chief—all staff and field officers to be appointed by the Commander-in-Chief—exemptions of members of independent companies.
4. Power and authority of Commander-in-Chief.
5. Adjutant General to be the custodian of all books, papers and accounts of the Military Department of the State.
6. Duties of Military Store-Keeper—compensation.

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

What to constitute the militia of this State.

SECTION 1. All able bodied male persons residing in the state of Minnesota, between the ages of eighteen and forty-five years, excepting only Indians not taxed, idiots, lunatics, and persons who have been convicted of infamous crimes, shall constitute the militia of this state, and be liable to perform military duty in case of war, invasion, rebellion, or to maintain the public peace and enforce the laws.

Duty of assessors—penalty in case of neglect—duty of county auditor.

SEC. 2. It shall be the duty of all assessors of personal property for taxation in the year one thousand eight hundred and seventy, and every second year thereafter, in their respective districts of townships, villages or cities to enroll all persons in their respective districts liable to do military duty, according to the provisions of this act, which enrollment shall be made according to the forms to be prescribed by the adjutant general, and return the same under oath to the county auditor, at the same time the return of personal property in his district is made, and no pay or compensation shall be allowed by any township, city or village for any services performed by any assessor who shall fail to make and return the enrollment herein

provided for, which enrollment when made shall be filed in the office of the county auditor and safely preserved, an abstract or statement of which shall be made and duly certified by said auditor on or before the first day of October, one thousand eight hundred and seventy, and every two years thereafter or when required to be made for each town, village, city or ward in his county, according to such forms as may be prescribed and furnished by the adjutant general. The county auditor of each county is hereby authorized and required to enroll any person liable to be enrolled as aforesaid who may have been omitted on said rolls, and may erase therefrom the name of any one on satisfactory proof who has been improperly enrolled, or who shall be exempt by age or may be otherwise legally exempt. *Provided*, That whenever in the opinion of the governor it is unnecessary he may direct the adjutant general by general order, to dispense for the time being with the same, or by a like order may require the same to be taken in any alternate year, or in each and every year.

SEC. 3. The governor is the commander-in-chief of the militia of the state, and shall appoint his staff officers to consist in time of peace of at least one aid-de-camp and one adjutant general, each of the rank of brigadier general, and one military storekeeper to rank as non-commissioned officer. But the commander-in-chief, in case he may deem it necessary, or the public safety require it, may appoint such number of field, staff and officers of the line as may be required to render the militia of the commonwealth available and efficient, in case an emergency shall arise for calling into service the military force of the state or any part thereof, for the purpose set forth in this act, and it shall also be competent for the governor, as commander-in-chief, to authorize the formation and organization of independent uniformed companies in any locality in this state where the same may be deemed desirable, prescribing such rules for the government of the same as he may deem advisable, commission the officers thereof, and arm and equip the same, and all such independent uniformed companies shall have precedence in rank, and in case of a call into active service in the United States, or in any emergency which may arise, for state service, over the enrolled militia, and the persons so organized and uniformed, shall be exempt from labor on the public highways and from serving as jurors and all poll tax.

Who to be commander-in-chief—field and staff officers how appointed—~~independent~~ companies exempt.

SEC. 4. The commander-in-chief shall have full power

Power of commander-in-chief.

and authority to establish all needful rules and regulations (which shall be uniform throughout the state) for the government of the militia of this state, but to conform to the regulations adopted for the army of the United States, as near as may be applicable in regard to discipline, drill and rank.

Who to be custodian of books, accounts, &c.

SEC. 5. 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, shall keep his office at the capitol of the state.

Duties of military storekeeper—compensation.

SEC. 6. The military storekeeper shall be the armorer and ordnance officer, shall preserve and keep in order the arms and other public property necessarily connected with the ordnance department and camp equipage that may be placed under his care, and for his services shall receive an annual compensation not exceeding two hundred dollars to be paid out of the state treasury.

Approved March 2, 1870.