

*Provided, further,* that none of the provisions of this act shall be construed to apply to lands acquired, held or obtained by process of law in the collection of debts or by any procedure for the enforcement of any lien or claim thereon, whether created by mortgage or otherwise.

SEC. 5. This act shall take effect and be in force from and after its passage.

When act to  
take effect.

Approved April 22, 1889.

## CHAPTER 114.

[S. F. No. 2.]

AN ACT TO AMEND CHAPTER SEVENTY-FOUR (74) OF THE GENERAL LAWS OF ONE THOUSAND EIGHT HUNDRED AND EIGHTY-THREE (1883), ENTITLED THE MILITARY CODE, AND THE SEVERAL ACTS AMENDATORY THEREOF.

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

SECTION 1. That section one (1) of article one (1) of chapter seventy-four (74) of the general laws of one thousand eight hundred and eighty-three (1883), entitled the military code, be amended by striking out the words "one battery of artillery and one troop of cavalry," and inserting the words "one battalion of mounted troops."

Amends  
military code.

SEC. 2. That section four (4) of article one (1) of said code be amended so as to read as follows: 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.

Officers.

Each battery or troop shall consist of one (1) captain, one (1) first (1st) lieutenant, one (1) second (2nd) 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.

SEC. 3. That section five (5) of article one (1) of said code be amended by striking out the words "and the captain of the battery of artillery," also by striking out the

Amends  
sec. 5, art. 1.

words "with the rank of lieutenant-colonel," after the words "one assistant adjutant general," and by substituting the words "assistant inspector general" for the words "brigade inspector."

Commissioned  
officers, how  
elected.

SEC. 4. That the first (1st) paragraph of section one (1) of article two (2) of said code be amended so as to read "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."

Non-commissioned  
officers, how appointed.

That the third (3d) paragraph of said section be amended so as to read as follows: "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."

SEC. 5. That section two (2) of article two (2) of said code be amended so as to read as follows:

Field and staff  
officers.

"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."

Election of  
officers.

SEC. 6. That section three (3) of article two (2) of said code be amended by striking out the words "and for officers of the battery," also the words "and staff officers of regiments" and by adding the words "elections for line officers of batteries and of the troop shall be ordered by the commanding officer of the battalion;" and by adding the words "after the national guard is organized into a brigade, elections for field officers thereof shall be ordered by the commanding officer of said brigade."

Discharges.

SEC. 7. That section seven (7) of article two (2) of said code be amended by adding the words "and battalion" after the words "each regiment" and by striking out the words "discharges from the battery can only be issued by the commander-in-chief," also by adding after the words "or for the good of the service," the words "or by order of the commander-in-chief."

SEC. 8. That section ten (10) of article two (2) of said code be amended by substituting the words "major of the battalion" for the words "captain of the battery."

SEC. 9. That section twelve (12) of article two (2) of said code be amended by adding the words "except when

no commissioned officer of the line is present with such troops."

SEC. 10. That section one (1) of article five (5) of said code be amended by substituting the words "battalion" of mounted troops" for the words "battery of artillery," and by substituting the words "each battery and troop" for the words "the battery of artillery" wherever the latter words occur in this section.

SEC. 11. That section two (2) of article five (5) of said code be amended by adding the words "and battalion" after the words "each regiment" and after the words "said regiment."

SEC. 12. That section three (3) of article five (5) of said code be amended by adding the word "battalion" after the word "regiment" wherever it occurs in said section.

SEC. 13. That section four (4) of article five (5) of said code be amended by substituting the word "battalion" for the word "battery."

SEC. 14. That section one (1) of article six (6) of said code be amended by substituting the words "and the battalion of mounted troops" for the words "and the battery of artillery."

SEC. 15. That section one (1) of article eight (8) of said code be amended by adding the words "or troop" after the words "or battery" wherever they occur in said section.

SEC. 16. That section two (2) of article eight (8) of said code be amended by adding the words "and battalion" after the words "each regiment" and "such regiment," wherever they occur in such section.

SEC. 17. That section three (3) of article eight (8) of said code be amended by adding the word "battalion" after the word "regiment" wherever it occurs in said section.

SEC. 18. That section four (4) of article eight (8) of said code be amended by adding the word "battalion" before the word "company" wherever it occurs in said section.

SEC. 19. That the second paragraph of section two (2) of article ten (10) of said code be amended by striking out the words "captain of the battery" and inserting the words "major of the battalion."

SEC. 20. All acts and parts of acts inconsistent with this act, especially chapter ninety-two (92) of the general laws of one thousand eight hundred and eighty-five (1885), are hereby repealed.

SEC. 21. This act shall take effect and be in force from and after its passage.

When act to .  
take effect.

Approved February 12, 1889.