

of this act and has received the appropriation provided herein, shall be mustered out of the service of this state, and it shall appear probable that no new military organization will be organized in the city or village in which the armory is located, and there is no other military organization occupying said armory, then the said board shall have the authority and they are hereby expressly empowered to sell, transfer and convey said property to the municipality in which the same is located, for public purposes, upon the repayment to the state for credit to the general armory fund, of the appropriation expended thereon, without interest; *provided*, that if such municipality shall not purchase said property the said board shall then be authorized to sell, transfer and convey the same to any individual, firm or corporation, repaying to the state at least the full appropriation expended therefor.

Armory to be under control of armory board.—Sec. 6. Upon the completion of any new armory building or the purchase of any armory building and property, the control and use of said armory shall vest in the armory board or commanding officer of such armory as now provided by law.

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved April 20, 1911.

CHAPTER 303—S. F. No. 263.

An Act to amend sections 1066, 1090 and 1091 of the Revised Laws of Minnesota, 1905, and sections 1088 and 1092 of the Revised Laws of Minnesota, 1905, as amended by chapter 443, General Laws of Minnesota for 1907, promoting the efficiency of the National Guard of the State of Minnesota.

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

\$10 per month to certain officers.—Section 1. That section 1088 of the Revised Laws of Minnesota, 1905, as amended by chapter 443 General Laws of Minnesota, 1907, be and the same is hereby further amended by adding thereto the following:

“There shall be paid to each company and battery quarter master sergeant and chief mechanic in charge of state and government property the sum of ten dollars per month upon the certificate of his company or battery commander that he has faithfully performed the duties of his office and accounted for all property entrusted to his care. Such payments shall be made quarterly upon vouchers approved by the adjutant general.”

Traveling expenses and per diem at annual meetings.—Sec. 2. That section 1092 of the Revised Laws of Minnesota, 1905, as amended by chapter 443 General Laws of Minnesota, 1907, be and the same is hereby further amended by adding thereto the following:

“Where the officers of the national guard are convened by the governor at an annual meeting of instruction, other than camp or active service, or where they are detailed under orders from regimental headquarters for the purpose of holding an election outside of their own station, they shall be allowed for traveling and incidental expenses the sum of three dollars per day, not to exceed two days, in addition to transportation.”

Pay of enlisted men.—Sec. 3. That sections 1090 and 1091 of the Revised Laws of Minnesota, 1905, be and the same are hereby amended to read as follows:

“1090. Camp allowances. For each day's attendance at an encampment or maneuver ordered by the governor, including the time necessarily consumed in travel, the enlisted men of the national guard shall receive pay at the rate now or hereafter provided for enlisted men of similar grade and term of enlistment in the regular army of the United States, and in addition thereto the sum of one dollar per day besides transportation and shelter. If subsistence is furnished by the state, the cost thereof, not to exceed fifty cents per day, shall be deducted from the pay of each enlisted man. The value of articles issued to any member of a company or battery, and not returned in good order on demand, as well as his proportionate share of the subsistence of the company and other legal fines or forfeitures may be deducted from the member's pay by his commanding officer. *Provided*, that such payment shall be made only to the men present in full uniform and on duty at least five days.

1091. Pay for active service—How audited and paid—When called into active service by the governor, each enlisted man shall be paid by the state the sum of fifty cents per day in addition to the pay and allowances provided in the preceding section for encampments and maneuvers, together with subsistence. If an artillery force be so employed, the necessary cost of horse hire and forage shall be paid by the state. In all such cases the pay rolls and expense bills shall be audited by the state auditor, attorney general and adjutant general, and paid upon their certificate out of the general revenue fund.”

Officers and enlisted men not liable for acts done under orders.—Sec. 4. That section 1066 of the Revised Laws of Minnesota, 1905, be and the same is hereby amended by adding thereto the following:

"No officer or enlisted man shall be held liable, in either a civil or a criminal action, for any act done under lawful orders and in the performance of his duty."

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

Approved April 20, 1911.

CHAPTER 304—S. F. No. 241.

An Act entitled "An Act to authorize cities in the State of Minnesota, now or hereafter having a population of more than 50,000 inhabitants, to lease sites for, and to provide and equip, temporary central police stations and lockups for the detention of prisoners, pending the erection of new and permanent central police stations and lockups by such cities, in cases where the erection of such new and permanent stations and lockups shall necessitate the destruction and removal of existing central stations and lockups."

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

Police commissioners authorized to lease new site for central police station.—Section 1. Whenever in the opinion of the board of police commissioners of any city in the State of Minnesota, having more than 50,000 inhabitants, or of any board of such city having charge, control and direction of the administration of the police department of such city, it shall be necessary to remove from and destroy any existing police station or lockup, and to provide and equip new temporary central police stations and lockups, pending the erection by such city, upon the site of such abandoned police station, of a new and permanent central police station and lockup, any such city is hereby authorized and empowered, acting by and through its board of police commissioners, or other board having the control and direction of the administration of the police department, of such city, to lease a new site for such temporary central police station and lockup, and to provide and equip the same.

Certain sections not applicable.—Sec. 2. Section 5488 of the Revised Laws, 1905, shall not apply to, or be binding upon, any such city in the providing of a temporary central police station and lockup, under the circumstances hereinbefore stated.

Sec. 3. This act shall apply to cities existing under a charter framed and adopted, pursuant to section 36 of article 4 of the Constitution of the State of Minnesota; and all acts and parts of acts inconsistent herewith, are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved April 20, 1911.