

quire any lands and premises, public or private, that may be necessary, convenient and proper for the purpose of drainage or sewerage, or any other purpose necessary to the proper construction and sanitation of the said state asylums; and in case the owner of any lands or grounds and the said board of trustees cannot agree as to the value of the premises taken or to be taken for any such use, the value thereof shall be determined by the appraisal of three (3) reputable freeholders, not directly or indirectly interested in the premises to be taken, said freeholders to be appointed on application of the said board of trustees by the judge of the district court of any judicial district of this state, according to the provisions of title one (1) of chapter thirty-four (34) of the General Statutes of eighteen hundred and seventy-eight (1878), so far as reasonably applicable, which said law shall apply to and govern proceedings under this act.

SEC. 8. The sum of one hundred and twenty-five thousand (125,000) dollars or so much thereof as may be necessary is hereby appropriated for the purpose of erecting and equipping the buildings herein provided for, and for providing the necessary stock and implements for the use of the institutions.

\$125,000 appropriated for buildings, etc.

SEC. 9. This act shall take effect and be in force from and after its passage.

Approved April 15, 1899.

CHAPTER 231.

S. F. No. 632.

An act to amend the military code by reducing the regimental staff, prescribing the organization of companies, providing for detail of engineers, regulating the issue of warrants and discharges, the apportionment and use of allowances, and the control and disposition of military property, fixing the maximum term of armory leases, and providing for the disposition, when returned, of military property and funds temporarily transferred or diverted in raising and equipping the volunteers.

Military code.

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

SECTION 1. That section 14 of said military code be and the same is hereby amended by adding thereto the following provision:

Sec. 14 amended.

Commander-in-chief may organize company of engineers; manner of organization.

"The commander-in-chief may, whenever required in the interest of the service, organize and equip a company of engineers, to consist of not more than one captain, one first lieutenant, one second lieutenant, and such number of non-commissioned officers and privates as may be necessary, not exceeding the number allowed by law to similar organizations in the army of the United States, and may prescribe their duties. The enlisted men of such company shall be detailed for duty therewith from the several organizations of the national guard, and while serving on such detail shall be entitled to all the benefits of attendance at drills and parades held by their respective organizations."

Sec. 16 amended.

Infantry regiment, what to consist of.

SEC. 2. That section 16 of said military code be and the same is hereby amended so as to read as follows: "Sec. 16. Regiments of Infantry.—Each regiment of infantry shall consist of one colonel and one lieutenant colonel, one regimental adjutant with the rank of captain, one quartermaster, one commissary of subsistence and one judge advocate, each with the rank of first lieutenant, one sergeant major, one quartermaster sergeant, one commissary sergeant, one chief musician, two color sergeants, not less than two (2) nor more than three (3) battalions, and one band of not more than twenty (20) musicians."

Sec. 18 amended.

Infantry company, what to consist of.

SEC. 3. That section 18 of said military code be and the same is hereby amended so as to read as follows: "Sec. 18. Companies.—Each company of infantry shall consist of one captain, one first lieutenant, one second lieutenant, one first sergeant, one quartermaster sergeant, four sergeants, six corporals, two cooks, two musicians, one artificer, and not less than twenty-six (26) nor more than fifty-six (56) privates."

Sec. 78 amended.

Warrants by and to whom issued.

SEC. 4. That section 78 of said military code be and the same is hereby amended so as to read as follows: "Sec. 78. Warrants.—Warrants to non-commissioned officers shall be issued by the commanding officer of their respective regiment or battalion of artillery."

Sec. 84 amended.

Honorable discharge, when given.

SEC. 5. That section 84 of said military code be and the same is hereby amended so as to read as follows: "Sec. 84. Discharge of Enlisted Men.—Honorable discharges shall be granted only upon expiration of term of service, or physical disability resulting from disease or wounds honorably received in the service, or by order of the commander-in-chief. Discharges may be given for the good of the service, permanent removal from company station after thirty days' notice in writing to the company commander of intended removal, for other physical disabilities or by order of the commander-in-chief."

The commanding officer of each regiment of infantry and of the battalion of artillery shall pass upon and order all discharges for enlisted men of his command, and sign all certificates of honorable discharge when properly made and submitted to him by company commanders."

Discharges to be passed on by commanding officer.

SEC. 6. That section 110 of said military code be and the same is hereby amended so as to read as follows:

Sec. 110 amended.

"Sec. 110. Control of Armory Leases.—Every officer whose command occupies, assembles or drills in any armory, drill hall or building allowed according to law for such purpose, shall have control of such premises during the period of occupation, subject to the orders of his superior commanders; and any person who intrudes contrary to his orders, or the orders of his superior commanders, or who interrupts, molests, obstructs or insults the troops or any of them so occupying such premises, may be dealt with as prescribed in the preceding section for like offenses, at the discretion of the officer in charge of the troops, or his superior commanders; *providing*, that nothing in this section shall be construed to prevent reasonable inspection of the premises by the mayor and aldermen or selectmen of a city or town, or by the owners of the premises, according to the terms which may have been specified therefor in a lease.

Commanding officer to have control of armory, subject to orders of superior officer.

Penalty for intrusion or molestation.

Not to apply to mayors, aldermen and owners of building in certain cases.

For the purpose of providing armories for one or more organizations of the national guard, any city, village or town may enter into a contract or lease for a period of not exceeding fifteen (15) years."

City or town may lease armory for 15 years.

SEC. 7. That section one hundred and fourteen (114) of said military code be and the same is hereby amended so as to read as follows:

Sec. 114 amended.

"Sec. 114. To Whom Paid.—The per capita money thus due to each company or battery upon said inspection shall be paid to the commander thereof, and the money thus due the brigade commander and staff, and the field and staff, and non-commissioned staff and band of each regiment and battalion of artillery and to the members of the medical corps, shall be paid to the commanding officer of such brigade, regiment, battalion and corps respectively, upon his requisition upon the adjutant general. The money so paid shall be known as the military fund of such organization, and shall be used only for the purchase of uniforms, the expense of armory and care of arms, and for other necessary expenses of said regiments, companies and batteries, or in obedience to the orders of the commander-in-chief. *Provided*, that if any part of the military fund shall be used in the erection or purchase of an armory, or in the acquisition of any other property,

Per capita money, to whom paid and how.

Title of property in name of commanding officer in official capacity.

real or personal, the legal title thereto shall be taken in the name of the commanding officer of such organization, in his official capacity, and shall pass to his successor in command, to be used, disposed of, or conveyed by or with the approval of the adjutant general, as the exigencies of the service may require."

Sec. 116
amended.

SEC. 8. That section 116 of said military code be and the same is hereby amended so as to read as follows:

\$600 allow-
ance for horse
hire for
battery.

"Sec. 116. Artillery Horses.—In addition to the allowances herein provided, there shall be paid annually to the commanding officer of each battery of artillery, at or before the time annual encampments are usually held, the sum of six hundred dollars, to be used by said battery for horse hire, the same to be drawn in the same manner as the usual allowance provided for in the preceding section of this article."

Sec. 118
amended.

SEC. 9. That section 118 of said military code be and the same is hereby amended so as to read as follows:

Value of lost
articles to be
deducted from
pay of mem-
bers who
lose same.

"Sec. 118. Deduction for Lost Property.—Commanders of companies and batteries are hereby authorized to retain from the pay of any of the members of their command, the amount and value of any article issued to such member by the company or by the state, which said member has lost, materially injured or destroyed, or has failed to return on demand, besides each member's proportionate share of the company's subsistence and expenses at camp.

Proceeds of
sale of con-
demned prop-
erty, how
used.

The proceeds of the sale or transfer of condemned and other military property, shall be turned over to the state auditor and by him placed to the credit of the national guard fund, to be used, under the direction of the adjutant general, in the purchase of similar property or for other necessary expenses of the service."

Allowances to
be apportioned
by adjutant
general in
1899.

SEC. 10. The adjutant general may, during the calendar year of eighteen hundred and ninety-nine (1899), apportion the allowances authorized in sections 113 and 123 of the military code among the several organizations of the national guard, upon a per capita basis, without regard to the conditions and requirements of said sections respectively. During the same calendar year, the adjutant general may use, in the purchase of uniforms and such other clothing and equipage as may be necessary and proper for the performance of duty required of the national guard by law, any part of the appropriations for the maintenance of the national guard which can, in his judgment, be temporarily spared for that purpose without detriment to the service.

SEC. 11. The governor, the state auditor and the adjutant general shall constitute a board to ascertain and determine the amount drawn from the several funds of the national guard, and expended during the late war with Spain, in raising, transporting, clothing, equipping or maintaining the state's quota of the volunteer army of the United States, and also the cost of replacing the military property of the national guard issued or transferred to said volunteer organizations and not returned to the state, and as soon as practicable file their report and finding thereon with the state auditor. Upon receipt of said report, the state auditor shall set aside, and place to the credit of the national guard fund, out of the first moneys received from the United States government upon the claim of the State of Minnesota for expenses paid or incurred during the war with Spain as aforesaid, a sum equal to the amount so withdrawn and the cost of replacing the property so transferred, as found by said board, to be used under the direction of the adjutant general, in the purchase of similar property, or for other necessary expenses of the service.

Governor,
auditor and
adjutant gen-
eral to con-
stitute board,
etc.

SEC. 12. This act shall take effect from and after its passage.

Approved April 17, 1899.

CHAPTER 232.

S. F. No. 125.

An act to amend section 7 of chapter 2 of the General Laws of 1893, entitled, "An act to provide for a new capitol for the State of Minnesota" (being section 501, of chapter 6, title 18, General Statutes 1894).

New state
capitol.

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

SECTION 1. That section seven (7) of chapter two (2) of the General Laws of 1893, approved April 7th, 1893, be and the same is hereby amended by striking out from the sixth (6th) line thereof the words "not exceeding ten years," so that when so amended said section shall read as follows:

Sec. 7, c. 2,
Laws 1893,
amended.

"There shall be transferred in each of the years 1893 and 1894 from the general fund to the credit of the board of state capitol commissioners the sum of five thousand dollars, and in each succeeding year after the year of 1894, until the completion of said capitol building, a sum

\$5,000 to be
transferred to
board of
state capitol;
also sum
equal to 2-10
of a mill upon
state valuation