

thereon all farms or tracts of land which are benefited or affected thereby, together with the owner's names and the acreage of each separate tract.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 13, 1903.

H. F. No. 51.

CHAPTER 52.

Military
code.

An act to amend the military code and amendments thereto, to provide for the maintenance of the state camp grounds and the buildings erected thereon, to fix the organization of the National Guard, to promote good marksmanship therein, to regulate the disposition of military funds and the allowance of officers and enlisted men, to prescribe the duties and regulate the proceedings of armory boards, and making further appropriation for the maintenance of the National Guard and to carry out the provisions of this act.

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

SECTION 1. That section ten (10) of chapter one hundred and eighteen (118), General Laws of 1897, known as the Military Code, be and the same is hereby amended so as to read as follows:

Guard,
state name.

"Section 10. National Guard—The active militia, organized, uniformed and equipped as hereinafter prescribed, shall be known as 'Minnesota National Guard.'"

SEC. 2. That article three (3) of part one (1) composed of sections fourteen (14), fifteen (15), sixteen (16), seventeen (17), eighteen (18), nineteen (19), twenty (20), twenty-one (21) and twenty-two (22), of chapter one hundred and eighteen (118), General Laws of 1897, known as the Military Code, and the several acts amendatory thereof, be and the same are hereby amended so as to read as follows:

"Article 3.—National Guard:

Peace
strength.
Officers.

"Section 14. National Guard: Peace Strength.—In time of peace the Minnesota National Guard shall consist of the commander-in-chief, the adjutant general as chief of staff, and the other staff officers mentioned in the two preceding sections including one chaplain with the rank

of colonel, and one brigade to be organized as hereinafter prescribed. *Provided*, that appointment on the staff of the commander-in-chief shall not thereby qualify the officer for the actual command of troops or for any office or commission in the National Guard other than that to which he has been appointed, without the examination and other qualifications prescribed by law.

Proviso.

The commander-in-chief may, from time to time, fix the number and grade of brigade staff officers, regimental and company officers, non-commissioned officers and other enlisted men which shall constitute each organization of the national guard now or hereafter authorized by law, provided the change is made to conform more closely to the number and grade of officers and enlisted men allowed by law, in time of peace, to similar organizations in the army of the United States; and, *provided further*, that unless so changed, said organization shall remain as now constituted under this act and the provisions of the military code.

Commander-in-chief may fix grade.

Section 15. War Strength.—The commander-in-chief shall have power, in case of war, invasion, insurrection, riot, or imminent danger thereof, to temporarily increase said force, and organize and equip the same as the exigencies of the case may require.

War strength.

Section 16. The Brigade.—The brigade shall consist of one brigadier general, one assistant adjutant general with the rank of major, one assistant inspector general, one brigade quartermaster, one brigade judge advocate, one commissary of subsistence, one inspector of small arms practice, one ordinance officer and one aide-de-camp, each with rank of captain, three regiments of infantry and one battalion or corps of artillery, the latter to include two batteries of artillery and one company of engineers; *Provided*, that the membership of no company, troop or battery shall fall below a minimum of forty-six officers and enlisted men.

Brigade officers.

Section 17. Regiments of Infantry; Bands. — Each regiment of infantry shall consist of one colonel and one lieutenant colonel, one regimental surgeon with the rank of major, one regimental adjutant, one regimental quartermaster, one regimental commissary of subsistence, each with the rank of captain, two assistant surgeons, and one judge advocate, each with the rank of first lieutenant:

Regiments of infantry, officers.

one regimental sergeant major, one quartermaster sergeant, one commissary sergeant, one hospital steward, two acting hospital stewards, two color sergeants, not less than two (2) nor more than three (3) battalions, and one regimental band.

Regimental band.

Each regimental band shall consist of one chief musician, one principal musician, one drum major, four sergeants, eight corporals, one cook and twelve privates.

Infantry.

Section 18. Battalions of infantry.—Each battalion of infantry shall consist of one major, one battalion adjutant with the rank of first lieutenant, one battalion sergeant major, and not less than two (2) nor more than four (4) companies.

Section 19. Companies of infantry.—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 to exceed fifty-six (56) privates.

Artillery Battalion.

Section 20. Battalion or Corps of Artillery.—The battalion or corps of artillery shall consist of one major, one adjutant with the rank of captain, one quartermaster and commissary, one assistant surgeon and one ordnance officer, each with the rank of first lieutenant, one sergeant major, one quartermaster sergeant, one commissary sergeant, one hospital steward, one acting hospital steward, one chief trumpeter, two batteries of artillery and one company of engineers.

Batteries Artillery.

Section 21. Batteries of Artillery.—Each battery of artillery shall consist of one captain, two first lieutenants, one second lieutenant, one first sergeant, one stable sergeant, one quartermaster sergeant, five sergeants, eight corporals, four artificers, two musicians, two cooks, and not to exceed sixty privates.

Engineers.

Section 22. Company of Engineers.—The company of engineers 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 and not to exceed fifty-seven privates."

SEC. 3. That section seventy-four (74) of chapter one hundred and eighteen (118), General Laws of 1897, known as the Military Code, be and the same is hereby amended so as to read as follows:

"Section 74. Staff Officers.—The staff officers of the brigade and of each regiment of infantry and of the battalion or corps of artillery shall be appointed by the commanding officer thereof, and shall hold office during his pleasure, subject to the approval of the commander-in-chief. *Provided*, that assistant surgeons who have served as such for five consecutive years may, upon application, approved by their regimental commander, be promoted to the rank of captain."

Staff
officers.

SEC. 4. That section one hundred and five (105) of said Military Code be and the same is hereby amended by adding thereto the following:

"The commander-in-chief, may in his discretion, order and establish special camps for advanced instruction in rifle and gun practice, not to exceed six days in any one year, the attendance to be limited to such officers and enlisted men who have attained a prescribed standard in marksmanship and who may be selected for that purpose under suitable regulations. At the conclusion of said practice, and from the participants who have developed unusual proficiency therein, rifle and gun teams may be formed who, with the approval of the adjutant general, may enter official competitions with similar teams in or from other states under such rules and regulations as the adjutant general may prescribe or assent to. *Provided*, that, in addition to subsistence, the pay of officers and enlisted men attending such practice or competition shall be at the rate prescribed for actual service; and *Provided, further*, that the total cost of said special camps and competitions, including the transportation, pay, shelter and subsistence of the participants, and such medals and prizes as may be offered, together with all necessary help and other accessories, shall not exceed the sum of three thousand dollars annually.

Establish-
ment of
camps.

SEC. 5. That section one hundred and twenty-one (121) of said Military Code be and the same is hereby amended by adding thereto the following:

"*Provided*, that there shall be allowed annually two officers in actual command of troops, for incidental expenses in the administration of the affairs of their respective commands, the following amounts:

"To the brigade commander, one hundred dollars;
to the commanding officer of each regiment of infantry,

Pay of
officers.

two hundred and fifty dollars; to the commanding officer of the battalion or corps of artillery, one hundred and fifty dollars; and to the commanding officer of each company or battery, one hundred dollars, the same to be drawn upon vouchers approved by the adjutant general."

Sections
repealed.

SEC. 6. That article seven (7) of part three (3) composed of sections one hundred and twenty-six (126), one hundred twenty-seven (127), one hundred and twenty-eight (128), one hundred and twenty-nine (129), one hundred and thirty (130), one hundred and thirty-one (131), one hundred and thirty-two (132), and one hundred and thirty-three (133), of chapter one hundred and eighteen (118), General Laws of 1897, known as the Military Code be, and the same are hereby repealed, *provided, however*, that section 9, of chapter 197, General Laws of 1895, shall not be affected thereby, but shall remain in full force and effect.

SEC. 7. That sections one (1), two (2), three (3), four (4), five (5), and six (6) of chapter fifty-four (54), General Laws of 1891, entitled "An act to provide suitable armories for the companies of the National Guard," approved April 20, 1891, shall hereafter be designated and known as sections 126, 127, 129, 130, 132 and 133, respectively, of article 7, part 3, of the Military Code.

SEC. 8. That the second paragraph of section one hundred and ten (110) of said Military Code, as amended by section one (1) of chapter thirty-three (33), General Laws of 1902, commencing with the words "For the purpose of providing," and ending with the words "use of such armory by the national guard," shall hereafter be designated and known as section 128 of article 7, part 3, of the Military Code.

SEC. 9. That section one hundred and thirty-one (131), of said Military Code, repealed as aforesaid, be and the same is hereby superseded by the following provision:

Armory
board.

"Section 131. Armory Boards.—In cities where one or more companies or batteries of distinct regiments or arms of the service are located, the command and management of the armory, and the appointment of the necessary help employed therein, will devolve upon a board composed of the senior field or line officer present from each regiment of infantry and battalion or corps of artillery

having a company or battery stationed in such city. The board will act through the affirmative vote of a majority of its members, and any resolution offered by a member of such board, when submitted in writing, though not seconded, shall be put to a vote and entered on the minutes together with the action of the board thereon. In case of a tie vote, and at the request of any member of the board, the proceeding will be certified to the brigade commander, who may thereupon cast the deciding vote and return the papers to the board with his action endorsed thereon, subject to an appeal to the adjutant general."

Method of
voting.

SEC. 10. That section one hundred and seventeen (117) of said Military Code be and the same is hereby amended by adding thereto the following:

"*Provided, further*, that all enlisted men, while in any service under orders of the commander-in-chief shall be entitled to ten per cent of their original pay as prescribed in this act, in addition thereto, for each period of five years' honorable service in the National Guard."

Additional
pay.

SEC. 11. That section one hundred and forty-one (141) of said Military Code be and the same is hereby amended by adding thereto the following.

"*Provided*, that the permanent annual appropriations for the National Guard made by the several acts herein mentioned, or by any act subsequent thereto or subsequent to this act, shall not lapse with the end of any fiscal year, nor be canceled or turned over into any other fund, but shall remain a permanent appropriation and be available for the purpose of carrying out the provisions of the Military Code, and the amendments thereto, until expended as therein provided, or otherwise disposed of by the legislature; and

Permanent
appropriation.

Provided, further, that all disbursements from any military fund, or from any fund for the maintenance or equipment of the National Guard, shall be made upon proper vouchers, approved by the adjutant general, and shall be paid upon the warrant of the state auditor on the state treasurer in the manner prescribed by section 115 of the Military Code."

How pay-
ments are
made.

SEC. 12. That section one hundred and six (106) of said Military Code be and the same is hereby amended by adding thereto the following:

Charge of
state
grounds.

"The adjutant general shall have charge of the state

camp grounds and military reservations, and shall properly care for and keep in good repair all state buildings erected thereon, together with the system of water pipes constructed thereon or laid by the state on any street or highway leading to or connecting with said grounds, and all other military property belonging to the State of Minnesota in or about, or used in connection with said camp grounds, and he may make such further improvements thereon as the exigencies of the service may require. *Provided*, that the total annual cost of the care, maintenance, extension and improvement of said grounds, and the buildings and additions thereon, shall not exceed the sum of two thousand five hundred dollars."

SEC. 13. That section 116 of said Military Code, as amended, be and the same is hereby further amended by adding thereto the following:

"Provided, that where said batteries of artillery, or either of them, shall be composed of more than two mounted sections, there shall be paid to the commanding officers thereof, respectively, the additional sum of three hundred and fifty dollars, and to the commanding officer of the battalion or corps the sum of one hundred dollars, for horse hire, at the times and in the manner herein provided."

Additional
appropriations.

SEC. 14. That the additional sum of fifteen thousand dollars be and the same is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, for the current fiscal year and annually thereafter, for the purpose of carrying out the provisions of the Military Code and the several amendments thereto, including the care, maintenance, improvement and extension of the state camp grounds and the buildings thereon, the rifle and gun practice and competition herein provided, the maintenance and the camp expenses of the National Guard, and the other provisions of this act.

SEC. 15. This act shall take effect and be in force from and after its passage.

Approved March 13, 1903.