

*James C. Child*  
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THE

PUBLIC STATUTES

OF THE

STATE OF MINNESOTA.

(1849—1858.)

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COMPILED BY  
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CHAPTER 120.

MILITIA AND VOLUNTEER MILITIA.

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*This act is repealed by Chap. 120, Sec. 1862 of 1865. Also see 1865.*

An Act to organize and discipline the Militia and Volunteer Militia.

[Passed August 12, 1858.] c. 77

Persons subject to enrollment.

(1.) SEC. I. *Be it enacted by the legislature of the state of Minnesota:* That all able-bodied, white male citizens resident of this state, being eighteen years of age, and under the age of forty-five years, excepting

persons exempt by law, shall be enrolled in the militia, and perform military duty in such manner—not incompatible with the constitution and laws of the United States—as hereinafter prescribed.

## MILITIA DIVISIONS.

(2.) SEC. II. That the state shall be divided into three divisions, as follows: that portion of the state lying south of a line commencing at the south-east corner of Dakota county, running along the south lines of Dakota, Scott, Sibley, McLeod, Renville, and thence due west to the west line of the State, shall constitute the first division, and shall be under the command and orders of one or more major and brigadier-generals, and colonels, as the commander-in-chief may see proper, according to the returns of the census taken from time to time under the authority of law.

First division ;  
limits.

Second division.

(3.) SEC. III. The counties lying north of said line [named] in the second section of this act, and west of the Mississippi river, shall constitute the second division, and be officered and apportioned as division number one.

(4.) SEC. IV. The counties lying east of the Mississippi river shall constitute the third division, and be officered and apportioned as divisions Nos. 1 and 2.

Third division.

(5.) SEC. V. The governor of the state shall be commander-in-chief, and shall have power to appoint one or more major-generals, and two or more brigadier-generals for each division, and the governor shall also appoint and commission all commissioned officers of regiments, battalions and companies; each colonel shall appoint his own staff, and each captain shall appoint his own commissioned company officers.

Commander-in-  
chief, his power  
to appoint offi-  
cers.

## BRIGADES.

(6.) SEC. VI. That the divisions aforesaid shall be divided into as many brigades as the commander-in-chief may think proper.

Division into  
brigades.

## STATE AUDITOR TO NOTIFY COUNTY AUDITORS.

(7.) SEC. VII. The auditor of this state shall, by order of the commander-in-chief, issue his order to all of the county auditors of the several counties, requiring of them to instruct the assessors of the several townships to perform all the duties required of them by this act, which order shall be given in one or more newspapers published in each brigade or county, then to be published in any adjoining county belonging to the same division, and to be paid for as other public printing of a like nature.

Notification to  
assessors of their  
duties.

## ENROLLED MILITIA.

(8.) SEC. VIII. That it shall be the duty of the township assessors of the several townships, and the assessors of the several wards of the several cities, to prepare a list of all persons liable to be enrolled as aforesaid, in their respective wards, townships or districts, save and except members of uniform volunteer companies. Township, ward or district assessors aforesaid, shall annually, at the time of assessing taxable property, make out a roll or list of all names of persons enrolled as aforesaid, and place it in the auditor's office of the proper county; and it shall be the duty of such auditor annually on or before the first day of November, to return an

Assessors to pre-  
pare lists of per-  
sons subject to  
enrollment.

Auditors to send  
copies to adju-

tant-general; duty of. accurate copy of such records of enrollment to the adjutant-general of the state, to be by him filed in the office, and an abstract of the aggregate number of persons so returned shall be forwarded by the adjutant-general of the state to the war department at Washington city, on or before the first day of January of each year; and if any assessor shall neglect, or from any cause omit to perform his duties, the other assessors (or either of them) of the city, town or ward, shall perform such duties. All tavern keepers, keepers of boarding houses, persons having boarders in their families, and every master or mistress of any dwelling house, shall, upon the application of any assessor, give information of the names of all persons residing or lodging in such house, liable to be enrolled, and all other proper information concerning such persons as such assessors may demand. If any person of whom any information is required by any assessor in order to enable him to comply with the provisions of this act, shall refuse to give such information, or shall give false information, he shall forfeit and pay not more than ten dollars for each offense; any person who shall refuse to give his own name and proper information, when applied to by any assessor, or shall give false name or information, shall forfeit and pay a like sum, such penalties to be recovered in any court of competent jurisdiction, in the name of the state of Minnesota; and it is hereby made the duty of the assessors to report the names of all persons who may incur any penalty in this section prescribed, to the commandant of the brigade in which they reside. All moneys collected under the provisions of this act shall be paid to the county treasurer, and go to the military fund of said county. The assessors shall be compensated for their services in making the enrollment required by this article at the same rate and in like manner as they are compensated for making the annual assessment of property.

Neglect of assessors.

Provision to obtain necessary information; penalty.

Compensation to assessors.

Militia when subject to active duty; rules while in service.

(9.) SEC. IX. That the militia thus enrolled shall be subject to perform no active military duty save and except in case of war, invasion, or to prevent invasion, riot or insurrection; in such case the commander-in-chief is hereby authorized to order out from time to time, for actual service,

FORMS. (a)

*Form of Oath to be taken and subscribed by Officers on the receipt of their Commission, to be transmitted to the Adjutant-general at head quarters.*

I, \_\_\_\_\_, do solemnly swear, (or affirm, as the case may be,) that I will support the constitution of the United States, and the state of Minnesota, and that I will faithfully discharge the duties of the office of \_\_\_\_\_ according to the best of my ability.

Sworn to and subscribed before me, this \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18\_\_\_\_, \_\_\_\_\_, Colonel of regiment.

Form of oath to be taken and subscribed by officers on the receipt of their commission; to be transmitted to the adjutant-general at head-quarters.

FORM OF BOND.

Know all men by these presents: that we \_\_\_\_\_, and \_\_\_\_\_ are held and firmly bound to the state of Minnesota, in the penal sum of \_\_\_\_\_ dollars, for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, firmly by these presents.

Given under our hands and seals, this \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_.

The condition of the above obligation is such, that whereas, the said \_\_\_\_\_, who is commandant of the \_\_\_\_\_ company in the \_\_\_\_\_ regiment, \_\_\_\_\_ brigade and \_\_\_\_\_ divisions of the Minnesota militia, has, as commandant of said company, received of the quarter-master-general the following arms, to wit:

The contract prices of which amount to \_\_\_\_\_ dollars, which arms the said \_\_\_\_\_ is to keep safely and in a good state of preservation, and to deliver up in good repair, to the order of the commandant of the said \_\_\_\_\_ brigade. Now, if the said \_\_\_\_\_ does keep the arms aforesaid, safely and in good repair and preservation, and delivers them up to the commandant of the said \_\_\_\_\_ brigade in good repair, then this obligation shall be null and void; otherwise, to remain in full force and virtue in law.

\_\_\_\_\_, [SEAL.]  
 \_\_\_\_\_, [SEAL.]  
 \_\_\_\_\_, [SEAL.]

(a) These forms and uniform regulations are those prepared by the adjutant-general, pursuant to the above act.

as. many of the militia thus enrolled as necessity may require, and to provide for their organization in the manner hereinafter prescribed for the organization of volunteer militia: *provided*, that in all such cases the enrolled volunteer militia shall first be ordered into service. . The militia, while in actual service, shall be governed by the military laws of the state and the rules and articles of war of the United States; and when any troops are in the field for the purpose aforesaid in this section, the senior ranking officer of the troops present shall take command: *provided*, that no person shall be eligible to a command in the volunteer militia of this state who is not a citizen of the United States and of this state.

VOLUNTEER MILITIA ORGANIZATION.

(10.) SEC. X. That the active militia of this state shall be composed of volunteer companies, raised by order of the commander-in chief within the limits of the several brigade districts. The volunteer militia shall in all cases of war, invasion, riot or insurrection, be the first military force ordered into the field. Volunteer companies shall consist of men between the ages of eighteen and forty-five: *provided*, that no minor shall be enrolled as a member of any such volunteer company, without the consent of his parent or guardian; and that all volunteer companies, squadrons, battalions, regiments, brigades and divisions now formed and officered according to law, shall be retained. Whenever, according to the provisions of this act, forty men shall be enrolled as members of a volunteer company of artillery, infantry, light infantry or rifle; or whenever thirty men shall be enrolled as members of a volunteer company of cavalry, such companies shall be officered by the commander-in-chief, as provided for in the fifth section of this act. No such company shall be increased to more than a hundred members, and whenever a company becomes reduced to less than twenty members, it may be attached to another company or disbanded, by order of the commander-in-chief: *provided*, that whenever twenty men shall be enrolled as members of a light artillery company, they may proceed as provided in this act, (section 5,) when two such light artillery companies are organized in any brigade, they may be formed into a battalion, under the command of a major and such subordinate officers as the

Volunteer companies to be the active militia; manner of organization.

FORM OF COMPANY ROLL FOR INFANTRY OR RIFLEMEN.

Roll of the Company of \_\_\_\_\_, in the \_\_\_\_\_ Regiment, \_\_\_\_\_ Brigade, and \_\_\_\_\_ Division of Militia of the State of Minnesota, under the command of Captain \_\_\_\_\_, as corrected, on the \_\_\_\_\_

Names of commissioned officers.			Drums.	Fifes.	Bugles.	Rifles.	Muskets.	Bayonets.	Cartridge boxes.	Steel rods.	Scabbards & belts.	Percussion caps.	Wires and brushes.	Worms.	Knapsacks.	Pouches.	Powder horns.	Cartridge with ball.	Loose balls.	Pounds of powder.	Remarks.	
Names of non-commissioned officers.																						
Names of privates.																						

Mu's Corp. Serg't.

I certify the above to be a true return.

To adjutant-general

Captain.

commander-in-chief shall direct; and whenever three such companies of light artillery are organized in any brigade they may be formed into a battalion under the command of a lieutenant-colonel and major, with such other subordinate officers as the commander-in-chief may direct; and when five such light artillery companies exist in any one brigade, they may, by order of the commander-in-chief, be formed and organized into a regiment, with a full complement of regimental officers; all such companies, battalions and regiments of light-artillery, when organized, shall be armed and drilled as near as practicable in accordance with the system of the United States army for like organizations.

COMPANIES TO BE NUMBERED.

Volunteer companies to be numbered; oldest company first in rank.

(11.) SEC. XI. The several volunteer companies of cavalry, artillery, infantry, light-infantry and riflemen in each brigade, shall be numbered by the proper commandant of brigade, and a record made of such members in his office, and in the adjutant general's office, and when they exist in sufficient numbers; and are conveniently located for the purpose, shall be organized into battalions and regiments, and officered as provided in section 5, of this act. And in all cases of the same description of arms the oldest organized uniform company first commissioned shall be first and senior in rank, the next uniform company commissioned second in rank, and so on to the junior organized and commissioned company, dating from the first commissions issued to the officers of the company.

Forming into battalions and regiments.

(12.) SEC. XII. Whenever there are not less than three nor more than six volunteer or independent companies of infantry, light-infantry, or rifle of any one description within the bounds of any brigade, the commandant thereof may organize such companies into a battalion under the command of a lieutenant-colonel and major, with all the staff officers necessary to a regiment, or battalion, as provided for by this act: *provided, also,* that whenever there are over five and under eleven companies of any

FORM OF COMPANY

Roll of the Company of Artillery, in the Regiment, Brigade, and Division, of

Names of commissioned officers. - - -		Muskets.
Names of non-commissioned officers. - - -		Bayonets.
		Cartouch boxes.
		Ball cartridges.
		Swords and belts.
		Knapsacks.
		Uniforms.
		Colors.
		Brass Pounders.
		Iron Pounders.
		Cartridges.
		Ammunition boxes.
		Tarpaulins.
		Tompons and Straps.
		Aprons.
Drag ropes.		
Limbers.		
Sponges.		
Names of privates. - - -		

Serg't. }  
Corp. }  
Mu's. }

I certify the above

To adjutant-general

one description as above provided, within the bounds of any brigade, the commandant shall organize the same into a full regiment, commanded by one colonel, lieutenant-colonel and major, and a full staff, and whenever there are over ten companies in any one brigade as heretofore provided, the commandant of brigade may organize them into battalions or regiments, or both, if there are a sufficient number of companies so to do; and whenever there are not less than two, nor more than four companies of artillery or cavalry, the commandant of brigade may organize them, if artillery, into a battalion, of cavalry, into a squadron, under the command of a lieutenant-colonel and major, and a full set of staff officers as is provided for a regiment by this act; and whenever there are four or more companies of artillery or cavalry in any one brigade, the commandant of said brigade shall organize them into regiments; and whenever there are over five companies of artillery or cavalry, the commandant of said brigade may organize the artillery into battalions or regiments, or both, if there are a sufficient number of companies, and may organize the cavalry into squadrons or regiments, or both, as he may think proper and right, being governed by the number of companies of any one description in his brigade in all cases.

OFFICERS TO MAKE RETURNS—WHEN AND WHAT TO BE RETURNED.

(13.) SEC. XIII. That every commandant of any volunteer independent company shall make a return of all non-commissioned officers, musicians and privates under his command belonging to his company; and all the arms and accoutrements belonging thereto, to the commandant of his regiment, squadron or battalion; but if his company does not form a part of any regiment, squadron, or battalion, then he shall make return to the commandant of his brigade, but in either case shall make his return on or before the first day of August in each year; and the commandants of each and every regiment, squadron, or battalion shall make return to the commandants of brigades on or before the first day of September annually;

Officers of volunteer companies to make returns of their company.

ROLL FOR ARTILLERY.

*the Militia of the State of Minnesota, under command of Captain \_\_\_\_\_, for the year \_\_\_\_\_*

	Remarks.
Worms and ladles.	
Linstocks.	
Portfire stocks.	
Portfire cases.	
Haversacks.	
Powder horns.	
Tube boxes.	
Nippers.	
Priming wires.	
Gimlets.	
Hammers.	
Belts.	
Ammunition carts.	
Saddles horse harness.	
Tar buckets.	
Pounds of powder.	
Canister shot.	
Flannel cartridges.	
Portfire.	
Slow match.	
Tubes.	
Tumbrils.	
Drums.	
Fifes.	

to be a true return,

Captain.

and the commandants of brigades shall return to commandants of divisions, on or before the first of October annually; and the commandants of divisions to the adjutant-general on or before the first day of November in each year. All commandants named in this act, shall make return of all commissioned and staff officers, non-commissioned staff officers; all members of volunteer or independent companies; all arms and accoutrements belonging to or in possession of their commandants; and all such return shall be preserved by the adjutant-general in a book of records in his office, and an abstract thereof, showing the number of uniform volunteer militia, or active military of the state, shall be by him forwarded to the war department at Washington city, at the same time that the returns of the uniformed or enrolled militia are forwarded, as heretofore provided.

VOLUNTEER COMPANIES HELD TO FIVE YEARS.

Term of volunteer service five years.

(14.) SEC. XIV. Every non-commissioned officer and soldier of any volunteer company, shall be held to duty therein for five years unless some absolute disability shall occur after forming such company, or shall be discharged by the proper officer; and every such person, after the expiration of said term, and every commissioned officer, after serving a similar term in conformity with the provisions of this act, shall be entitled to a certificate of such service; and such certificate shall be given to all such persons under the rank of brigadier-general, by generals of brigade, and if there be no brigadier, by officers of any brigade in command, and to all other officers by commandants of divisions, and the holders of such certificates, shall be exempt from military duty in time of peace; and all members of volunteer companies now organized, or who shall hereafter organize under the provisions of this act, shall, while a member of such company, be exempt from labor on the public highways of this state, and service on juries: *provided*, that if any officer or person shall knowingly grant, issue or use any illegal certificate under the provisions of this act, such officer or person shall be deemed guilty of misdemeanor, and subject to pay a penalty, in amount, not less than ten nor more than one hundred

Exempt from labor on public highways and service on juries.

FORM OF COMPANY ROLL FOR CAVALRY.

Roll of the Company of Cavalry, in the \_\_\_\_\_ Regiment, \_\_\_\_\_ Brigade, and \_\_\_\_\_ Division of the Militia of the State of Minnesota, under the command of Captain \_\_\_\_\_ for the year \_\_\_\_\_

Names of commissioned officers.		Colors.	Uniforms.	Caps.	Pairs boots.	Pairs spurs.	Sabres.	Pairs pistols.	Cartridge boxes.	Cartridges.	Horses 14 hands.	Saddles.	Holsters.	Breast plates.	Crumpers.	Bridles.	Mail pillions.	Valises.	Trumpets.	Bugles.	Remarks.			
Names of non-commissioned officers.																								
} Mu's.	} Corp.	} Serg't.																						
Names of privates.																								

I certify the above to be a true return.

To adjutant-general

Captain.



whenever in the opinion of the officer appointing him, he shall deem it advisable to remove him.

## UNIFORM.

Uniform prescribed.

Proviso for companies now organized.

(17.) SEC. XVII. That the uniform of all companies now organized or hereafter to be organized, and officers to be hereafter commissioned, shall correspond and conform to the uniform prescribed by the present regulations of the United States army, except the coat of arms, which shall be that of the state of Minnesota: *provided*, companies now organized and uniformed, and officers now uniformed, shall be privileged to retain their present uniform for the period of five years from and after the passage of this act: *and further provided*, that every commissioned and staff officer, except chaplains, shall uniform themselves within four months from the date of his or their commissions, and every non-commissioned staff officer shall uniform himself within four months from the date of his appointment, and every member of any volunteer company or independent company, shall uniform himself within four months from the date of the organization of such company, or from the date when he attached himself to such company.

## MAJOR-GENERALS MAY ORGANIZE COMPANIES.

Major-generals may organize companies.

(18.) SEC. XVIII. That whenever there is no brigadier-general in any brigade, the major-general of said division shall discharge the duties of brigadier-general, as far as may be practicable, by giving orders to raise volunteer companies, and organizing them into regiments, squadrons or battalions: *provided*, when any brigadier or major-general issues an order to raise any volunteer or independent company, said general may confine the raising of such company, to be raised within the bounds of any city, ward or wards, town or townships, which may be within the bounds of any brigade.

## UNIFORM COMPLETE.

Uniform com-

(19.) SEC. XIX. Every officer of the line and staff, and every officer

## UNIFORM AND DRESS OF THE MILITARY FORCES OF THE STATE OF MINNESOTA.

Uniform and dress of the military forces of the state of Minnesota.

1. *Coat for a commissioned officer.*—All officers shall wear a frock coat of dark blue cloth, the waist to extend to the top of the hip, and the skirt to within one inch of the bend of the knee; single breasted for captains and lieutenants; double breasted for all other grades.
2. *For a major general.*—Two rows of buttons on the breast, nine in each row, placed by threes; the distance between each row, five and one-half inches at top, and three and one-half inches at bottom; stand-up collar, to rise no higher than to permit the chin to turn freely over it, to hook in front at the bottom, and to slope thence up and backwards, at an angle of thirty degrees on each side; cuffs, two and one-half inches deep, to go around the sleeves parallel with the lower edge, and to button with three small buttons at the under seam; pockets in the folds of the skirts, with one button at the hip, and one at the end of each pocket, making four buttons on the back and skirt of the coat; the hip button to range with the lowest buttons on the breast; collar and cuffs to be of dark blue velvet; lining of the coat, black.
3. *For a brigadier-general.*—The same as for a major-general, except that there will be only eight buttons in each row on the breast, placed in pairs.
4. *For a colonel.*—The same as for a major-general, except that there will be only seven buttons in each row on the breast, placed at equal distances; collar and cuffs of the same color and material as the coat.
5. *For a lieutenant-colonel.*—The same as for a colonel.
6. *For a major.*—The same as for a colonel.
7. *For a captain.*—The same as for a colonel, except that there will be only one row of nine buttons on the breast, placed at equal distances.
8. *For a first lieutenant.*—The same as for a captain.
9. *For a second lieutenant.*—The same as for a captain.
10. *For a chaplain.*—The same as for a captain.

and soldier of any volunteer company, shall provide himself with a uniform complete, as required by law, and each commissioned officer shall also provide himself with a suitable sword, and the arms and equipments of the officers and soldiers, and shall be held by them free from any and all process whatever, issued in any civil case, and every member of a volunteer or independent company, and every commissioned and non-commissioned officer, while serving as such, shall be free from arrest on any civil process while going to, and during the time while attending, and returning home from any muster or parade: *provided, however,* that such [member] of any volunteer company, or commissioned officer, shall have a reasonable time going to and returning from such muster or parade home.

plete—members free from arrest while going to and returning from parade.

## FINES.

(20.) SEC. XX. Every non-commissioned officer, musician and private, who shall refuse to appear full armed and equipped on any day of muster required by this act, shall for every such refusal or neglect, pay the sum of one dollar for each company muster, and two dollars for each days' brigade or encampment muster.

Fines for non-attendance.

## ASSESSMENT OF FINES BY COMPANY OFFICERS.

(21.) SEC. XXI. It shall be the duty of the commander of each volunteer company, together with the commissioned officers of his company, within ten days after each day's company muster required by this act: *provided,* in their opinion, such delinquent should be fined, to make out a list of such delinquents, particularly noting the fines therein assessed on such member of his company, and for what cause; a copy of which list shall forthwith be returned to a justice of the peace of the proper township. Such justice, on receiving such list, shall forthwith issue a summons against such delinquent named in such list, naming a day, not more than eight, nor less than three days from the date of such summons, in which the defendant shall appear at the place named in such summons, before such justice and defend, and in default of an appearance in person, or by agent or counsel, and a showing of a legal defense, such justice shall render a judgment in the name of the state for the use of such company, for the amount shown by such list to have been assessed against such delin-

Fines how to be assessed.

Fines how collected.

## FOR NON-COMMISSIONED OFFICERS, MUSICIANS AND PRIVATES.

11. The uniform coat for all non-commissioned officers, musicians and privates, shall be a single breasted frock of dark blue cloth, with a skirt extending to within four inches of the bend of the knee.

12. *For a sergeant-major and quarter-master-sergeant of artillery.*—One row of nine buttons on the breast, placed at equal distances; stand-up collar, to rise no higher than to permit the chin to turn freely over it, to hook in front at the bottom, and slope thence up and backward at an angle of thirty degrees on each side; cuffs pointed according to pattern, and to button with two small buttons at the under seam; collar and cuffs edged with a cord or welt of scarlet cloth; on each shoulder a metallic scale according to pattern, with the number of the regiment in white metal, figures one inch long, within the crescent; narrow lining for skirt of the coat of same material and color as the coat; pockets in the folds of the skirts, with one button at the hip, to range with the lowest buttons on the breast; no buttons at the ends of the pockets.

For non-commissioned officers, musicians and privates.

13. *For a sergeant-major and quarter-master-sergeant of infantry.*—Same as for artillery, except that the edging will be of light or sky-blue cloth.

14. *For a sergeant-major and quarter-master-sergeant of riflemen.*—Same as for artillery, except that the edging will be of medium or emerald green cloth.

15. *For a sergeant-major and quarter-master-sergeant of cavalry.*—The same as for artillery, except that the edging will be of orange cloth.

16. *For a sergeant of artillery, infantry, riflemen and cavalry.*—The same as for the sergeant-major of those corps respectively; except that there will be upon the scales, instead of the number of the regiment, the letter of the company, in white metal, one inch long.

17. *For a sergeant of light artillery.*—The same as for the artillery.

18. *For a sergeant of engineer soldiers.*—The same as for a sergeant of artillery, except that the edging will be of yellow cloth, and that upon the scales will be the number of the regiment; on both sides of the collar, near the front, a castle of yellow metal one and five-eighths inches, by one and one-fourth inches high.

quent, and the commandant of the company shall call commissioned officers of his company together within five days after each company muster, for the purpose of assessing the aforesaid fines: *provided*, that all persons feeling themselves aggrieved by the decision of such justice, shall have the right to appeal, as in other cases; all such fines to be paid over to the county treasurer, and to go into the military fund.

## AMOUNT OF FINES TO BE ASSESSED UPON OFFICERS.

Fine against officers.

(22.) SEC. XXII. That the following shall be the amount of fines to be imposed upon all general officers, lieutenant-colonels, majors, captains, lieutenants and non-commissioned staff-officers, for refusing or neglecting to discharge any of the duties enjoined on them by the provisions of this act, and for refusing to obey any order of their superior officers, which fine or penalty shall apply to all commissioned staff-officers of the same rank or other commissioned officers who have violated the provisions of this act, shall be dealt with as other officers; a fine on any non-commissioned staff-officer to be not less than three dollars, nor over thirty dollars; a fine on any lieutenant to be not less than four dollars, nor over forty dollars; a fine on any captain to be not less than five dollars, nor over fifty dollars; a fine on any major to be not less than eight dollars nor more than eighty dollars; a fine on a lieutenant-colonel to be not less than nine dollars nor over ninety dollars; a fine on a colonel to be not less than ten nor over one hundred dollars; all of said fines to be assessed or imposed by a brigade court or court-martial, as the case may be, and to be collected as herein provided for. Hereafter all and any fines imposed upon any commissioned staff-officers under the provisions of this act, shall be collected before any justice of the peace in whose township such delinquent may reside, and all such shall be brought in the name of the state of Minnesota, for the use of the brigade in which such fines were assessed or imposed, and all sums under one hundred dollars shall be collected before a justice of the peace, and any fine assessed or imposed for one hundred dollars or more, shall be collected before any court having competent jurisdiction, as other like sums to be collected by the brigade-inspector, or any other brigade-staff-officer, that the commandant of brigade may designate: *provided*, that suits commenced by the brigade-inspector, or other brigade staff-officer,

Non-commissioned staff-officers.

Lieutenant.  
Captain.

Major.

Lieutenant-colonel.

Manner of imposing and collecting fines.

19. *For ordnance-sergeant.*—The same as for a sergeant of engineer soldiers, except that the collar and cuffs will be edged with crimson instead of yellow, and that on the collar, on both sides, near the front, there will be a shell and flame of yellow metal two inches long.

20. *For a corporal of artillery, infantry, riflemen, cavalry, light artillery and engineer soldiers.*—The same as for a sergeant of those corps respectively.

21. *For a private of artillery, infantry, riflemen, cavalry, light artillery, and engineer soldiers.*—The same as for a corporal of those arms respectively.

22. *For a musician of artillery, infantry, riflemen, cavalry and light artillery.*—The same as for a private of those corps respectively, with the addition of a facing according to pattern, and corresponding in color with the edging on the collar and cuffs.

23. *For a principal or chief musician.*—The same as for a musician of his regiment.

24. *For a chief bugler.*—The same as for a principal or chief musician.

25. On all occasions of duty, except fatigue, and when out of quarters, the coat shall be buttoned and hooked at the collar.

## BUTTONS.

Buttons.

26. *For general officers and officers of the staff, except engineers.*—Gilt, convex; device, a spread eagle, with thirteen stars over the head of the eagle, and upon its breast, on a shield, the arms of the state with the letters "M. V. M." below the eagle; large size, seven-eighths of an inch in exterior diameter; small size, one-half inch.

27. *For officers of the engineers.*—Gilt, nine-tenths of an inch in exterior diameter, slightly convex; a raised bright rim, one-thirtieth of an inch wide; device, an eagle holding in his beak a scroll, with the words "Essays;" a bastion with embrasures in the distance, surrounded by water, with a rising sun; the figures to be of dead gold upon a bright field, small buttons of the same form and device, and fifty-five-hundredths of an inch in exterior diameter.

28. *For all field and line officers.*—Gilt, convex, device, a spread eagle with the letter A. for artillery, I. for infantry, II. for riflemen, C. for cavalry, on the shield; large size, seven-eighths of an inch in exterior diameter; small size, one-half inch.

shall be for the collection of fines on commissioned and staff-officers of his own brigade: *provided, also*, that when any fine or fines are imposed by court-martial according to the provisions of this act, it shall be the duty of the president of said court to cause said fine or fines to be collected as fines are assessed or imposed by brigade-courts, as herein provided, and any fine imposed on any brigadier-general, shall not be less than fifteen dollars, nor over one hundred and fifty dollars, to be collected by the major-general or commandant of division: *provided*, said fine is not imposed by any court-martial; and when any major-general shall be fined, it shall not be less than twenty dollars, nor over two hundred dollars, to be collected by the commander-in-chief: *provided, also*, that said fine is not imposed by any court-martial: *and provided, also*, that all fines collected by a major-general or the commander-in-chief, shall be agreeable to the foregoing provisions of this act, and all fines collected under the provisions of this act shall go into the military fund belonging to the several brigades, and all suits brought for the collection of fines under the provisions of this act, shall be brought as other suits at law, and the defendant may plead the general issue, but shall not prove nor refer back to any later date than the date of such delinquency: *provided, however*, that fines imposed by any court-martial shall be collected immediately after judgment is rendered for the same, and no stay of execution shall be allowed, but on the contrary, the proceeding of the court-martial showing the state of the case, and such officer named to have been fined, which proceeding, when attested and signed by the president of said court, shall entitle the person prosecuting the same to a judgment in favor of his brigade, or the state of Minnesota, as the case may be, the proceedings of any court-martial attested as required by this act, shall serve in all courts of justice as a transcript from any other docket, and such courts shall render judgment forthwith, and issue execution accordingly.

Fine of major general.

Collection of fines.

#### FINES, ETC., FOR DISTURBING MUSTERS.

(23.) SEC. XXIII. If any non-commissioned officer, musician, private, bystander or inspector, at any officer, regimental, squadron, battalion or company muster or parade, or at a meeting of officers, authorized or required by this act, shall molest any officer or soldier when on duty, the

Penalty for disturbing musters, &c.

29. *Aids-de-camp* may wear the button of the general staff, or of their regiment or corps, at their option.

30. *For all non-commissioned officers, musicians and privates, except engineers.*—Yellow, to correspond with those for the officers.

#### TROUSERS.

31. The uniform trousers for officers, non-commissioned officers, musicians and privates, will be of cloth throughout the year; made loose, and spread well over the boot, of dark blue cloth. Trowsers.

32. *For general officers.*—Plain, without stripe, welt or cord down the outer seam.

33. *For officers of the general staff and staff corps.*—With a gold cord one-eighth' of an inch in diameter, let into the outer seam.

34. *For chaplains.*—A welt of black velvet, of the same size, and let into the outer seam.

35. *For regimental officers.*—With a welt let into the outer seam, one-eighth of an inch in diameter, of the following colors: for *artillery*, scarlet; *infantry*, sky blue; *riflemen*, medium or emerald green; *cavalry*, orange.

36. *For all non-commissioned officers.*—With a stripe one and a half inches wide, of the following colors: for *artillery*, scarlet; *infantry*, sky blue; *riflemen*, medium or emerald green; *cavalry*, orange; *engineers*, yellow; *ordnance*, crimson.

37. *For musicians and privates.*—With a stripe half an inch wide, of the color of the facings for the corps will be worn, covering the outer seam.

#### HAT.

38. *For officers.*—Of best black felt; the dimensions of medium size, to be as follows: width of brim, three and one-fourth inches; height of crown, six and one-fourth inches; oval of tip, half inch; taper of crown, three-fourths of an inch; curve of head, three-eighths of an inch. The binding to be half an inch deep, of best black ribbed silk. Hat.

commanding officer may order and require such person or persons to be put under guard for any time not exceeding six hours, and such non-commissioned officer, musician, or private, may moreover be returned by such commanding officer to the next brigade court of inquiry for the assessment of fines, and may be fined in any sum not less than one nor more than ten dollars, which fine shall be collected and applied as other fines under the provisions of this act; and any officer or soldier appointed as guard, or placed upon duty as a sentinel, at any muster, parade or encampment held under the provisions of this act, is hereby authorized and required to discharge that duty, maintain his post, and guard the lines, to protect the muster, parade or encampment, by using such force as will be necessary and sufficient to effect the same.

## FINES AGAINST MINORS AND OTHERS.

Guardians, &c.,  
responsible for  
minors, &c.

(24.) SEC. XXIV. All property held in common by any association or association of persons, whose tenets or rules require a community of property, shall be holden for the payment of any and all fines assessed under the provisions of this act, against any member or members of such association, for the non-performance of military duty, and in all cases a father shall be bound for his son, guardian for his ward, and master for his apprentice, under the provisions of this act, for all fines against minors.

## FINES AND CIVIL AUTHORITIES.

Fines to be col-  
lected by process  
from courts.

(25.) SEC. XXV. That in all cases where fines or penalties are incurred in accordance with the provisions of this act, the company, squadron, battalion, or regiment, brigade or court-martial before whom, or on whose accounts the same are assessed, or incurred, shall have process from any courts in the state with the proper county, and of competent jurisdiction, to enforce the same to final judgment and execution, and in all cases the records of such company, regiment, brigade or court-martial, shall be received as prima facie evidence: *provided*, that in all cases that the defendant on trial may prove in evidence any irregularity in the assessing of

39. *For non-commissioned officers, musicians and privates.*—Of black felt, same shape and size as for officers, with double row of stitching instead of binding, around the edge.

## TRIMMINGS.

Trimming.

40. *For general officers.*—Gold cord, with acorn shaped ends. The brim of the hat looped up on the right side, and fastened, with an eagle attached to the side of the hat; three black ostrich feathers on the left side; a gold embroidered wreath in front, on black velvet ground, encircling the letters "M. V. M." in old English characters.

41. *For officers of the general staff.*—The same as for general officers, except the cord, which will be of black silk and gold.

42. *For the staff corps.*—Below the rank of field officers, the same as for field officers, except that there will be but two feathers.

43. *For officers of the engineers.*—The same as for the general staff, except the ornament in front, which will be a gold embroidered wreath of laurel and palm, encircling a silver turreted castle on black velvet ground.

44. *For officers of the ordnance department.*—The same as for the general staff, except the ornament in front, which will be a gold embroidered shell and flame on black velvet ground.

45. *For officers of cavalry.*—The same as for the general staff, except the ornament in front, which will be two gold embroidered sabres crossed, edges downward, on black velvet ground, with the number of the regiment in silver, in the lower angle.

46. *For officers of riflemen.*—The same as for the general staff, except the ornament in front, which will be a gold embroidered trumpet, perpendicular, on black velvet ground.

47. *For officers of artillery.*—The same as for the general staff, except the ornament in front, which will be gold embroidered cross cannon, on black velvet ground, with the number of the regiment in silver at the intersection of the cross cannon; the brim of the hat to be looped up on the left side, and the feathers worn on the right side.

48. *For officers of infantry.*—The same as for artillery, except the ornament in front, which will be a gold embroidered bugle, on black velvet ground, with the number of the regiment in silver, within the bend.

such fines, or any other lawful matter of defense not reacting back of the organization of such company, or the enrollment of defendant.

COSTS, HOW PAID.

(26.) SEC. XXVI. All costs made by virtue of any suit brought to recover fines of any description, where the state fails, shall be paid out of the military fund of the brigade or brigades, if any more than one brigade is interested in such suit. Costs of suits when the state fails.

POWER OF SHERIFFS AND MAYORS IN RIOTS, ETC.

(27.) SEC. XXVII. That in cases of riot or insurrection, if any commandant of an independent or volunteer company, or any commandant of a squadron, battalion, regiment, brigade or division, shall refuse or neglect to appear with such military force at the time and place that the proper sheriff of the county, or mayor of the city shall direct, such officer shall be fined in any sum not exceeding one hundred dollars nor less than ten dollars, on complaint of said sheriff or mayor, before any court having competent jurisdiction; on every non-commissioned officer, musician or private, who refuses or neglects to turn out and appear immediately on being notified by any proper officer of his brigade, shall be fined in any sum not exceeding ten dollars, to be collected as herein provided; the aforesaid fines when collected shall go into the military fund: *provided*, that in all cases of demand, or requisition for a military force by the sheriff or mayor, it shall be by application to the superior commissioned officer in rank at the time present in the city, town or county where such service is required. Powers of sheriffs and mayors in riots, &c.

COMMANDANTS TO CALL OUT TROOPS.

(28.) SEC. XXVIII. Commandants of divisions, brigades, regiments, battalions, squadrons, or companies, shall have power and are hereby required to call out their respective commands for the suppression of riots, or to assist civil officers in the execution of the laws, when called upon to do so by the proper authorities, and shall be furnished with ammunition, Commandants to call out their companies for suppression of riots, &c.

49. *For non-commissioned officers, musicians and privates.*—The same as for officers of the respective corps, except that there will be but one feather, the cord will be of worsted, and the badges of yellow metal. The letter of the company, of yellow metal, to be worn in front.  
All the trimmings of the hat are to be made so that they can be detached; but the eagle, badge of corps, and letter of company, are to be always worn.

CRAVAT OR STOCK.

50. *For all officers, non-commissioned officers, musicians and privates.*—Black; when a cravat is worn, the tie not to be visible at the opening of the collar. Cravat or stock.

SPURS.

51. *For all mounted officers and mounted men.*—Yellow metal or gilt. Spurs.

GLOVES.

52. *For general officers and officers of the general staff and staff corps.*—Buff or white. Gloves.  
53. *For officers of artillery, infantry, cavalry and riflemen.*—White.  
54. *For non-commissioned officers and privates.*—White.

SASH.

55. *For general officers and officers ranking as such.*—Buff silk net, with silk bullion fringe ends; sash to go twice around the waist, and to tie behind the left hip; pendant part not to extend more than eighteen inches below the tie. Sash.

to be paid for out of the county treasury, on the order of the commanding officer of such military force.

PAY WHEN UNDER ORDER OF THE SHERIFF OR MAYOR.

Pay while under orders of sheriff.

(29.) SEC. XXIX. All commissioned and non-commissioned officers, and each and every member of any independent company, or volunteer company, shall receive one dollar and fifty cents per day, or one dollar and fifty cents per night, or three dollars for each day and night together, when serving under the order of a sheriff of their county, or the order of the mayor of the city, to suppress riots, mobs, or to enforce the civil laws, to be paid out of the county treasury, on the order of said sheriff or mayor aforesaid.

MUSTERS IN EACH YEAR.

Annual company musters.

(30.) SEC. XXX. There shall be three company musters in each year, from nine o'clock A. M., until four P. M., of each day, between the first of April and the first of September; at such time and place as the commandant of such company shall direct, which shall be held at a convenient place to meet, and whenever there is not a sufficient number of companies in any brigade to be organized into squadrons, battalions, or regiments, so as to perform camp duty, such company shall muster, two days in each year, between the first of September and the first of November, and each day's muster it shall be the duty of the commandant of each company to have the roll called by one of the sergeants of his company at ten o'clock A. M., and shall note all delinquents.

ENCAMPMENT MUSTER.

Annual encampments of companies in each brigade.

(31.) SEC. XXXI. There shall be held once in each year a brigade muster and encampment of all the volunteer militia in each brigade, commencing at ten o'clock, A. M., and continuing not more than six nor less than two days. Said muster and encampment shall be held at the most suitable place, to be selected by the brigade-quarter-master, under the

56. *For all other officers except the medical department.*—Crimson silk net, with silk bullion ends; to go around the waist and tie as for general officers.

57. *For officers of the medical department.*—Medium or emerald green silk net, with bullion fringe ends; to go around the waist and tie, as for general officers.

58. *For all sergeant-majors, quarter-master sergeants, ordnance sergeants, first sergeants, principal or chief musicians and chief buglers.*—Red worsted sash, with worsted bullion fringe ends; to go twice around the waist and to tie behind the left hip; pendant part not to extend more than eighteen inches below the tie.

59. The sash will be worn (over the coat) on all occasions of duty of every description, except stable and fatigue.

60. The sash will be worn by "officers of the day" across the body; scarf fashion, from the right shoulder to the left side, instead of around the waist, tying behind the left hip as prescribed.

SWORD BELT.

Sword belt.

61. *For all officers.*—A waist belt of black leather, plain, patent or enameled; not less than one and one-half inches, nor more than two inches wide; to be worn over the sash; the sword to be suspended from it by slings of the same material as the belt, with a hook attached to the belt, upon which the sword may be hung.

62. *For general officers.*—Russian leather, with three stripes of gold embroidery; the slings embroidered on both sides.

63. *For all other officers.*—Black leather, plain.

64. *For all non-commissioned officers.*—Black leather, plain.

SWORD BELT-PLATE.

Sword belt-plate.

65. *For all officers, non-commissioned officers, musicians and privates.*—Gilt, rectangular, two inches wide, with a raised bright rim; a silver wreath of laurel encircling the letters "M. V. M." in old English characters, in silver, according to pattern.

direction of the commandant of brigade, and the officers and soldiers forming such encampment shall be drilled in accordance with the requirements of the rules and usages of the United States' army, and the commandant of each brigade shall give thirty days' public notice of the time and place of such muster, which shall be held in the month of July, August, or September.

Public notice of the time and place.

(32.) SEC. XXXII. It shall be the duty of the commandant of division, during the encampment aforesaid, to review and cause to be inspected, each brigade of volunteer militia within his division: *provided*, that he shall not be compelled to visit more than three brigades in any one year.

Review and inspection.

#### BRIGADE COURT—HOW ORGANIZED.

(33.) SEC. XXXIII. A brigade court for the assessment of fines on all delinquents, consisting of the commandant of brigade, and the commandants of regiments, battalions, or squadrons, and such other commissioned officers as the commandant of brigade may designate: *provided*, that whenever there is no regiment, battalion or squadron officers within such brigade, then the commandant of brigade shall hold such brigade court, composed of the company officers of any independent or volunteer company or companies within the bounds of his brigade, or shall hold such court composed of his own staff, or both and all, as he may think proper; which court shall be held on that day two weeks from the first day of the encampment muster held as aforesaid, and the commandant of brigade shall give notice to all present at the time of encampment muster, at what time and place said brigade court is to be held.

Brigade court; how organized.

#### POWER TO APPROPRIATE FUND.

(34.) SEC. XXXIV. The officers constituting said brigade courts shall sit to assess fines upon all brigade, commissioned and staff officers, returned to the said court by the brigade inspectors. Said officers shall also act as a board of appropriation, distribute and apply the fund as they shall deem best calculated to promote the efficiency and thorough discipline of the volunteer militia: *provided*, that all appropriations of the military fund shall be in accordance with the requirements of this act.

Brigade court may appropriate funds.

#### SWORD AND SCABBARD.

66. *For general officers.*—Straight sword, gilt hilt, silver grip, brass or steel scabbard.
67. *For all staff officers*, (except the medical department and chaplains.) and for field officers of artillery, infantry, riflemen, and for all officers of light artillery.—The sword, of the pattern adopted by the war department of the United States, April 9, 1850.
68. *For the medical and pay departments.*—Small sword and scabbard, now in use in the medical department of the United States army.
69. *For cavalry officers.*—Sabre and scabbard now in use in United States cavalry.
70. *For the officers of the artillery, infantry and riflemen*, (except field officers.)—The sword, of the pattern adopted by the war department of the United States, April 9, 1850.
71. The sword and sword-belt will be worn upon all occasions of duty, without exception.
72. When on foot, the sabre will be suspended from the hook attached to the belt.
73. When not on military duty, officers may wear swords of honor, or the prescribed sword, with a scabbard, gilt, or of leather, with gilt mountings.

Sword and scabbard.

#### SWORD KNOT.

74. *For general officers.*—Gold cord with acorn end.
75. *For all other officers.*—Gold lace strap with gold bullion tassel.

Sword knot.

#### BADGES TO DISTINGUISH RANK—EPAULETS.

76. *For major-generals.*—Gold, with solid crescent; device, two silver embroidered stars, one of one and one-half inches in diameter, one of one and one-fourth inches in diameter, placed on the strap in a row, longitudinally, and equi-distant; dead and bright gold bullion, one-half inch in diameter, epaulets, and three and one-half inches long.

Badges to distinguish rank; epaulets.

## BRIGADE-INSPECTORS TO COLLECT FINES.

Brigade-inspectors to collect fines.

(35.) SEC. XXXV. The brigade-inspector shall attend brigade court, and keep an accurate record of the proceedings, and also of the appropriation of the military fund, and shall make a list of all fines by the brigade court, including also the fines assessed on delinquent brigade commissioned staff officers, a copy of which list, signed by the commandant of brigade, as president of said court, and attested by himself as inspector of brigade, he shall forthwith transmit to the treasurer of said county in said brigade, and another attested copy to every justice of the peace of the township wherein such delinquent resides, and the justice shall then proceed according to the provisions of this act, and any person interested can attend to prosecute said suits. And said justice shall render judgment, and pay over all moneys collected by him to the county treasurer of said county, to belong to said military fund in the proper brigade, and by him shall be received, disbursed, and accounted for in the same manner as he is required to do in the military fund herein provided for, and all persons fined and feeling aggrieved may appeal from the decision of the justice of the peace.

## CAMP EQUIPAGE AND COLORS TO BE FURNISHED.

Camp equipage and colors, how purchased.

(36.) SEC. XXXVI. Every volunteer company and every field officer shall be furnished with camp equipage, and every volunteer company, regiment, squadron, and battalion, shall be furnished with suitable colors, to be paid for out of the military fund, as in other cases, and each company shall be entitled to and receive from such unexpended military fund in their respective counties, the sum of ten dollars for the purchase of musical instruments.

## COMPENSATION OF OFFICERS.

Compensation of officers to be paid out of state treasury.

(37.) SEC. XXXVII. Brigade-inspectors shall be allowed such compensation by the board of appropriation, as they shall decree just and reasonable, and members of brigade-courts, at the rate of ten dollars a day for their services, for the period aforesaid. The quarter-master-general, for the prompt and full discharge of all the duties enjoined upon him, shall receive an annual salary of four hundred dollars, and the adjutant-general,

77. *For a brigadier-general.*—The same as for a major-general, except that, instead of two, there shall be one star, (omitting the smallest,) placed upon the strap, and not within the crescent.

78. *For a colonel.*—The same as for a brigadier-general, substituting a silver embroidered spread eagle for the star upon the strap, and within the crescent; for the medical department, a laurel wreath embroidered in gold, and the letters "M. D." in old English characters, in silver, within the wreath; pay department, same as the medical department, with the letters "P. D." in old English characters; department of engineers, a turreted castle of silver; regimental officers, the number of the regiment embroidered in gold, within a circlet of embroidered silver, one and three-fourth inches in diameter, upon cloth of the following colors: for artillery, scarlet; infantry, light or sky blue; riflemen, medium or emerald green; cavalry, orange.

79. *For a lieutenant-colonel.*—The same as for a colonel, according to corps, but substituting for the eagle a silver embroidered leaf.

80. *For a major.*—The same as for a colonel, according to corps, omitting the eagle.

81. *For a captain.*—The same as for a colonel, according to corps, except that the bullion will be only one-fourth of an inch in diameter, and two and one-half inches long, and substituting for the eagle two silver embroidered bars.

82. *For a first lieutenant.*—The same as for a colonel, according to corps, except that the bullion will be only one-eighth of an inch in diameter, and two and one-half inches long, substituting for the eagle, one silver embroidered bar.

83. *For a second lieutenant.*—The same as for a first lieutenant, omitting the bar.

84. All officers having military rank, will wear one epaulette on each shoulder.

85. The epaulette may be dispensed with when not on duty, and on certain duties off parade, to wit: at drills, at inspection of barracks and hospitals, on courts of enquiry and boards, at inspection of articles and necessaries, on working parties and fatigue duties, and upon the march, except when in war there is immediate expectation of meeting the enemy, and also when the over-coat is worn.

for a full discharge of his duties, shall receive an annual salary of three hundred dollars, both to be paid semi-annually out of the state treasury, on the order of the auditor of state, approved by the commander-in-chief.

(38.) SEC. XXXVIII. If, after paying all drafts upon the military fund, hereinbefore specified, there shall remain a surplus in any division or brigade, it shall be appropriated to procure or build a suitable armory, in which to preserve and safely keep the arms and equipments of the state, under the direction of the commandant of brigade, and paid for upon his order, out of the fund aforesaid.

Armory, appropriation for building.

#### ARMY REGULATIONS.

(39.) SEC. XXXIX. All parades, musters, and encampments held under the provisions of this act, shall be governed as near as may be, by the rules and regulations adopted for the government of the army of the United States.

Army regulations.

#### OLD OFFICERS MAY HOLD THEIR COMMISSIONS.

(40.) SEC. XL. The commissioned officers of all companies, squadrons, battalions or regiments, exempt from military duty by the provisions of this act, who are now uniformed and equipped as required by law, may hold their commissions for five years from the date thereof, and may, at their option, attend the brigade musters required by this act, and shall hereafter be exempt from the performance of military duty in time of peace, and from the payment of fines required by this act.

Commissions of old officers, extended.

#### CERTIFICATE TO COMMISSIONED OFFICERS.

(41.) SEC. XLI. All officers appointed according to the provisions of this act, shall be entitled to a certificate from the office making such appointment, which certificate and taking the necessary oath, shall entitle such officer to command, and to perform such other duties as may pertain to the office to which he is elected, until the commission can be procured,

Certificate to commissioned officers.

#### SHOULDER-STRAPS.

86. *For major-generals.*—Dark blue cloth, one and three-eighths inches wide by four inches long, bordered with an embroidery of gold, one-fourth of an inch wide; two silver embroidered stars of five rays, the center of each star to be one inch from the outer edge of the gold embroidery on the ends of the strap; both stars of the same size.

Shoulder-straps

87. *For a brigadier-general.*—The same as for a major-general, except that there will be one star instead of two; the center of the star to be equi-distant from the outer edge of the embroidery on the ends of the strap.

88. *For a colonel.*—The same size as for a major-general, and bordered in like manner with an embroidery of gold; a silver embroidered spread eagle on the center of the strap, two inches between the tips of the wings, having in the right talon an olive branch, and in the left a bundle of arrows; an escutcheon on the breast as represented in the arms of the United States; cloth of the strap as follows: for staff officers, dark blue; artillery, scarlet; infantry, light or sky blue; riflemen, medium or emerald green; cavalry, orange.

89. *For a lieutenant-colonel.*—The same as for a colonel, according to corps, omitting the eagle, and introducing a silver embroidered leaf at each end, each leaf extending seven-eighths of an inch from the end border of the strap.

90. *For a major.*—The same as for a colonel, according to corps, omitting the eagle, and introducing a gold embroidered leaf at each end, each leaf extending seven-eighths of an inch from the end border of the strap.

91. *For a captain.*—The same as for a colonel, according to corps, omitting the eagle, and introducing at each end two gold embroidered bars of the same width as the border, placed parallel to the ends of the strap; the distance between them and from the border, equal to the width of the border.

92. *For a first lieutenant.*—The same as for a colonel, according to corps, omitting the eagle and introducing at each end, one gold embroidered bar, of the same width as the border, placed parallel to the ends of the strap, at a distance from the border equal to its width.

93. *For a second lieutenant.*—The same as for a colonel, according to corps, omitting the eagle.

94. The shoulder strap will be worn whenever the epaulette is not.

and in all cases the officers giving such certificate shall administer to such officer the necessary oath of office, and indorse the same upon the back of his certificate, with the day and date on which such oath was administered; *provided, also*, that every staff officer who may be appointed shall also be entitled to a certificate in like manner.

## RESIGNATION.

Resignations.

(42.) SEC. XLII. For good cause shown, the commander-in-chief may accept the resignation of major-generals; major-generals may accept the resignation of brigadier-generals, within their respective divisions; brigadier-generals may accept the resignation of colonels, or the commandants of regiments, lieutenant-colonels, majors, captains and lieutenants; and for good cause shown, the commandant of any regiment, squadron, or battalion, shall accept the resignation of any regimental squadron or battalion staff officer; *provided, also*, that brigadier and major-generals may accept the resignation of their staff officers; and in all cases, when a resignation is accepted, the cause of such resignation shall be indorsed by the officer accepting the same, on the back of the commission so resigned, but the command of such officer shall not cease until the officer accepting such resignation shall have indorsed his acceptance.

## NUMBER OF OFFICERS.

Number of officers for each division.

(43.) SEC. XLIII. The commander-in-chief shall have the power to appoint, according to the provisions of section five of this act, to each division of the militia of this state, one major-general; to each brigade, one brigadier-general; to each regiment of volunteer militia, there shall be one colonel, one lieutenant-colonel and one major; to each battalion of artillery, infantry, light-infantry or riflemen, and to each squadron of cavalry volunteer militia, there shall be one lieutenant-colonel and one major, and to each company of volunteer militia, there shall be one captain, one first lieutenant, one second lieutenant, one third lieutenant, and one ensign, four sergeants, four corporals, and with the exception of cavalry companies, there shall be two fifers and two drummers; but all cavalry com-

## CHEVRONS.

Chevrons.

95. The rank of non-commissioned officers will be marked by chevrons upon both sleeves of the uniform coat and overcoat, above the elbow, of silk or worsted binding, one-half an inch wide, same color as the edging on the coat, points down, as follows:

*For a sergeant-major.*—Three bars and an arc, in silk.

*For a quarter-master sergeant.*—Three bars and a tie, in silk.

96. *For an ordnance-sergeant.*—Three bars and a star, in silk.

97. *For a first sergeant.*—Three bars and a lozenge, in worsted.

98. *For a sergeant.*—Three bars, in worsted.

99. *For a corporal.*—Two bars, in worsted.

## OVERCOAT.

Overcoat.

100. *For commissioned officers.*—A "cloak coat," of dark blue cloth, closing by means of four frog buttons of black silk, and loops of black silk cord down the breast, and at the throat by a long loop *a echelle*, without tassel or plate, on the left side, and a black silk frog button on the right; cord for the loops fifteen hundredths of an inch in diameter; back, a single piece, slit up from the bottom, from fifteen to seventeen inches, according to the height of the wearer, and closing at will by buttons, and button holes cut in a concealed flap; collar of the same color and material as the coat, rounded at the edges, and to stand or fall; when standing, to be about five inches high, sleeves loose, of a single piece, and round at the bottom, without cuff or slit; lining, woolen; around the front and lower borders, the edges of the pockets, the edges of the sleeves, collar and slit in the back, a flat braid of black silk, one-half an inch wide; and around each frog button on the breast, a knot two and one-quarter inches in diameter, of black silk cord, seven hundredths of an inch in diameter, arranged according to drawing; cape of the same color and material as the coat, removable at the pleasure of the wearer, and reaching to the cuff of the coat-sleeve when the arm is extended; coat to extend down the leg from six to eight inches below the knee, according to height.

101. *To indicate rank.*—For all officers below the rank of general officers, there will be on both

panies to have one or more buglers; *provided*, that whenever the proper commandants of the several divisions, brigades, regiments, squadrons, battalions or companies, shall not be present at any muster, drill or parade, the highest officer in rank, who is present, shall take command, and be commandant of the same for the time being, and if two officers of the same rank are present, the oldest in appointment or commission, shall take command.

## STAFF OFFICERS.

(44.) SEC. XLIV. There shall be attached to the commander-in-chief, and to the several divisions, brigades, regiments, squadrons and battalions, the following staff officers, to wit: the staff of the commander-in-chief shall consist of one adjutant-general, who shall discharge the duties of inspector-general; one quarter-master-general, one pay-master-general, two aids-de-camp, one engineer-in-chief, and one judge-advocate-general, who shall be appointed by the commander-in-chief. To each division there shall be one division-inspector, who shall discharge the duties of assistant adjutant-general, one assistant quarter-master-general, two aids-de-camp, one assistant engineer-in-chief, and one assistant judge-advocate-general. To each brigade, there shall be one brigade-major, to serve as brigade-inspector, two aids-de-camps, one brigade-quarter-master, one brigade-engineer, one brigade-judge-advocate, one brigade-surgeon, and one brigade-chaplain, which brigade-staff shall be appointed by the commander-in-chief. To each regiment or battalion of artillery, rifle, infantry, or light-infantry, there may be one chaplain, and there shall be one adjutant, one quarter-master, one surgeon, one surgeon's-mate, one sergeant-major, one quarter-master-sergeant, one drum-major, and one fife-major; to be appointed by the commandant of such regiment or battalion, and it shall be the duty of the drum-major to examine and report to the commandants of regiments or battalions, upon all instruments of music which shall be purchased for the use of the regiment or battalion, and no such instruments of music shall be paid for out of the funds of the regiment or squadron until approved by them. To each regiment or battalion of cavalry, there shall be one adjutant, one quarter-master, one pay-master, one surgeon, one surgeon's-mate, one quarter-master-sergeant, one sergeant-ma-

Staff officers.

sleeves, near the lower edge, rows of black silk braid, one-half of an inch apart; such braid to be one-third of an inch in width, and extending around the sleeve.

102. *For a colonel.*—Six rows.

103. *For a lieutenant-colonel.*—Five rows.

104. *For a major.*—Four rows.

105. *For a captain.*—Three rows.

106. *For a first lieutenant.*—Two rows.

107. *For a second lieutenant.*—One row.

108. *For a brigadier-general.*—Two lines of black silk braid, one inch in width, and one-half inch apart, extending from the edge of the sleeve, and running up the sleeve parallel with the seam, a distance of eight inches, upon the upper side of the sleeve, and terminating with pointed ends.

109. *For a major-general.*—The same as for a brigadier-general, except there shall be three lines of braid.

110. *For non-commissioned officers, musicians and privates of cavalry and light artillery.*—Of blue grey mixture; stand-up collar, double breasted; cape to reach down to the cuff of the coat when the arm is extended, and to button all the way up; buttons the same as upon the uniform frock coat, large size for coat body, small size for cape.

111. All other non-commissioned officers, musicians and privates.—Of blue grey mixture; stand-up collar, single breasted; cape to reach down to the elbows when the arm is extended, and to button all the way up; buttons the same as upon the uniform frock coat.

## HORSE FURNITURE.

## FOR GENERAL OFFICERS AND THE GENERAL STAFF.

112. *Housing.*—For general officers; to be worn over the saddle, of dark blue cloth, trimmed with two rows of gold lace, the outer row one inch and five-eighths wide, the inner row two inches and one-fourth; to be made full, so as to cover the horse's haunches and fore hands, and to bear on each

Horse furniture.

for, and two regimental or squadron buglers, which shall be appointed by the commandant of such regiment or squadron.

RANK OF STAFF OFFICERS.

Rank of staff officers.

(45.) SEC. XLV. The staff officers herein enumerated shall rank as follows, viz: the quarter-master-general and adjutant-general as brigadier-generals; the pay-master-general, engineer-in-chief, judge-advocate-general, and aids-de-camp to the commander-in-chief, as colonels; the division-inspectors, division-engineers, division-judge-advocate, and division-quarter-masters, as lieutenant-colonels; the aids-de-camp to the major-generals, as majors; the brigade-inspectors, brigade-engineers, brigade-judge-advocate, as majors; the brigade quarter-master and aids-de-camps to brigadier-generals, chaplains and surgeons, as captains; company-ensigns, adjutants, quarter-masters, pay-masters, surgeon's-mates of regiments, battalions and squadrons, as lieutenants; and all other regimental, battalion or squadron staff, as non-commissioned officers.

Staff officers to be commissioned.

(46.) SEC. XLVI. All staff officers of the rank of lieutenant and upwards, shall be commissioned as other officers, and (except chaplains,) shall attend muster of the divisions, brigades, regiments, squadrons, or battalions, and shall obey all other orders legally given by the proper officers commanding the corps to which they belong; and any commissioned officers, (except appointed officers,) shall be removed from office only by courts-martial.

PUBLIC ARMS TO BE KEPT BY ASSISTANT QUARTER-MASTER.

Public arms to be kept by assistant quarter-master.

(47.) SEC. XLVII. All the public arms, ammunition, accoutrements, camp equipage and military stores belonging to any division of the militia of this state, shall be under the care and superintendence of the assistant quarter-master-general of such division, who shall have power to employ suitable persons to clean, and repair any arms or articles which may require it, and certify any reasonable and just account which may be rendered for cleaning and repairing; and for transporting such arms and military stores, to any place where they may be ordered by the commander-in-chief of divisions, which account thus certified, shall be allowed

flank corner the following ornaments, distinctive of rank, to wit: for major-generals, a gold embroidered spread eagle and two stars; for brigadier-generals, a gold embroidered spread eagle and one star.

113. *Saddle cloth.*—For officers of the staff of the commander-in-chief and of division and brigades; dark blue cloth, of sufficient length to cover the saddle and holsters, and one foot ten inches in depth, with an edging of gold lace one inch wide.

114. *Sireinglet.*—Blue web.

115. *Bridle.*—Black leather; bent branch bit, with gilt bosses, the front and roses yellow.

116. *Collar.*—Yellow.

117. *Holsters.*—Black leather, with gilt mountings.

118. *Stirrups.*—Gilt or yellow metal.

FOR FIELD AND REGIMENTAL STAFF OFFICERS OF ARTILLERY, INFANTRY AND RIFLEMEN.

For field and regimental staff officers of artillery, infantry and riflemen.

119. *Saddle cloth.*—Dark blue cloth, two feet ten inches in length, and one foot ten inches in depth, with gold lace five-eighths of an inch in width; scarlet edging for the artillery, medium or emerald green for the riflemen, light or sky blue for the infantry.

120. *Bridle.*—Black leather, gilt bits and mountings; front and roses, for artillery, scarlet; for infantry, light or sky blue; for riflemen, medium or emerald green.

121. *Stirrups.*—Yellow.

122. *Collar.*—For artillery, scarlet; for infantry, light or sky blue; for riflemen, medium or emerald green.

123. *Holsters.*—Black leather with gilt mountings, and black leather cover.

FOR COMMISSIONED OFFICERS OF CAVALRY.

For commission-

124. *Saddle cloth.*—Dark blue cloth, with border one and one-half inches wide; gold lace for field

by the auditor of state, and paid as other accounts against the state are paid; and such assistant quarter-master-general shall receipt for all articles delivered to his charge, and account for the same at any time when called on so to do by the commandant of division, or quarter-master-general of the state.

## PENALTY OF DETAINING ARMS.

(48.) SEC. XLVIII. If any person or persons shall be found guilty of selling or disposing of any arms, accoutrements, or any camp equipage, belonging to the state of Minnesota, every person so offending, or being guilty of such act, shall forfeit and pay over for every musket, sword, sabre, pistol, or cannon, double the contract price for such article, as estimated at or by the ordnance department at Washington City, with costs of suit, or if any person or persons shall be found guilty of holding or secreting, or hiding, detaining, or refusing to give up or deliver any of the arms or camp equipage aforesaid, shall pay double the contract price, with costs of suit; and if said sum is not paid by such person or persons, after judgment rendered against him, her, or them, within ten days, or bail put in for stay of execution, an execution shall issue, and such person may be confined in the county jail by order of the commandant of brigade, [or for any time not exceeding thirty days, at the expense of the proper brigade,] or at the expense of the state, if then paid, to be paid out of the military fund, and any justice of the peace of the township where the person or persons reside, shall have jurisdiction to try all cases under one hundred dollars, but all suits brought for one hundred dollars or more, shall be tried in any court having competent jurisdiction for the collection of such fines; and when such fine is paid over by the defendant or defendants, it shall be paid over into the state treasury, after paying the costs of confining any one in jail: *provided*, that any and all persons who have a legal right to hold or keep any of the articles named in this section, shall not be liable by this act. All suits shall be brought in the name of the state of Minnesota, and may be prosecuted by the commandant of brigade, or any person he may authorize so to do. Persons claiming to have a legal right to hold any of the articles named in this section, on demand of the proper officer, shall show a written authority, signed by the quarter-master-general, or commandants of divisions, brigades, regiments, squadrons or battalions.

Penalty for detaining arms.

and regimental staff officers, and orange colored cloth for company officers; this border to be set back one-quarter of an inch from the edge, which will be bound with patent leather. The saddle cover to be pointed in the flanks, and to extend eleven inches behind the cantle, having thirty inches depth from the back seam to the flank points.

ed officers of cavalry.

125. *Girths*.—Indigo blue worsted webbing, three inches and one-half wide, three feet nine inches long.

126. *Surcingle*s.—Indigo blue worsted webbing, three inches and one-half wide; five feet webbing, two feet strap.

127. *Stirrup leathers*.—Black, one inch and three-eighths wide, with oval brass buckles.

128. *Stirrups*.—Brass, and of same pattern as furnished the first regiment of United States dragoons in 1834.

129. *Breast strap*.—Same as that heretofore furnished the United States dragoons, and attached in the same manner.

130. *Breast plate*.—Plain brass heart.

131. *Crupper*.—To buckle into rings on each side-bar, as in the United States army.

132. *Holsters*.—Black leather, the pipes to have plain brass tips, extending up two inches and a half, to be attached to the saddle and breast strap, as in the model.

133. *Holster covers*.—Black leather, extending two inches below the shoulder of the holster pipe, terminated by a leather strap one inch wide, strongly sewed to the cover, the strap to button to a brass knob, firmly riveted to the holster.

134. *Saddle blanket*.—Plain dark blue.

135. *Valise*.—Dark blue cloth, bound with patent leather, water proof; five inches and one-half in diameter; eighteen inches long; attached to the saddle by three straps, the middle one to pass through the mortice of the cantle, and suspend the valise effectually from the horses' back.

For commissioned officers of cavalry.

136. *Spurs*.—Brass, the leather straps to be three-fourths of an inch wide.

137. *Bridle*.—With an S bit, with strengthening cross-bar connecting the lower extremities of the branches; mouth piece of three patterns, as prescribed in the cavalry tactics; branches all medium; material of bit, steel, thickly plated with brass; curb leather strap five-eighths of an inch wide, with brass buckle; headstall, single check-pieces, one inch wide, with brass wire buckles on each end, buck-

## ARRESTS.

Arrests, on complaints.

(49.) SEC. XLIX. On complaint of a commissioned officer, made in writing, to a superior officer, touching the conduct of any officer, such superior shall, if he think the complaint a sufficient one for an arrest, cause the officer against whom such complaint is made to be arrested, and when any officer is arrested as aforesaid, the officer whose duty it is to arrest, shall notify the officer arrested, in writing, that he is suspended from command until acquitted from such arrest, stating the ground of arrest and place of trial.

## COURTS MARTIAL.

Courts-martial, summons to be obeyed; penalty.

(50.) SEC. L. In all cases where an officer is arrested, the officer who orders the arrest shall issue any summons that may be applied for by either of the parties, and parties so applying, or any person whom the officers granting such summons may appoint, may serve the same and endorse the time and service, which shall be at least three days previous to the sitting of the court-martial, and shall make return thereof, and any person who refuses or neglects to attend a court-martial after being duly summoned, shall be fined in any sum not exceeding fifty dollars, which fines shall be collected and applied as other fines under the provisions of this act, and any court-martial shall have power to issue compulsory process to compel the attendance of witnesses who refuse or neglect to attend when legally summoned.

## MAJOR GENERALS, BRIGADIER-GENERALS—HOW TRIED.

Major-generals and brigadier-generals, how tried.

(51.) SEC. LI. Major-generals shall be tried by court-martial appointed by the commander-in-chief, where a major-general shall preside; brigadier-generals shall be tried by court-martial appointed by a major-general, where a brigadier general shall preside; and all staff officers ranking as brigadier-generals, shall be tried by the same courts as brigadier-generals; colonels, lieutenant-colonels, majors, captains, and lieutenants, or any staff officer ranking as such, shall be tried by a court-martial

led to bit and upper part of headstall; throat strap, five-eighths of an inch wide, with brass buckles on each side; front piece, single plain strap, one and one-quarter inches wide, a brass circular plate one and one-half inches in diameter on each extremity, with beaded edge; reins, leather, seven-eighths of an inch wide; curb rein five feet six inches long, snaffle rein four feet six inches long, both buckled to the bit; curb rein provided with a strong leather slide; buckles, brass wire, with oval top and strong tongue.

138. *Saddle*.—Grimsley's; stirrup-leathers to pass through staples let into the lower edge of the side-bars; girths to buckle to straps strongly nailed and riveted to side-bars; morticed holes in pommel and cantle for cloak and valise straps; iron rings and staples on the cantle end of the side-bars for attaching shoe pouch and crupper; the tree to be protected and strengthened by a covering of raw hide; quilted seat, sewed down stitched, as in the army; leather skirts to protect the blanket on which the trooper rides in service, and the trowsers of the rider, and small under skirts to protect the sides of the horse from the girth buckles.

## FOR NON-COMMISSIONED OFFICERS, MUSICIANS AND PRIVATES IN THE CAVALRY.

For non-commissioned officers, musicians and privates in the cavalry.

139. The same as described for commissioned officers of these arms, except as follows:

140. *Breast plate*.—Plain brass heart.

141. *Holsters*.—Black leather, attached to the saddle and breast strap, as in the United States army:

142. *Holster covers*.—Black leather, extending two inches below the shoulder of holster pipe, terminated by a leather strap one inch wide, strongly sewed to the cover; the strap to button to a brass knob, firmly riveted to the holster and pouch.

143. *Valise*.—Dark blue cloth; water-proof; five inches and one-half diameter; eighteen inches long, attached to saddle by three straps; the middle one to pass through the mortice of the cantle and suspend the valise effectually from the horse's back; a brass circular plate, one inch and one-half diameter, with beaded edge, on each end of the valise.

144. *Bridle*.—Same as for commissioned officers.

appointed by a brigadier-general, where a colonel shall preside, if there is any within the bounds of the brigade, and if not, then a lieutenant-colonel, or major shall preside; but if there is neither a lieutenant-colonel nor major, then a captain or lieutenant shall preside; each court-martial shall consist of no less than five, nor over thirteen members, and to be of rank as near as may be, to the rank of the officer to be tried, if such can be found within the bounds of any brigade; all courts-martial shall have power to punish any officer for neglect of duty, disobedience of orders, or any other conduct unbecoming an officer, by suspension, fining, cashiering, or disqualification to hold any office in the volunteer militia of this state, and in all cases, the president of such court-martial shall cause two certified copies of the sentence to be made out, which shall be signed by the president and attested by the judge advocate, one of which the president shall forward to the officer who ordered said court-martial, and the other shall be delivered to the brigade-inspector of his brigade, but a record of the proceedings must remain in the hands of such court-martial for the purpose of collecting fines, or any other purpose, where fines may be assessed against any person by the sentence of a court-martial, and the sentence has been approved of by the officer ordering the court-martial, he shall certify the same, and cause the same to be collected as is provided by this act.

Court-martial,  
how formed.

(52.) SEC. LII. When any court-martial shall have met agreeably to the provisions of this act, the president of such court shall administer to the judge-advocate the following oath; and after being sworn, the judge-advocate shall administer to the president and other members of the court, the same oath, viz.: "You, and each of you, do solemnly swear (or affirm) that you will well and truly try and determine, according to evidence, the matter now before you, between the United States, (or the state of \_\_\_\_\_, as the case may be,) and the person to be tried, and that you will truly administer justice according to law, without partiality, favor, or affection, according to your conscience, and the best of your understanding, and custom of war in such cases; you do further swear (or affirm) that you will not divulge the sentence of the court until it shall be published by proper authority, neither will you disclose the opinion of any particular member of the court, unless required to give evidence thereof in a court of justice, in the name of the United States, (or of the state of \_\_\_\_\_, as the case may be,)" but shall so far consider himself as counsel for the person accused as to object to any illegal question put to the prisoner, or the person accused, or any witness, the answer to which might tend to criminate himself. He shall also see right and justice done to the defendant on all questions which may arise in a court-martial; the youngest in commission and

Form of oath to  
be taken by  
members of  
courts-martial.

#### FOR THE LIGHT ARTILLERY.

145. The same as for cavalry, except that the border of the saddle cloth for officers, will be of scarlet cloth.

For the light  
artillery.

#### MISCELLANEOUS.

The belts, cartridge boxes and other equipments, not herein specially enumerated, shall be of the pattern and material furnished by the q. m. general.

Miscellaneous

A band, will wear the uniform of the regiment or corps to which it belongs. The commanding officer may, at the expense of the corps, by their sanction, make such additions in ornaments as he may judge proper.

General and staff officers, and the officers and soldiers are required to uniform and equip forthwith and in strict accordance with the foregoing regulations.

All flank companies of regiments, doing duty as artillery, cavalry or riflemen, which shall hereafter be organized, or which shall hereafter uniform or equip anew, shall uniform and equip in strict conformity with the uniform prescribed herein for those arms respectively.

Captains of all volunteer military companies now organized, or hereafter to be organized, will report annually to the adjutant-general, at head quarters, the names of their companies, names and number of the officers, non-commissioned officers, musicians and privates, the regimental district, and the number and kind of arms in their possession. The adjutant-general upon application, will furnish the necessary blank forms for such reports.

the lowest in rank shall vote first, and so on in succession, to the oldest and highest in rank, and every person giving evidence before a court-martial, shall be examined on oath or affirmation, and all officers composing a court-martial shall be in uniform.

Pardoning power  
in whom vested.

(53.) SEC. LIII. The party tried by a court-martial shall be entitled to a copy of the sentence and proceedings of each court-martial after the decision, where demanded by him, or any person in his behalf; the commanding officer of the time being, shall have full power of pardoning or mitigating any penalty ordered to be inflicted on any non-commissioned officer, musician or private, for a breach of the provisions of this act, by court-martial; and every officer convicted as aforesaid, by any court-martial, may be pardoned, or have the penalty mitigated by the officer ordering said court-martial.

Courts Martial,  
rules governing.

(54.) SEC. LIV. The rules and articles of war, and the rules and customs which govern a court-martial composed of officers of the army of the United States, shall, in all respects, govern all courts-martial held under the provisions of this act, and the commander-in-chief, major-generals and brigadier-generals, shall have power to order a court-martial, to be held at such time and place as they order, when the same may be necessary to carry into effect any of the provisions of this act not herein expressly provided for, and in all cases, the officer ordering the court-martial, may confirm or disapprove the sentence thereof.

Courts martial,  
rules governing.

(55.) SEC. LV. Any superior may immediately after he has arrested any officer, appoint no less than three nor over five officers, as near the rank of the officer arrested as he can conveniently get for that purpose, and shall summon them to meet at a certain time and place, and when met, shall constitute a court of inquiry, whose duty it shall be to inquire into the charges on which such officer was arrested, and if a majority of said court are satisfied that such charges are not sufficient to cause a court-martial to assemble in said case, or if they are satisfied the charges are sufficient, they shall, in either case, forthwith report the same, under seal, to the officer who ordered the arrest, and such officer ordering the arrest shall, immediately after receiving the report of said court, either discharge the officer arrested, or summon a court-martial forthwith to try him. The officer ordering the arrest shall be governed by the court of inquiry; and the members and witnesses attending a court of inquiry shall be paid as the members and witnesses of a court-martial are paid; and the officer who orders the arrest shall designate what officer is to preside over the court of inquiry, which court shall have the same power to compel the attendance of witnesses as courts-martial, and either party may serve any process allowed by court-martial, and all officers composing a court of inquiry shall be in full uniform.

Courts of in-  
quiry; how or-  
ganized and pro-  
cess used.

#### COMMANDER-IN-CHIEF.

Commissary de-  
partment; its or-  
ganization.

(56.) SEC. LVI. The commander-in-chief, whenever in his opinion it becomes necessary, may organize a subsistence or commissary department, [by appointing a commissary general, or a general of subsistence department,] with the rank of brigadier-general, and such other assistant commissaries as he may think necessary, or the good of the service may require it, with such rank as is conferred on officers of the same station in the army of the United States; and may also appoint such number of storekeepers and other officers as the good of the service may require, and may order any or all such officers into actual service when their services become necessary.

Medical depart-

(57.) SEC. LVII. The commander-in-chief, whenever in his opinion

it becomes necessary, may complete the organization of the medical department, by appointing a surgeon-general, with the rank of colonel, and for each division a hospital surgeon with the rank of lieutenant-colonel, and for each brigade a hospital surgeon with the rank of major, and may call any or all of said officers into actual service, when their services may be found necessary.

ment; its organization.

(58.) SEC. LVIII. The adjutants of regiments, squadrons and battalions, shall attend to and record all returns from the commandants of regiments, squadrons and battalions, and record the same in a book to be provided for that purpose, and shall perform such other duties as may from time to time be required of them by the commandants of their regiments, squadrons and battalions: *provided*, that when any adjutant shall be absent in command, the commanding officer shall appoint a suitable person to do the duty of the adjutant.

Adjutants to keep records of returns.

(59.) SEC. LIX. The rules and articles of war, and the rules and customs which govern a court-martial composed of officers of the army of the United States, shall in all respects govern all courts-martial held under the provisions of this act; and the commander-in-chief, major-generals, and brigadier-generals shall have power to order a court-martial to be held at such time and place as they think proper, when the same may be necessary to carry into effect any of the provisions of this act, not herein expressly provided for; and in all cases, the officer ordering the court-martial may confirm or disapprove the sentence thereof.

Court-martial; rules governing. [See Sec. 53.]

(60.) SEC. LX. Any superior may immediately after he has arrested any officer, appoint not less than three nor over five officers, as near the rank of the officers arrested as he can conveniently get for that purpose, and shall summon them to meet at a certain time and place, and when met shall constitute a court of inquiry, whose duty it shall be to inquire into the charges on which such officer was arrested, and if a majority of said court are satisfied that such charges are not sufficient to cause a court-martial to assemble in said case, or if they are satisfied the charges are sufficient, they shall in either case, forthwith report the same, under seal, to the officer who ordered the arrest, and such officer ordering the arrest shall, immediately after receiving the report of said court, either discharge the officer arrested, or summon a court-martial forthwith, to try him. The officer ordering the arrest shall be governed by the court of inquiry, and the members and witnesses attending a court of inquiry shall be paid as the members and witnesses of a court-martial are paid, and the officer who orders the arrest shall designate what officer is to preside over the court of inquiry, which court shall have the same power to compel the attendance of witnesses as courts-martial, and either party may serve any process allowed by court-martial, and all officers composing a court of inquiry shall be in full uniform.

Courts of inquiry; how organized, and purpose. [See Sec. 54.]

(61.) SEC. LXI. There shall be allowed to the officers composing any division, brigade, regimental, squadron or battalion courts-martial, and to the judge-advocates thereof, one dollar and fifty cents each day they may be necessarily engaged in traveling to and from, and attending at such; the provost-marshal shall have such compensation as is allowed to sheriffs for similar services in civil cases, and to each witness twenty-five cents for each day he may attend under a summons, and for each day in traveling to and from the same, which compensation shall be paid out of the state treasury, on the order of the president of the court-martial, which order the auditor of state shall indorse.

Fees for serving on courts-martial.

(62.) SEC. LXII. If, after paying all drafts upon the military fund hereinbefore specified, there shall remain no funds, the commander-in-chief is hereby authorized to rent or purchase a suitable armory for any division

Armories to be rented.

it becomes necessary, may complete the organization of the medical department, by appointing a surgeon-general, with the rank of colonel, and for each division a hospital surgeon with the rank of lieutenant-colonel, and for each brigade a hospital surgeon with the rank of major, and may call any or all of said officers into actual service, when their services may be found necessary.

ment; its organization.

(58.) SEC. LVIII. The adjutants of regiments, squadrons and battalions, shall attend to and record all returns from the commandants of regiments, squadrons and battalions, and record the same in a book to be provided for that purpose, and shall perform such other duties as may from time to time be required of them by the commandants of their regiments, squadrons and battalions: *provided*, that when any adjutant shall be absent in command, the commanding officer shall appoint a suitable person to do the duty of the adjutant.

Adjutants to keep records of returns.

(59.) SEC. LIX. The rules and articles of war, and the rules and customs which govern a court-martial composed of officers of the army of the United States, shall in all respects govern all courts-martial held under the provisions of this act; and the commander-in-chief, major-generals, and brigadier-generals shall have power to order a court-martial to be held at such time and place as they think proper, when the same may be necessary to carry into effect any of the provisions of this act, not herein expressly provided for; and in all cases, the officer ordering the court-martial may confirm or disapprove the sentence thereof.

Court-martial; rules governing. [See Sec. 53.]

(60.) SEC. LX. Any superior may immediately after he has arrested any officer, appoint not less than three nor over five officers, as near the rank of the officers arrested as he can conveniently get for that purpose, and shall summon them to meet at a certain time and place, and when met shall constitute a court of inquiry, whose duty it shall be to inquire into the charges on which such officer was arrested, and if a majority of said court are satisfied that such charges are not sufficient to cause a court-martial to assemble in said case, or if they are satisfied the charges are sufficient, they shall in either case, forthwith report the same, under seal, to the officer who ordered the arrest, and such officer ordering the arrest shall, immediately after receiving the report of said court, either discharge the officer arrested, or summon a court-martial forthwith, to try him. The officer ordering the arrest shall be governed by the court of inquiry, and the members and witnesses attending a court of inquiry shall be paid as the members and witnesses of a court-martial are paid, and the officer who orders the arrest shall designate what officer is to preside over the court of inquiry, which court shall have the same power to compel the attendance of witnesses as courts-martial, and either party may serve any process allowed by court-martial, and all officers composing a court of inquiry shall be in full uniform.

Courts of inquiry; how organized, and purpose. [See Sec. 54.]

(61.) SEC. LXI. There shall be allowed to the officers composing any division, brigade, regimental, squadron or battalion courts-martial, and to the judge-advocates thereof, one dollar and fifty cents each day they may be necessarily engaged in traveling to and from, and attending at such; the provost-marshal shall have such compensation as is allowed to sheriffs for similar services in civil cases, and to each witness twenty-five cents for each day he may attend under a summons, and for each day in traveling to and from the same, which compensation shall be paid out of the state treasury, on the order of the president of the court-martial, which order the auditor of state shall indorse.

Fees for serving on courts-martial.

(62.) SEC. LXII. If, after paying all drafts upon the military fund hereinbefore specified, there shall remain no funds, the commander-in-chief is hereby authorized to rent or purchase a suitable armory for any division

Armories to be rented.

or brigade, the same to be paid out of the treasury of the city, county, or counties which form such division or brigade.

Blank form of rolls, bonds, &c., to be furnished.

(63.) SEC. LXIII. The adjutant-general of the state shall furnish to the commandants of divisions, for the use of their brigades, blank forms of rolls, bonds, and of the different returns that may be required from time to time by this act, and explain the principles on which they should be made.

Publication of this act with forms attached.

(64.) SEC. LXIV. The commander-in-chief shall cause two thousand copies of this act to be printed in book form, which books shall have attached to them all the necessary forms by which all returns can be made of companies, regiments, squadrons or battalions; also brigades and divisions, which pamphlet shall be immediately distributed and forwarded to the county seats of the several brigades, as other laws are, and in due time to be directed to the brigadier-generals, or commandants of said brigades, who shall be bound to receive and distribute as circumstances may require.

Repeal of all other militia laws.

(65.) SEC. LXV. The act entitled "An Act to Organize and Discipline the Militia and Volunteer Militia," and all acts and parts of acts amendatory thereto, or inconsistent with this act, are hereby repealed. This act to take effect immediately after its passage.

CHAPTER 121.

PUBLIC ARMS AND PROPERTY.

SECTION.

1. Governor authorized to take charge of the muskets, accoutrements, &c., belonging to state, and have control of state capitol.
2. Governor authorized to commute the muskets, &c., for other military property.

SECTION.

3. Authorizes the appointment of a person to attend to the preservation of military property and the state capitol.
4. This act takes effect on passage.

An Act for the preservation of the Muskets, Accoutrements, and all other Property belonging to the State, in and around the Capitol, not otherwise provided for by law.

[Passed July 20, 1858.] c, 56

Military property to be preserved.

(1.) SEC. I. *Be it enacted by the legislature of the state of Minnesota:* The governor is hereby authorized and empowered to take charge and have control of all the muskets, accoutrements and other military property belonging to, or which may hereafter belong to the state, by purchase or otherwise, and also to have control and supervision of the state capitol, and all the public property belonging to the state, not otherwise provided for by law.

(2.) SEC. II. The governor is hereby authorized to commute the muskets and accoutrements, or a part of them, for other military equipments, as in his discretion he shall deem proper, for the best interest of the state.