

Military and Naval Affairs

CHAPTER 190

THE MILITARY FORCES

GENERAL PROVISIONS

190.01 MILITARY CODE.

HISTORY. 1917 c. 400 s. 1; 1921 c. 506 s. 1; G.S. 1923 s. 2395; M.S. 1927 s. 2395.

190.02 GOVERNOR TO BE COMMANDER-IN-CHIEF; RULES AND REGULATIONS; STAFF.

HISTORY. 1858 c. 77 s. 5; P.S. 1858 c. 120 s. 5; 1862 c. 4 s. 11; 1863 cc. 20, 21; 1865 c. 51; 1870 c. 22 s. 3; 1871 c. 11 s. 1; G.S. 1878 c. 12 s. 3; G.S. 1894 s. 1700; 1897 c. 118 ss. 11 to 13; R.L. 1905 s. 1047; G.S. 1913 s. 2359; 1917 c. 400 s. 10; 1921 c. 506 s. 13; G.S. 1923 s. 2407; 1927 s. 339 s. 1; M.S. 1927 s. 2407.

The governor as commander-in-chief issued through the adjutant general an order placing the colonel of the first regiment under arrest, suspending him from command, and ordered the lieutenant-colonel to take command of the regiment. Colonel Bend filed an information with the court asking that a writ of quo warranto issue for alleged unlawful usurpation by Lieutenant-Colonel Harrison. The application was denied, it being considered the duty of respondent, in obedience to orders from the governor as commander-in-chief of the military forces of the state, to do the acts complained of, and so far as they affected the duty of the respondent, the orders referred to related merely to the conduct of military affairs with which the court will not interfere or assume to control. *State ex rel v Harrison*, 34 M 526, 26 NW 729.

The writ of quo warranto is not the remedy for official misconduct and so not to be employed to test the legality of official action. *State ex rel v Gravlin*, 209 M 136, 295 NW 654.

Governor, as chief executive, is charged with duty of seeing that state laws are executed, and in performance of that duty can use state's military forces when in his judgment exigencies of the situation require such use. The governor's judgment as to the necessity of using the military forces to execute state laws is conclusive and not subject to review. *Powers Mercantile Co. v Olson*, 7 F. Supp. 865; *Strutware Knitting Co. v Olson*, 13 F. Supp. 384.

Where mob threatens and civil authority is inadequate, it is the duty of the governor, on request, to send troops. *Powers Mercantile Co. v Olson*, 7 F. Supp. 865; *Strutwear Knitting Co. v Olson*, 13 F. Supp. 384.

Military or civil authorities are not authorized to deprive a manufacturer of the possession and use of his property as a means to suppress mob violence. *Powers Mercantile Co. v Olson*, 7 F. Supp. 865; *Strutwear Knitting Co. v Olson*, 13 F. Supp. 384.

190.025 FRESH PURSUIT.

HISTORY. 1943 c. 108 s. 8.

190.03 LAWS TO CONFORM TO UNITED STATES REGULATIONS.

HISTORY. 1921 c. 506 s. 2; G.S. 1923 s. 2396; M.S. 1927 s. 2396.

MINNESOTA STATUTES 1945 ANNOTATIONS

1179

THE MILITARY FORCES 190.13

190.04 UNITED STATES ARMY REGULATIONS TO GOVERN, WHEN.

HISTORY. 1921 c. 506 s. 4; G.S. 1923 s. 2398; M.S. 1927 s. 2398.

190.05 DEFINITIONS.

HISTORY. 1921 c. 506 s. 5; G.S. 1923 s. 2397; M.S. 1927 s. 2397; 1943 c. 108 s. 1.

190.06 MILITIA; WHO COMPOSE; EXEMPTIONS.

HISTORY. 1858 c. 77 s. 1; P.S. 1858 c. 120 s. 1; 1862 c. 4 s. 1; 1865 c. 51; 1870 c. 22 s. 1; 1877 c. 16 s. 1; G.S. 1878 c. 12 s. 1; G.S. 1894 s. 1693; 1897 c. 118 ss. 2, 3; R.L. 1905 s. 1039; G.S. 1913 s. 2351; 1921 c. 506 s. 5; G.S. 1923 s. 2399; M.S. 1927 s. 2399; 1939 c. 175 s. 1; 1943 c. 108 s. 2.

THE ADJUTANT GENERAL

190.07 ADJUTANT GENERAL; APPOINTMENT; QUALIFICATIONS.

HISTORY. 1858 c. 77 s. 37; P.S. 1858 c. 120 s. 37; 1862 c. 4; 1865 c. 51; 1870 c. 22 s. 3; 1871 c. 11 s. 1; G.S. 1878 c. 12 s. 3; G.S. 1894 s. 1700; 1897 c. 118 s. 12; R.L. 1905 s. 1047; 1907 c. 443 s. 4; G.S. 1913 s. 2360; 1921 c. 506 s. 14; G.S. 1923 s. 2408; 1927 c. 338 s. 12; M.S. 1927 s. 2408; 1939 c. 175 s. 3; 1943 c. 108 s. 9.

The adjutant general must obey and follow the orders of the governor, his commander-in-chief. *Strutwear Knitting Co. v Olson*, 13 F. Supp. 384.

190.08 PAY AND ALLOWANCES OF ADJUTANT GENERAL AND EMPLOYEES.

HISTORY. 1921 c. 506 s. 66; G.S. 1923 s. 2460; 1927 c. 339 s. 12; M.S. 1927 s. 2460; 1939 c. 175 s. 11; 1943 c. 108 s. 30.

190.09 ADJUTANT GENERAL; POWERS AND DUTIES.

HISTORY. 1866 c. 57 ss. 1, 2; 1870 c. 22 s. 5; 1873 c. 112 s. 1; G.S. 1878 c. 12 s. 5, 7; G.S. 1878 c. 124 ss. 47, 48; G.S. 1894 ss. 1702, 1704, 8035, 8036; 1897 c. 118 ss. 87 to 89; R.L. 1905 ss. 1076, 1856; G.S. 1913 ss. 2388, 3992; 1921 c. 506 s. 46; G.S. 1923 ss. 2440, 4385; 1927 c. 102 s. 1; M.S. 1927 s. 2440, 4385; 1931 c. 363 s. 6; 1943 c. 108 s. 42.

190.10 CERTAIN DUTIES OF MILITARY BOARD AND BOARD OF ARMORY SUPERVISORS TRANSFERRED TO ADJUTANT GENERAL.

HISTORY. 1927 c. 339 s. 16; M.S. 1927 s. 2415-1.

190.11 CAMP GROUNDS AND MILITARY RESERVATIONS.

HISTORY. 1891 c. 55 s. 1; G.S. 1894 s. 1769; 1897 c. 118 s. 106; 1903 c. 52 s. 12; R.L. 1905 s. 1085; G.S. 1913 s. 2398; 1921 c. 506 s. 14; G.S. 1923 s. 2450; 1927 c. 339 s. 9; M.S. 1927 s. 2450; 1939 c. 178 s. 9.

Adjutant general has authority to contract for electric power at Camp Ripley; pay part costs of moving electric supply lines; and arrange to furnish light and power to the federal government for joint use by regular army and national guard. OAG Dec. 16, 1936 (2c); OAG April 3, 1937 (2c).

190.115 MAY LEASE OR LEND MILITARY CAMP GROUNDS.

HISTORY. 1943 c. 108 s. 21.

190.12 MAY LOAN ARMS TO VETERAN ORGANIZATIONS.

HISTORY. 1889 c. 249 ss. 1 to 5; G.S. 1894 ss. 1770 to 1774; R.L. 1905 s. 1075; G.S. 1913 s. 2387; 1921 c. 506 s. 45; G.S. 1923 s. 2439; M.S. 1927 s. 2439.

190.13 RECORDS OF VETERANS' WAR SERVICE.

HISTORY. 1921 c. 506 s. 47; G.S. 1923 s. 2441; M.S. 1927 s. 2441; 1943 c. 108 s. 17.