

## CHAPTER 192

## NATIONAL GUARD

## ORGANIZATION

**192.01 MINNESOTA NATIONAL GUARD; WHO COMPOSE.**

HISTORY. 1858 c. 77 s. 1; P.S. 1858 c. 120 s. 8; Ex. 1862 c. 4 s. 1; 1865 c. 51; 1867 c. 59; 1870 c. 22; 1871 c. 11; 1877 c. 16; 1883 c. 74 art. 1 s. 1; 1885 c. 92; G.S. 1878 Vol 2 (1888 Supp.) c. 12 s. 16; 1889 cc. 114, 115; G.S. 1894 s. 1714; 1897 c. 118 s. 14; 1903 c. 52; R.L. 1905 s. 1048; 1909 c. 56; 1913 c. 44 s. 3; G.S. 1913 s. 2361; 1921 c. 506 s. 15; G.S. 1923 s. 2409; M.S. 1927 s. 2409; 1943 c. 108 s. 10.

Appearing before recruiting officer, signing enlistment contract, attending drill, and receiving pay gives status of soldier without the taking of the oath. *Klinge v Fisher*, 174 M 82, 218 NW 542.

**192.02 INACTIVE NATIONAL GUARD.**

HISTORY. 1921 c. 506 s. 18; G.S. 1923 s. 2412; M.S. 1927 s. 2412; 1939 c. 175 c. 4.

**192.03 ORGANIZATION.**

HISTORY. 1909 c. 56; G.S. 1913 s. 2363; 1917 c. 400 s. 14; 1921 c. 506 s. 16; G.S. 1923 s. 2410; M.S. 1927 s. 2410.

**192.04 LOCATION OF UNITS.**

HISTORY. 1921 c. 506 s. 17; G.S. 1923 s. 2411; 1927 c. 339 s. 3; M.S. 1927 s. 2411.

**192.05 STATUS OF INDIVIDUALS AND UNITS OF NATIONAL GUARD IN NATIONAL EMERGENCY AND AFTERWARDS.**

HISTORY. 1921 c. 506 s. 24; G.S. 1923 s. 2418; M.S. 1927 s. 2418; 1939 c. 175 s. 7.

**192.06 OFFICERS AND ENLISTED MEN OF STAFF CORPS AND DEPARTMENTS; NUMBER AND GRADES.**

HISTORY. 1921 c. 506 s. 19; G.S. 1923 s. 2413; M.S. 1927 s. 2413; 1939 c. 175 s. 5; 1943 c. 108 s. 11.

**192.07 STAFF CORPS; OFFICERS, HOW APPOINTED.**

HISTORY. 1897 c. 118 ss. 14, 15; 1903 c. 52; R.L. 1905 s. 1049; 1909 c. 56 s. 1; G.S. 1913 s. 2362; G.S. 1923 s. 2414; 1927 c. 339 s. 4; M.S. 1927 s. 2414; 1943 c. 108 s. 12.

**192.08 QUALIFICATIONS OF OFFICERS.**

HISTORY. 1917 c. 400 s. 20; 1921 c. 506 s. 22; G.S. 1923 s. 2416; M.S. 1927 s. 2416.

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### 192.09 LINE AND FIELD OFFICERS; SELECTION OF.

HISTORY. 1883 c. 74 art. 2 s. 2; G.S. 1878 Vol. 2 (1888 Supp.) c. 12 s. 22; 1889 c. 114 s. 5; G.S. 1894 s. 1720; 1897 c. 118 ss. 72, 73; R.L. 1905 s. 1056; G.S. 1913 s. 2369; 1917 c. 400 s. 21; 1921 c. 506 s. 23; G.S. 1923 s. 2417; 1927 c. 339 s. 5; M.S. 1927 s. 2417; 1939 c. 175 s. 6.

### 192.10 EXAMINATIONS FOR COMMISSIONS; ASSIGNMENTS OF OFFICERS.

HISTORY. 1883 c. 74 art. 2 s. 8; 1887 c. 95 s. 5; G.S. 1878 Vol 2 (1888 Supp.) c. 12 s. 28; G.S. 1894 s. 1726; 1897 c. 118 s. 79; R.L. 1905 s. 1060; G.S. 1913 s. 2373; 1917 c. 400 s. 22; 1921 c. 506 s. 24; G.S. 1923 s. 2418; M.S. 1927 s. 2418; 1939 c. 175 s. 7.

### 192.11 OFFICERS TO HAVE POWERS AND DUTIES OF UNITED STATES OFFICERS.

HISTORY. 1897 c. 118 ss. 93, 94, 96; R.L. 1905 s. 1081; G.S. 1913 s. 2393; 1917 c. 400 s. 44; 1921 c. 506 s. 50; G.S. 1923 s. 2444; M.S. 1927 s. 2444.

### 192.12 IN COMPUTING COMMISSIONED SERVICE, THAT IN THE UNITED STATES ARMY SHALL BE CONSIDERED.

HISTORY. 1921 c. 506 s. 38; G.S. 1923 s. 2432; M.S. 1927 s. 2432.

### 192.13 SUPPLIES, HOW ISSUED; BOND.

HISTORY. 1883 c. 74 art. 5 s. 4; G.S. 1878 Vol. 2 (1888 Supp.) c. 12 s. 42; 1889 c. 114 s. 13; G.S. 1894 s. 1741; 1897 c. 118 s. 112; 1901 c. 162 s. 3; R.L. 1905 s. 1074; G.S. 1913 s. 2386; 1917 c. 400 s. 38; 1921 c. 506 s. 43; G.S. 1923 s. 2437; M.S. 1927 s. 2437.

Under certain circumstances bathing suits may be purchased and issued to National Guard while in service. OAG Nov. 16, 1934, (2a).

The adjutant general may pay part of the costs of moving high tension lines crossing Camp Ripley, the lines being maintained by a private utility corporation under an easement in perpetuity. OAG Dec. 16, 1936 (2c).

### 192.14 OFFICERS MAY RESIGN.

HISTORY. 1883 c. 74 art. 2 s. 9; G.S. 1878 Vol. 2 (1888 Supp.) c. 12 s. 29; G.S. 1894 s. 1728; 1897 c. 118 ss. 81 to 83; R.L. 1905 s. 1061; G.S. 1913 s. 2374; 1917 c. 400 s. 24; 1921 c. 506 s. 26; G.S. 1923 s. 2420; M.S. 1927 s. 2420.

### 192.15 COMMISSIONS MAY BE VACATED; FEDERAL REGULATIONS.

HISTORY. 1883 c. 74 art. 2 s. 10; G.S. 1878 Vol. 2 (1888 Supp.) c. 12 s. 30; 1889 c. 114 s. 8; G.S. 1894 s. 1729; 1897 c. 118 s. 79; R.L. 1905 s. 1060; G.S. 1913 s. 2373; 1917 c. 400 s. 23; 1921 c. 506 s. 25; G.S. 1923 s. 2419; M.S. 1927 s. 2419.

### 192.16 SURPLUS OFFICERS.

HISTORY. 1917 c. 400 s. 23; 1921 c. 506 s. 25; G.S. 1923 s. 2419; M.S. 1927 s. 2419.

### 192.17 OFFICERS MAY BE PLACED IN INACTIVE NATIONAL GUARD.

HISTORY. 1917 c. 400 s. 23; 1921 c. 500 s. 25; G.S. 1923 s. 2419; M.S. 1927 s. 2419.

**192.18 RETIREMENT OF COMMISSIONED OFFICERS.**

HISTORY. 1917 c. 400 s. 27; 1921 c. 506 s. 29; G.S. 1923 s. 2423; M.S. 1927 s. 2423; 1943 c. 108 s. 15; 1945 c. 13 s. 1.

**192.19 RETIRED OFFICERS MAY BE ORDERED TO ACTIVE DUTY.**

HISTORY. 1897 c. 118 s. 140; 1901 c. 102 s. 4; R.L. 1905 s. 1064; G.S. 1913 s. 2377; 1917 c. 400 s. 27; 1921 c. 506 s. 24; G.S. 1923 s. 2418; M.S. 1927 s. 2418; 1939 c. 175 s. 7.

**192.20 BREVET RANK.**

HISTORY. 1897 c. 118 s. 140; 1901 c. 162 s. 4; R.L. 1905 s. 1064; G.S. 1913 s. 2377; 1917 c. 400 s. 27; 1921 c. 506 s. 24; G.S. 1923 s. 2418; M.S. 1927 s. 2418; 1939 c. 175 s. 7.

**192.205 ENLISTMENTS.**

HISTORY. 1943 c. 108 s. 13.

**192.21 DISCHARGES FOR ENLISTED MEN.**

HISTORY. 1883 c. 74 art. 2 s. 7; G.S. 1878 Vol. 2 (1888 Supp.) c. 12 s. 27; 1889 c. 114 s. 7; G.S. 1894 s. 1725; 1897 c. 118 s. 84; 1899 c. 231 s. 5; R.L. 1905 s. 1062; G.S. 1913 s. 2375; 1917 c. 400 s. 25; 1921 c. 506 s. 27; G.S. 1923 s. 2421; M.S. 1927 s. 2421.

**192.22 DISHONORABLE DISCHARGES.**

HISTORY. 1897 c. 118 s. 85; R.L. 1905 s. 1063; G.S. 1913 s. 2376; 1917 c. 400 s. 26; 1921 c. 506 s. 28; G.S. 1923 s. 2422; M.S. 1927 s. 2422; 1943 c. 108 s. 14.

**192.23 SERVICE MEDALS.**

HISTORY. 1897 c. 118 s. 140; 1901 c. 162 s. 4; 1905 c. 225 s. 6; R.L. 1905 s. 1064; G.S. 1913 s. 2377; 1917 c. 400 s. 27; 1921 c. 506 s. 29; G.S. 1923 s. 2423; M.S. 1927 s. 2423; 1943 c. 108 s. 15.

**192.24 EXEMPT FROM JURY DUTY.**

HISTORY. 1883 c. 74 art. 7 s. 1; G.S. 1878 Vol. 2 (1888 Supp.) c. 12 s. 48; G.S. 1894 s. 1747; 1897 c. 118 ss. 97, 99, 100; R.L. 1905 s. 1065; G.S. 1913 s. 2378; 1917 c. 400 s. 29; 1921 c. 506 s. 30; G.S. 1923 s. 2424; M.S. 1927 s. 2424.

**192.25 EXEMPTION FROM PROCESS.**

HISTORY. 1883 c. 74 art. 7 s. 4; G.S. 1878 Vol. 2 (1888 Supp.) c. 12 ss. 97, 99, 100; R.L. 1905 s. 1065; G.S. 1913 s. 2378; 1917 c. 400 s. 29; 1921 c. 506 s. 30; G.S. 1923 s. 2424; M.S. 1927 s. 2424.

Disqualification of governmental employees as jurors in criminal cases for implied bias. 21 MLR 610.

**192.26 STATE AND MUNICIPAL OFFICERS AND EMPLOYEES NOT TO LOSE PAY WHILE ON MILITARY DUTY.**

HISTORY. 1917 c. 400 s. 30; 1921 c. 506 s. 31; G.S. 1923 s. 2425; M.S. 1927 s. 2425; 1939 c. 175 c. 8; 1941 c. 120 s. 1.

Sections 192.26 to 192.264 apply to the naval militia. OAG June 18, 1929.

While on duty at Camp Ripley a man is entitled to leave of absence from his regular employment with full pay. OAG June 23, 1939.

Employer has no legal right to designate as employee's vacation time the period while in camp. OAG Feb. 28, 1939.

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## 192.261 NATIONAL GUARD

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National Guard regimental clerks are not state employees within the provisions of the retirement act. OAG May 23, 1939.

Vacation time under civil service ordinance need not coincide with time engaged in military or naval training. OAG Feb. 28, 1939.

The teacher on his return, and compliance with the provisions of the statute will be entitled to reinstatement. 1942 OAG 55, May 27, 1942 (172).

During the leave of absence of the state auditor in military service his deputy performs the duties of his chief, including acting as a member of the official bodies in which the state auditor is required by law to serve. 1942 OAG 293, April 8, 1942 (24).

### 192.261 LEAVE OF ABSENCE NOT OTHERWISE ALLOWED BY LAW.

HISTORY. 1941 c. 120 s. 2; 1945 c. 489 s. 1.

### 192.262 OFFICERS AND EMPLOYEES TO PRESERVE PENSION AND RETIREMENT RIGHTS.

HISTORY. 1941 c. 120 s. 3.

### 192.263 VACANCIES TO BE FILLED TEMPORARILY.

HISTORY. 1941 c. 120 s. 4.

### 192.264 SUPPLEMENTARY.

HISTORY. 1941 c. 120 s. 5.

### 192.27 NOT LIABLE FOR ACTS PERFORMED UNDER ORDERS.

HISTORY. 1897 c. 118 s. 101; R.L. 1905 s. 1066; 1911 c. 303 s. 4; G.S. 1913 s. 2379; 1917 c. 400 s. 31; 1921 c. 506 s. 32; G.S. 1923 s. 2426; M.S. 1927 s. 2426.

### 192.28 PROHIBITING THE FIRING OF BLANK CARTRIDGES UPON ANY UNLAWFUL ASSEMBLAGE.

HISTORY. 1897 c. 118 s. 101; R.L. 1905 s. 1066; G.S. 1913 s. 2379; 1917 c. 400 s. 31; 1921 c. 506 s. 32; G.S. 1923 s. 2426; M.S. 1927 s. 2426.

### 192.29 GOVERNOR TO APPOINT COUNSEL.

HISTORY. 1921 c. 506 s. 33; G.S. 1923 s. 2427; M.S. 1927 s. 2427.

### 192.30 SECURITY FOR COSTS.

HISTORY. 1897 c. 118 s. 102; R.L. 1905 s. 1067; G.S. 1913 s. 2380; 1917 c. 400 s. 32; 1921 c. 506 s. 34; G.S. 1923 s. 2428; M.S. 1927 s. 2428.

### 192.31 MILITARY FORCES NOT TO BE RESTRICTED BY TRAFFIC REGULATIONS.

HISTORY. 1897 c. 118 s. 108; R.L. 1905 s. 1087; G.S. 1913 s. 2400; 1917 c. 400 s. 52; 1921 c. 506 s. 58; G.S. 1923 s. 2452; 1927 c. 339 s. 10; M.S. 1927 2452; 1943 c. 108 s. 22.

### 192.32 NO DISCRIMINATION AGAINST PERSONS WEARING UNIFORM.

HISTORY. 1911 c. 261 s. 1; G.S. 1913 s. 3998; G.S. 1923 s. 4390; M.S. 1927 s. 4390.

### 192.33 ACTION FOR DAMAGES.

HISTORY. 1911 c. 261 ss. 2, 3; G.S. 1913 ss. 3999, 4000; G.S. 1923 ss. 4391, 4392; M.S. 1927 ss. 4391, 4392.

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## 192.34 DISCRIMINATION AGAINST SOLDIERS.

HISTORY. 1921 c. 506 s. 35; G.S. 1923 s. 2429; M.S. 1927 s. 2429.

## 192.35 INTERFERENCE WITH PERFORMANCE OF MILITARY DUTIES.

HISTORY. 1897 c. 118 s. 109; R.L. 1905 s. 1086; G.S. 1913 s. 2399; 1917 c. 400 s. 51; 1921 c. 506 s. 57; G.S. 1923 s. 2451; M.S. 1927 s. 2451.

## 192.36 CERTAIN ACTS FELONIES.

HISTORY. 1889 c. 249 s. 1; G.S. 1894 s. 1774; 1897 c. 118 ss. 23, 24; R.L. 1905 s. 1097; G.S. 1913 s. 2410; 1917 c. 400 s. 64; 1921 c. 506 s. 67; G.S. 1923 s. 2461; M.S. 1927 s. 2461.

## 192.37 DISPOSING OF PROPERTY.

HISTORY. 1889 c. 249 s. 1; G.S. 1894 s. 1774; 1897 c. 118 ss. 28, 29; R.L. 1905 s. 1101; G.S. 1913 s. 2414; 1917 c. 400 s. 65; 1921 c. 506 s. 76; G.S. 1923 s. 2470; M.S. 1927 s. 2470.

## 192.38 COMPENSATION FOR INJURIES.

HISTORY. 1921 c. 506 s. 36; G.S. 1923 s. 2430; 1927 c. 339 s. 6; M.S. 1927 s. 2430.

NOTE: See as to admission in Soldiers Home, section 198.02.

## 192.39 COMPENSATION; HOW PAID.

HISTORY. 1921 c. 506 s. 37; G.S. 1923 s. 2431; M.S. 1927 s. 2431; 1943 c. 108 s. 16.

## 192.40 GOVERNOR TO APPOINT U. S. PROPERTY AND DISBURSING OFFICER.

HISTORY. 1870 c. 22 s. 6; G.S. 1878 c. 12 s. 8; G.S. 1894 s. 1705; 1897 c. 118 s. 95; R.L. 1905 s. 1080; G.S. 1913 s. 2392; 1917 c. 400 s. 37; 1921 c. 506 s. 48; G.S. 1923 s. 2442; M.S. 1927 s. 2442.

## 192.41 STATE QUARTERMASTER AND PROPERTY OFFICER.

HISTORY. 1921 c. 506 s. 49; G.S. 1923 s. 2443; 1927 c. 339 s. 8; M.S. 1927 s. 2443.

## 192.42 ARMS AND UNIFORMS.

HISTORY. 1897 c. 118 ss. 122, 123; R.L. 1905 s. 1071; 1907 c. 443 s. 2; 1909 c. 56 s. 1; G.S. 1913 s. 2384; 1917 c. 400 s. 36; 1921 c. 506 s. 42; G.S. 1923 s. 2436; M.S. 1927 s. 2436.

## 192.43 DISTRIBUTION OF EQUIPMENT.

HISTORY. 1897 c. 118 s. 125; R.L. 1905 s. 1072; 1907 c. 443 s. 2; G.S. 1913 s. 2345; 1917 c. 400 s. 39; 1921 c. 506 s. 42; G.S. 1923 s. 2438; M.S. 1927 s. 2438.

This section is applicable to the naval militia. OAG Nov. 13, 1929.

## 192.435 WHEN UNIFORM OR EQUIPMENT RETAINED.

HISTORY. 1943 c. 244 ss. 1, 2.

## 192.44 DISCIPLINE.

HISTORY. 1897 c. 118 ss. 14, 92, 103; 1903 c. 52; R.L. 1905 ss. 1050, 1079; 1907 c. 443 s. 1; 1909 c. 56 s. 1; G.S. 1913 ss. 2363, 2391; 1917 c. 400 s. 45; 1921 c. 506 s. 51; G.S. 1923 s. 2445; M.S. 1927 s. 2445.

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### 192.45 TRAINING; ASSEMBLY FOR.

HISTORY. 1891 c. 55 s. 1; G.S. 1894 s. 1769; 1897 c. 118 ss. 104, 105; 1905 c. 225 s. 4; R.L. 1905 ss. 1082, 1084; G.S. 1913 ss. 2394, 2397; 1917 c. 400 s. 46; 1921 c. 506 s. 52; G.S. 1923 s. 2446; M.S. 1927 s. 2446; 1943 c. 108 s. 18.

### 192.46 RIFLE PRACTICE; COMPETITIONS.

HISTORY. 1903 c. 52 c. 4; R.L. 1905 s. 1083; G.S. 1913 s. 2395; 1917 c. 400 s. 47; 1921 c. 506 s. 53; G.S. 1923 s. 2447; M.S. 1927 s. 2447; 1943 c. 108 s. 19.

### 192.47 ENCAMPMENTS, DRILLS.

HISTORY. 1891 c. 55 s. 1; G.S. 1894 s. 1769; 1897 c. 118 s. 105; 1905 c. 225 s. 4; R.L. 1905 s. 1084; G.S. 1913 s. 2397; 1917 c. 400 s. 48; 1921 c. 506 s. 54; G.S. 1923 s. 2448; M.S. 1927 s. 2448; 1943 c. 108 s. 20.

### 192.48 INSPECTION.

HISTORY. 1883 c. 74 art. 4 s. 1; G. S. 1878 Vol. 2 (1888 Supp.) c. 12 s. 35; G.S. 1894 s. 1734; 1897 c. 118 ss. 92, 103; R.L. 1905 s. 1079; G.S. 1913 s. 2391; 1917 c. 400 s. 49; 1921 c. 506 s. 55; G.S. 1923 s. 2449; M.S. 1927 s. 2449.

### 192.49 PAY AND ALLOWANCES OF OFFICERS AND ORGANIZATIONS.

HISTORY. 1883 c. 74 art. 6 s. 4; 1885 c. 91 s. 5; 1887 c. 95 s. 8; G.S. 1878 Vol. 2 (1888 Supp.) c. 12 s. 47; G.S. 1894 s. 1746; 1897 c. 118 s. 121; 1903 c. 52 s. 5; R.L. 1905 s. 1092; 1907 c. 443 s. 2; 1911 c. 303 s. 2; 1913 c. 44 s. 2; G.S. 1913 s. 2405; 1917 c. 400 s. 58; 1921 c. 506 s. 60; G.S. 1923 s. 2454; M.S. 1927 s. 2454; 1939 c. 175 s. 10; 1943 c. 108 s. 24.

A governmental agency generally is not answerable for damages sustained as the result of the negligence of its officers or agents in the performance of governmental functions. *Westerson v State*, 207 M. 418, 291 NW 900.

### 192.50 INSPECTION AND MUSTER ALLOWANCE.

HISTORY. 1897 c. 118 ss. 113 to 115; R.L. 1905 s. 1088; 1907 c. 443 s. 2; 1913 c. 44 s. 1; G.S. 1913 s. 2401; 1917 c. 400 s. 53; 1921 c. 506 s. 61; G.S. 1923 s. 2455; M.S. 1927 s. 2455; 1943 c. 108 s. 25.

### 192.51 CAMP PAY FOR ENLISTED MEN.

HISTORY. 1883 c. 74 art. 6 s. 2; 1887 c. 95 s. 7; G.S. 1878 Vol. 2 (1888 Supp.) c. 12 s. 45; G.S. 1894 s. 1744; 1897 c. 118 ss. 117, 118; 1903 c. 52 s. 10; R.L. 1905 s. 1090; 1911 c. 303 s. 3; G.S. 1913 s. 2403; 1917 c. 400 s. 56; 1921 c. 506 s. 62; G.S. 1923 s. 2456; M.S. 1927 s. 2456; 1943 c. 108 s. 26.

### 192.52 PAY OF ENLISTED MEN FOR ACTIVE DUTY.

HISTORY. 1883 c. 74 art. 6 s. 3; 1885 c. 91 s. 5; G.S. 1878 Vol. 2 (1888 Supp.) c. 12 s. 46; G.S. 1894 s. 1745; 1897 c. 118 ss. 119, 120; R.L. 1905 s. 1091; 1911 c. 303 s. 3; G.S. 1913 s. 2404; 1917 c. 400 s. 57; 1921 c. 506 s. 59; G.S. 1923 s. 2453; M.S. 1927 s. 2453; 1943 c. 108 s. 23.

### 192.53 PAY OF COMPANY CLERKS AND CERTAIN NON-COMMISSIONED OFFICERS.

HISTORY. 1921 c. 506 s. 63; G.S. 1923 s. 2457; 1927 c. 339 s. 11; M.S. 1927 s. 2457.

### 192.54 TRANSPORTATION HIRE AND EXPENSE.

HISTORY. 1897 c. 118 s. 116; 1899 c. 231 s. 8; 1903 c. 82 s. 13; R.L. 1905 s. 1089; G.S. 1913 s. 2402; 1917 c. 400 s. 55; 1921 c. 506 s. 64; G.S. 1923 s. 2458; M.S. 1927 s. 2458; 1943 c. 108 s. 27.

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## 192.55 PAYMENTS TO BE MADE THROUGH ADJUTANT GENERAL.

HISTORY. 1883 c. 74 art. 5 ss. 2, 3; G.S. 1878 Vol. 2 (1888 Supp.) c. 12 ss. 40, 41; 1889 c. 114 ss. 11, 12; G.S. 1894 ss. 1739, 1740; 1897 c. 118 s. 115; R.L. 1905 s. 1093; G.S. 1913 s. 2406; 1917 c. 400 s. 59; 1921 c. 506 s. 65; G.S. 1923 s. 2459; M.S. 1927 s. 2459; 1943 c. 108 s. 28.

## 192.551 ARMY REGULATIONS SUPPLY.

HISTORY. 1943 c. 108 s. 29.

## 192.56 COMPANY TO BE CORPORATE BODY.

HISTORY. 1897 c. 118 ss. 134, 135; R.L. 1905 s. 1068; G.S. 1913 s. 2381; 1917 c. 400 s. 33; 1921 c. 506 s. 39; G.S. 1923 s. 2433; M.S. 1927 s. 2433.

## 192.57 CORPORATIONS TO CONTINUE.

HISTORY. 1897 c. 118 ss. 135 to 139; R.L. 1905 s. 1070; G.S. 1913 s. 2383; 1917 c. 400 s. 35; 1921 c. 506 s. 41; G.S. 1923 s. 2435; M.S. 1927 s. 2435.

## 192.58 AFFAIRS TO BE ADMINISTERED ACCORDING TO UNITED STATES ARMY RULES.

HISTORY. 1921 c. 506 s. 40; G.S. 1923 s. 2434; M.S. 1927 s. 2434.

## MILITARY COURTS

### 192.59 COURTS OF INQUIRY.

HISTORY. 1897 c. 118 s. 31; R.L. 1905 s. 1103; G.S. 1913 s. 2416; 1917 c. 400 s. 71; 1921 c. 506 s. 98; G.S. 1923 s. 2492; M.S. 1927 s. 2492.

### 192.60 COURTS-MARTIAL.

HISTORY. 1883 c. 74 art. 10 s. 2; 1885 c. 91 s. 6; G.S. 1878 Vol. 2 (1888 Supp.) c. 12 s. 58; 1889 c. 114 s. 19; G.S. 1894 s. 1757; 1897 c. 118 s. 39; R.L. 1905 s. 1111; G.S. 1913 s. 2424; 1917 c. 400 s. 78; 1921 c. 506 s. 69; G.S. 1923 s. 2463; M.S. 1927 s. 2463; 1943 c. 108 s. 31.

The only questions reviewable by habeas corpus are whether the military courts have jurisdiction and the power to impose a penalty. *Klingle v Fisher*, 174 M 82, 218 NW 542.

Military authorities do not lose jurisdiction by refraining from taking action during pendency of habeas corpus proceeding. *Klingle v Fisher*, 174 M 82, 218 NW 542.

### 192.61 FORMS, PRACTICE, AND PROCEDURE.

HISTORY. 1897 c. 118 ss. 40, 45; R.L. 1905 ss. 1112, 1117; G.E. 1913 ss. 2425, 2430; 1917 c. 400 s. 79; 1921 c. 506 s. 70; G.S. 1923 s. 2464; M.S. 1927 s. 2464.

### 192.62 ARTICLES OF WAR TO GOVERN WHEN.

HISTORY. 1897 c. 118 s. 37; R.L. 1905 s. 1109; 1917 c. 400 s. 67; 1921 c. 506 s. 71; G.S. 1923 s. 2465; M.S. 1927 s. 2465.

### 192.63 MILITARY OFFENSES, HOW PUNISHED.

HISTORY. 1921 c. 506 s. 72; G.S. 1923 s. 2466; M.S. 1927 s. 2466.

National Guard neither troops nor standing army; violations of rules and regulations of military code not a "criminal offense"; courts-martial may function in time of peace. *State ex rel v Wagener*, 74 M 518, 77 NW 424.

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## 192.64 NATIONAL GUARD

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Membership in naval reserve at time of enlistment of National Guard does not render the enlistment void nor relieve the member from liability for violation of military law. *Klingler v Fisher*, 174 M 82, 218 NW 542.

### 192.64 MILITARY OFFENSES DEFINED.

HISTORY. 1897 c. 118 ss. 23 to 27; R.L. 1905 ss. 1097 to 1100; G.S. 1913 ss. 2410 to 2413; 1917 c. 400 s. 64; 1921 c. 506 s. 73; G.S. 1923 s. 2467; M.S. 1927 s. 2467; 1943 c. 108 s. 32.

### 192.65 WEARING UNIFORM WHILE NOT ON DUTY.

HISTORY. 1897 c. 118 ss. 23 to 27; R.L. 1905 ss. 1097 to 1100; G.S. 1913 ss. 2410 to 2413; 1917 c. 400 s. 64; 1921 c. 506 s. 74; G.S. 1923 s. 2468; M.S. 1927 s. 2468.

### 192.66 DESERTION.

HISTORY. 1917 c. 400 s. 64; 1921 c. 506 s. 75; G.S. 1923 s. 2469; M.S. 1927 s. 2469.

### 192.67 OFFENDERS TO BE TURNED OVER BY SUPERIOR OFFICER, WHEN.

HISTORY. 1921 c. 506 s. 77; G.S. 1923 s. 2471; M.S. 1927 s. 2471.

### 192.68 TRANSPORTATION AND PAY OF COURTS.

HISTORY. 1921 c. 506 s. 78; G.S. 1923 s. 2472; M.S. 1927 s. 2472.

### 192.69 POWERS.

HISTORY. 1897 c. 118 ss. 47, 57; R.L. 1905 ss. 1119, 1129; G.S. 1913 ss. 2432, 2442; 1917 c. 400 s. 75; 1921 c. 506 s. 79; G.S. 1923 s. 2473; M.S. 1927 s. 2473.

### 192.70 PENALTIES.

HISTORY. 1897 c. 118 ss. 47, 57; R.L. 1905 ss. 1119, 1129; G.S. 1913 ss. 2432, 2442; 1921 c. 506 s. 80; G.S. 1923 s. 2474; M.S. 1927 s. 2474.

### 192.71 SENTENCES TO BE APPROVED BY GOVERNOR.

HISTORY. 1897 c. 118 s. 58; R.L. 1905 s. 1130; G.S. 1913 s. 2443; 1917 c. 400 s. 91; 1921 c. 506 s. 81; G.S. 1923 s. 2475; M.S. 1927 s. 2475.

### 192.72 FINES; DISPOSITION OF.

HISTORY. 1897 c. 118 s. 38; R.L. 1905 s. 1110; G.S. 1913 s. 2423; 1917 c. 400 s. 74; 1921 c. 506 s. 82; G.S. 1923 s. 2476; 1927 c. 339 s. 14; M.S. 1927 s. 2476.

### 192.73 POWERS OF PRESIDENTS OF COURTS-MARTIAL.

HISTORY. 1897 c. 118 s. 47; R.L. 1905 s. 1119; G.S. 1913 s. 2432; 1917 c. 400 s. 75; 1921 c. 506 s. 83; G.S. 1923 s. 2477; M.S. 1927 s. 2477.

### 192.74 CHARGES; HOW PREFERRED.

HISTORY. 1897 c. 118 s. 39; R.L. 1905 s. 1111; G.S. 1913 s. 2424; 1917 c. 400 s. 78; 1921 c. 506 s. 85; G.S. 1923 s. 2479; M.S. 1927 s. 2479.

### 192.75 OFFICERS AND MEN MAY BE ARRESTED; WHEN.

HISTORY. 1897 c. 118 s. 42; R.L. 1905 s. 1114; G.S. 1913 s. 2427; 1917 c. 400 s. 81; 1921 c. 506 s. 86; G.S. 1923 s. 2480; M.S. 1927 s. 2480.



# MINNESOTA STATUTES 1945 ANNOTATIONS

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NATIONAL GUARD 192.87

Military authorities do not lose jurisdiction by refraining from taking action during pendency of habeas corpus proceedings. *Klinge v Fisher*, 174 M 82, 218 NW 542.

## **192.76 ACCUSED SHALL BE SUMMONED.**

HISTORY. 1897 c. 118 s. 43; R.L. 1905 s. 1115; G.S. 1913 s. 2428; 1917 c. 400 s. 82; 1921 c. 506 s. 87; G.S. 1923 s. 2481; M.S. 1927 s. 2481.

## **192.77 DEFAULT IN APPEARANCE.**

HISTORY. 1897 c. 118 s. 44; R.L. 1905 s. 1116; G.S. 1913 s. 2429; 1917 c. 400 s. 83; 1921 c. 506 s. 88; G.S. 1923 s. 2482; M.S. 1927 s. 2482.

## **192.78 DISTURBING COURT.**

HISTORY. 1897 c. 118 s. 48; R.L. 1905 s. 1120; G.S. 1913 s. 2433; 1917 c. 400 s. 85; 1921 c. 506 s. 89; G.S. 1923 s. 2483; M.S. 1927 s. 2483.

## **192.79 RANKING OFFICER SHALL PRESIDE.**

HISTORY. 1897 c. 118 s. 49; R.L. 1905 s. 1121; G.S. 1913 s. 2434; 1917 c. 400 s. 86; 1921 c. 506 s. 90; G.S. 1923 s. 2484; M.S. 1927 s. 2484.

## **192.80 REGULARITY OF PROCEEDINGS PRESUMED.**

HISTORY. 1897 c. 118 s. 50; R.L. 1905 s. 1122; G.S. 1913 s. 2435; 1917 c. 400 s. 87; 1921 c. 508 s. 91; G.S. 1923 s. 2485; M.S. 1927 s. 2485.

## **192.81 COURTS NOT BOUND BY TECHNICAL RULES.**

HISTORY. 1897 c. 118 s. 51; R.L. 1905 s. 1123; G.S. 1913 s. 2436; 1917 c. 400 s. 88; 1921 c. 506 s. 92; G.S. 1923 s. 2486; M.S. 1927 s. 2486.

## **192.82 OFFENDERS MAY BE COMMITTED TO JAIL.**

HISTORY. 1897 c. 118 s. 56; R.L. 1905 s. 1128; G.S. 1913 s. 2441; 1917 c. 400 s. 92; 1921 c. 506 s. 93; G.S. 1923 s. 2487; M.S. 1927 s. 2487.

## **192.83 ACCUSED TO RECEIVE COPY OF ORDER; FORM OF ORDER.**

HISTORY. 1897 c. 118 s. 59; R.L. 1905 s. 1131; G.S. 1913 s. 2444; 1917 c. 400 s. 93; 1921 c. 506 s. 94; G.S. 1923 s. 2488; M.S. 1927 s. 2488.

## **192.84 PRISONERS TO BE KEPT IN COUNTY JAILS.**

HISTORY. 1897 c. 118 s. 60; R.L. 1905 s. 1132; G.S. 1913 s. 2445; 1917 c. 400 s. 94; 1921 c. 506 s. 95; G.S. 1923 s. 2489; M.S. 1927 s. 2489.

## **192.85 CIVIL OFFICERS SHALL BE GUILTY OF MISDEMEANORS FOR REFUSAL TO ACT.**

HISTORY. 1897 c. 118 s. 61; R.L. 1905 s. 1133; G.S. 1913 s. 2446; 1917 c. 400 s. 95; 1921 c. 506 s. 96; G.S. 1923 s. 2490; M.S. 1927 s. 2490.

## **192.86 COMPENSATION OF CIVIL OFFICERS.**

HISTORY. 1897 c. 118 s. 62; R.L. 1905 s. 1134; G.S. 1913 s. 2447; 1917 c. 400 s. 96; 1921 c. 506 s. 97; G.S. 1923 s. 2491; M.S. 1927 s. 2491.

## **192.87 NO ACTION MAINTAINED AGAINST MEMBERS OF COURTS.**

HISTORY. 1897 c. 118 s. 57; R.L. 1905 s. 1139; G.S. 1913 s. 2452; 1917 c. 400 s. 76; 1921 c. 506 s. 84; G.S. 1923 s. 2478; M.S. 1927 s. 2478.