

MINNESOTA STATUTES 1947 ANNOTATIONS

190.02 THE MILITARY FORCES

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MILITARY AND NAVAL AFFAIRS

NOTE: The formation of uniform companies was authorized by R. S. Ter. 1851, c. 17. An act to organize and discipline the militia and volunteer militia was enacted, L. 1858, c. 77. The 1858 act was revised by Ex. L. 1862, c. 4. Laws 1865, c. 51, repealed the 1862 act and revived the 1858 act. In the revised statutes of 1866 is found the following note: "The proposed new chapter relating to militia was rejected by the legislature and as all laws on the subject are repealed by G.S. 1866, c. 122, there is consequently no law in force providing for the organization of the militia." Laws 1870, c. 22, provided for enrolling and organizing the militia and was liberally amended by L. 1871, c. 11. Laws 1897, c. 118, completely revised all laws relating to the militia and enacted a new code of 142 sections, and among other provisions established the national guard and the naval reserve. This act with minor changes is coded in R. L. 1905, c. 12. The laws were again revised by L. 1917, c. 400. The final revision of L. 1921, c. 506, is our present law as amended. Amendments since 1921, for the most part, were for the purpose of bringing the state into harmony with the federal laws and the organization of the national army.

CHAPTER 190

THE MILITARY FORCES

GENERAL PROVISIONS

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

Writ of quo warranto is not the remedy for alleged official misconduct of the commissioner of administration in purchase of uniforms for unorganized militia without competitive bidding, and is not to be employed to test the legality of official action. *State ex rel v Gravlin*, 209 M 136, 295 NW 654.

When breakdown of law and order made necessary use of state troops means employed to restore order were largely in the discretion of the governor. His acts, within the range of his permitted discretion, were not subject to regulation or control by the judiciary, although the governor's arbitrary and capricious acts and those having no relation to necessities of the situation could be enjoined. *Powers v Olson*, 7 F. Supp. 865.

Plaintiff excluded from its property by state national guard under charge of state adjutant general sent by governor at request of the mayor because of unlawful assemblages around plaintiff's plant was entitled to an injunction against the governor, mayor, and adjutant general restraining them from interfering with plaintiff's possession and use of property. *Strutwear v Olson*, 13 F. Supp. 385.

190.05 DEFINITIONS.

Subd. 2, amended by L. 1947 c. 125 s. 1.

190.06 MILITIA; WHO COMPOSE; EXEMPTIONS.

Selective service act. 29 MLR 22.

THE ADJUTANT GENERAL

190.08 PAY ALLOWANCE OF ADJUTANT GENERAL AND EMPLOYEES.

Amended by L. 1947 c. 125 s. 2.

190.11 CAMP GROUNDS AND MILITARY RESERVATIONS.

Adjutant general has authority to contract for relocation of electric light and power lines of military reservation and arrange with the federal government for furnishing light and power for use of the regular army and national guard at Ft. Ripley. OAG Dec. 10, 1936 (2-c); OAG April 3, 1937 (2-c).