

# MINNESOTA STATUTES 1953 ANNOTATIONS

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MILITARY AND NAVAL AFFAIRS 190.07

sota Statutes, Chapter 185, applies and since the action was not brought in compliance with that act, the restraining order issued ex parte was properly vacated and set aside, and the petition for a temporary injunction was properly refused. Board of Education v Public School Employees' Union, 233 M 144, 45 NW(2d) 797.

**185.21** Renumbered 185.20, subdivision 2.

**185.22** Renumbered 185.20, subdivision 3.

## MILITARY AND NAVAL AFFAIRS

### CHAPTER 190

#### THE MILITARY FORCES

##### GENERAL PROVISIONS

###### 190.01 MILITARY CODE

HISTORY. 1858 c 77 s 2; PS 1858 c 120 s 2; 1863 c 20; 1863 c 21; 1865 c 51; GS 1866 c 12 s 3; 1870 c 22 s 3; 1871 c 11 s 1; GS 1878 c 12 s 3; GS 1894 s 1700; 1897 c 118 s 2-9, 11-13; RL 1905 s 1039-1047; 1907 c 443 s 4; GS 1913 s 2351-2360; 1917 c 400 s 1; 1921 c 506 s 1; GS 1923 s 2395; MS 1927 s 2395.

Conscientious objectors. 36 MLR 65.

The cooperative defense of Europe. 36 MLR 795.

Military occupation in time of war. 32 MLR 319.

The powers granted congress under the federal constitution relating to organizing, arming and disciplining the militia are plenary and exclusive and they may supplement the laws and regulations provided by congress only to the extent that the congress has not as yet exercised control. The utilization of Negro manpower in postwar army policy is controlled by circular No. 32 of the department of the army, dated Oct. 30, 1947. In the organization of the Minnesota national guard there must be compliance with federal laws and regulations and no state executive order which conflicts with the federal regulations may be legally issued. OAG July 13, 1948 (310-H).

###### 190.04 UNITED STATES ARMY REGULATIONS TO GOVERN, WHEN

Military occupation in time of war. 32 MLR 319.

###### 190.05 DEFINITIONS

The incidents which render the veteran's family eligible under section 196.05, as amended by Laws 1947, Chapter 172, are: (1) the lack of other adequate aid, and (2) the hospitalization of the veteran. The statute does not expressly or by implication require that the reason for the hospitalization of the veteran be in some manner incident to or growing out of the veteran's military service. The fact that the hospitalization resulted through the moral fault of the veteran is immaterial. OAG June 24, 1948 (310-S).

#### THE ADJUTANT GENERAL

###### 190.07 ADJUTANT GENERAL; APPOINTMENT; QUALIFICATIONS

HISTORY. 1858 c 77 s 37; PS 1858 c 120 s 37; 1862 c 4; 1865 c 51; 1870 c 22 s 3; 1871 c 11 s 1; GS 1878 c 12 s 3; GS 1894 s 1700; 1897 c 118 s 12; RL 1905 s 1047; 1907

# MINNESOTA STATUTES 1953 ANNOTATIONS

## 190.08 MILITARY AND NAVAL AFFAIRS

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c 443 s 4; GS 1913 s 2360; 1921 c 506 s 14; GS 1923 s 2408; 1927 c 339 s 2; MS 1927 s 2408; 1939 c 175 s 3; 1943 c 108 s 9; 1953 c 269 s 1.

### 190.08 PAY, ALLOWANCES

HISTORY. 1913 c 400 s 1; GS 1913 s 294; GS 1923 s 252; MS 1927 s 252; 1921 c 506 s 66; GS 1923 s 2460; 1927 c 339 s 12; MS 1927 s 2460; 1939 c 175 s 11; 1943 c 108 s 30; 1947 c 125 s 2.

### 190.09 POWERS, DUTIES

The adjutant general is without authority to execute on behalf of the state a contract covering property previously granted to the state by the federal government to operate prospectively as to property acquired with the aid of federal funds. OAG Jan. 13, 1949 (2).

### 190.11 CAMP GROUNDS AND MILITARY RESERVATIONS

HISTORY. 1891 c 55 s 1; GS 1894 s 1769; 1897 c 118 s 106; 1903 c 52 s 12; RL 1905 s 1085; GS 1913 s 2398; 1921 c 506 s 56; GS 1923 s 2450; 1927 c 339 s 9; MS 1927 s 2450; 1939 c 175 s 9.

The adjutant general cannot execute a document on behalf of the state purporting to cover property previously acquired without imposing a condition therein whereby the state would be bound for a specified period of years to devote the property to the exclusive use for the quartering and training of army and air force units of the national guard, federal funds having been spent in the improvements thereon. OAG Jan. 13, 1949 (2).

190.14, 190.15 Repealed, 1943 c 108 s 44.

## CHAPTER 192

### NATIONAL GUARD

#### ORGANIZATION

##### 192.01 MINNESOTA NATIONAL GUARD; WHO COMPOSE

HISTORY. 1858 c 77 s 1; PS 1858 c 120 s 1, 8; Ex1862 c 4 s 1; 1865 c 51 s 1; 1867 c 59 s 1; 1870 c 22 s 1; 1871 c 11 s 1; 1874 c 114 s 1; 1877 c 16 s 1; GS 1878 c 12 s 1-15; 1883 c 74 art 1 s 1; 1883 c 75 s 2; 1885 c 91 s 5, 7; 1885 c 92 s 1; 1887 c 95 s 9; 1887 c 222 s 1; GS 1878 Vol 2 (1888 Supp) c 12 s 16; 1889 c 114, 115; 1889 c 249 s 1-5; 1889 c 231 s 5, 8; 1891 c 5 s 1; GS 1894 s 1714; 1897 c 118 s 14; 1901 c 162 s 3, 4; 1901 c 213 s 1; 1901 c 289 s 1; 1903 c 52 s 1; 1903 c 182 s 1; 1905 c 225 s 3, 4, 6; RL 1905 s 1048; 1907 c 443 s 1; 1909 c 56; 1911 c 303 s 2-4; 1913 c 44 s 3; GS 1913 s 2361; 1917 c 400 s 12; 1921 c 506 s 15; MS 1927 s 2409; 1943 c 108 s 10; 1947 c 125 s 3.

The powers granted to congress under the federal Constitution relating to organizing, arming and disciplining the militia are plenary and exclusive and they may supplement the laws and regulations provided by congress only to the extent that the congress has not as yet exercised control. The utilization of Negro manpower in postwar army policy is controlled by Circular No. 32 of the department of the army, dated Oct. 30, 1947. In the organization of the Minnesota national guard there must be compliance with the federal laws and regulations and no state executive order which conflicts with the federal regulations may be legally issued. OAG July 13, 1948 (310-H).

##### 192.07 STAFF CORPS; OFFICERS; HOW APPOINTED

HISTORY. 1897 c 118 s 14, 15; 1903 c 52; RL 1905 s 1049; 1909 c 56 s 1; GS 1913 s 2362; 1921 c 506 s 20; 1927 c 339 s 4; MS 1927 s 2414; 1943 c 108 s 12.