

No. 217, S.]

[Published May 11, 1893.

CHAPTER 292.

AN ACT to amend, revise and codify the laws in reference to the Wisconsin National Guard, and to repeal certain laws named in this act.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The active and organized militia of the state of Wisconsin shall be known as the Wisconsin National Guard.

Wisconsin National Guard.

SECTION 2. The Wisconsin National Guard shall, after the year 1893, consist of not more than forty companies of infantry, one battery of artillery, one troop of cavalry, and a medical department. The infantry shall be organized into regiments consisting of not more than twelve, nor less than eight companies each; and each regiment divided into battalions not to exceed four nor less than three companies each; provided, no regiment shall be divided into more than three battalions, and each regiment may have one band. The entire force may, at the discretion of the governor, be organized into a brigade.

Of what to consist.

Infantry, how organized.

SECTION 3. The officers of the brigade, when organized, shall consist of one brigadier general, who shall command the brigade; the brigade staff, which shall be appointed by the brigade commander, subject to the approval of, and on the commission of the governor, shall consist of one assistant adjutant general and one brigade surgeon, with the rank of major; one inspector of small arms practice, with the rank of major; one quartermaster and commissary, with the rank of captain mounted; and two aides-de-camp, with the rank of first lieutenant mounted. The noncommissioned staff shall consist of one quartermaster and commissary sergeant; one bugler, one color bearer, two sergeant clerks, and one signal sergeant, who shall be appointed by the brigade commander from the enlisted men of the national guard.

Brigade officers.

SECTION 4. The regiments shall each be officered by one colonel, one lieutenant colonel, and

Regiment officers.

as many majors as there are battalions. The regimental staff shall consist of one regimental adjutant, one quartermaster, one inspector of small arms practice, and one chaplain, each with the rank of captain mounted; any such officer not providing himself with and using a proper horse when on duty, shall receive dismounted pay only. The regimental staff shall be appointed by the regimental commander, subject to the approval of, and on the commission of the governor. The regimental noncommissioned staff shall consist of one sergeant major, one quartermaster sergeant, one commissary sergeant, one hospital sergeant, and one chief bugler, who shall be appointed by the regimental commander from the enlisted men of his command.

Infantry company, number of men.

SECTION 5. Each company of infantry shall consist of not more than sixty-five, nor less than forty-five, enlisted men, and shall be officered by one captain, one first lieutenant, and one second lieutenant.

Battery, number of men.

SECTION 6. The battery shall consist of not more than eighty-five, nor less than fifty-five enlisted men, and shall be officered by one captain, two first lieutenants, and one second lieutenant.

Troop, number of men.

SECTION 7. The troop shall consist of not more than seventy-five, nor less than fifty-five, enlisted men, and shall be officered by one captain, one first lieutenant, and one second lieutenant.

COMPANIES, HOW ORGANIZED.

Application for organization, governor may appoint mustering officer.

SECTION 8. Whenever sixty-five persons resident and liable to military duty in any county shall subscribe and present to the governor an application for the organization of a military company, he may, at his discretion, appoint some competent person, as mustering officer, to muster such company and perfect the organization thereof, but without any expense to the state; provided, the whole number of companies shall not exceed the number fixed in section 2, of this chapter.

Meeting.

Such mustering officer shall forthwith fix a time and place of meeting for the purpose of such muster and organization, and give not less than ten, nor more than thirty days' notice thereof, by publication in some newspaper published in the

county, or by posting notices in three or more public places in the county.

SECTION 9. The mustering officer shall preside at such meeting, which may be adjourned from time to time, and shall provide a muster roll, which each person so volunteering, who shall be accepted as competent, by such officer, shall sign; and such signature and the muster roll shall be conclusive evidence that such volunteer is subject to all the obligations imposed by law upon the members of the national guard. When at least fifty persons shall have been so mustered in, they shall proceed at such meeting to elect by ballot, under the superintendence of such mustering officer, the several officers required by law, and a majority shall be necessary to a choice. After such election the name and rank of such officers shall be entered on the muster roll, and the mustering officer shall certify and forward the same, together with a copy of the proceedings and notice of such meeting to the adjutant general. If it shall appear that such organization shall have been perfected and such officers elected according to law, and the governor shall approve such organization and officers, such company shall be enrolled as part of the national guard, and the officers commissioned. If the governor disapprove such organization, he may, at his discretion, direct another meeting to perfect the same. If he disapprove any officer so elected, he may direct another meeting or meetings to elect others instead.

Muster roll to be signed.

Election of officers.

Enrollment of company.

MEDICAL DEPARTMENT, ORGANIZATION, ETC.

SECTION 10. The medical department of the national guard of the state of Wisconsin shall be organized as follows: The surgeon general shall be the head of the department. There shall be as many majors as there are brigades and regiments, and as many captains as there are battalions of infantry, companies of cavalry, and batteries; said officers to have the rank of majors and captains mounted; provided, any such officer, not providing himself with, and using when on duty, a proper horse, shall receive dismounted pay

Medical department, organization of.

only. A hospital corps may also be organized by orders of the governor.

Medical officers, how commissioned.

Vacancies.

Surgeon general, powers and duties of.

SECTION 11. Medical officers may be commissioned by the governor upon the recommendation of the surgeon general, or otherwise, from the physicians of towns where military companies are stationed; and any vacancies shall be filled by the promotion of the medical officer next in rank, unless such promotion be waived, or the governor shall order otherwise.

SECTION 12. The surgeon general shall, under the direction of the governor, have general supervision of the selection, purchase and distribution of all medical and hospital supplies, and he is hereby authorized with the approval of the governor, to purchase such medical and hospital supplies as may be necessary; he shall make, subject to the approval of the governor, such regulations for the government of his department as he may deem necessary; he shall submit to the governor annually, on the first day of October, a report with an itemized statement of the affairs and expenses of his department.

Majors and generals of medical staff, powers and duties of.

SECTION 13. The duties of the majors and captains of the medical staff shall be such as may be provided for by the United States or state regulations; they shall act as examiners of applicants for admission to the national guard, instruct the hospital corps, and advise commanding officers in sanitary matters. They may, by order of the governor, be assigned to duty with such commands as the surgeon general may recommend.

BANDS, HOW ORGANIZED.

Regiment band.

SECTION 14. Each regiment may have one band of not to exceed twenty-four men, the members of which shall hereafter be enlisted by the regimental commander, or such officer as he may appoint for such purposes, and such members shall receive the same pay and allowance, except for armory rent, as other enlisted men of the national guard, and be held to service as other enlisted men therein. The governor may, by orders, prescribe and establish such rules and regulations for the issuing of state property to

bands and the giving of security therefor, the mustering, inspection, property and other returns, as he may deem proper.

SECTION 15. No volunteer company or band shall be organized, except as provided in this chapter, and all companies and bands as now organized shall be entitled to state aid on compliance with its other provisions.

Volunteer
company or
band.

BY-LAWS.

SECTION 16. Each company or band may adopt such constitution, rules or by-laws, not inconsistent with the constitution, laws and military regulations of the United States and of this state, as a majority of all the members thereof may approve; and may therein provide fines and penalties for any violation thereof, which for absence or refusal to appear for instruction or parades shall not exceed five dollars, nor be less than one dollar; and all such fines and penalties shall be collectable in an action in the name of the commanding officer as plaintiff, before any competent court or magistrate. Such constitution, rules or by-laws shall become operative when approved by the governor.

Company or
band to adopt
by-laws, etc.

Governor to
approve.

OFFICERS, HOW COMMISSIONED.

SECTION 17. The governor shall issue commissions to all officers, elected or appointed, whose election or appointment shall be approved by him. Every commission shall be countersigned by the secretary of state, and attested by the adjutant general, and continue at the pleasure of the governor. The officers so commissioned shall take and file with the adjutant general the oath of office prescribed by the constitution, and endorse a copy thereof on his commission, which shall take effect only when so endorsed. All commissioned officers shall take rank according to the date assigned them by their commissions, and when two of the same grade rank from the same date, their rank shall be determined by length of service in the Wisconsin national guard, and if of equal service, then by lot.

Commissions,
governor to
issue.

Oath.

Rank.

TERM OF SERVICE.

Term of service.	<p>SECTION 18. Every man, who shall have been mustered or enlisted in the national guard, shall be held to service therein for three years, unless sooner discharged, as herein provided. A commissioned officer may resign his commission to his immediate commanding officer, in writing, who shall properly forward the same to the adjutant general. The governor shall, by order, accept or reject the same, and, if accepted, fix the date of its taking effect. No resignation shall take effect except as so ordered. Vacancies caused by the death, resignation, promotion, discharge or removal of any company officer, shall be filled by the promotion of the officer of such company next in rank, subject to the approval of the governor. Any honorably discharged soldier of the national guard may, after serving the full term of service, be re-enlisted for the term of one year. Every member of the national guard shall be exempt from jury duty, and from the payment of poll tax of every description; and every member, who shall be honorably discharged after five years' service, or by reason of injury received in the line of duty, shall be forever so exempt, and also exempt from military duty in time of peace. The proper discharge certificate shall be conclusive evidence of the right to such exemption.</p>
Officer may resign.	
Vacancy, how filled.	
Reinstatement.	
From what member of guard to be exempt.	
Honorable discharge, when and how granted.	<p>SECTION 19. Enlisted men shall be honorably discharged only upon certificates thereof, signed by the company commander, and endorsed by the adjutant general, with the governor's approval. Such discharge shall not be granted until after three years' service, or from some absolute disability occurring after mustering in, or unless the member discharged permanently removes his residence out of the county, or unless the governor shall order the same for other good cause. Any officer of the national guard may be discharged by order of the commander-in-chief.</p>
Absence from meetings for instruction; penalty.	

considered a deserter, and be dishonorably discharged from the service of the state.

SECTION 20. Any enlisted man may be dishonorably discharged from the military service of this state, for any of the following causes: Dishonorable discharge, causes for.
 First. Absence from his command when called out for the suppression of riot or for other active duty. Second. Desertion. Third. Insubordination, immoral conduct or intemperance. Fourth. Continued nonattendance at drills. Fifth. Refusal to pay any fine properly imposed.

EXAMINATION OF SUBORDINATE OFFICER.

SECTION 21. The governor may, whenever requested so to do by the commanding officer of the brigade or any regiment, battalion or company, or whenever he deems that the interests of the service will be promoted thereby, order any subordinate officer, or any officer or person nominated or recommended for promotion in such brigade, regiment, battalion or company, to be examined by any competent officer or board of officers, designated in orders for that purpose, as to his qualification for the office to which he may be recommended or commissioned, and may take such action on the report of such examining officer, or board of officers, as he may deem to be for the best interest of the service. Governor may order.

GOVERNOR'S STAFF.

SECTION 22. The military staff of the governor shall consist of one adjutant general, one quartermaster general, one surgeon general, with the rank of brigadier general; such aids-de-camp, with the rank of colonel, and such other officers as he may from time to time require. The adjutant general and the quartermaster general may each appoint one assistant with the rank of major, and the quartermaster general may appoint an additional assistant with the rank of captain. Of whom composed.

WHO MAY BE AID-DE-CAMP.

Governor to
appoint.

SECTION 23. The governor is hereby authorized to appoint any officer of the United States army who may be on duty as professor of military science and tactics in the state university or other institution of learning in this state as aid-de-camp, with the rank of colonel.

ADJUTANT GENERAL, HIS DUTIES.

Adjutant
general to be
chief of staff,
have custody
of military
records, etc.

SECTION 24. The adjutant general shall be chief of staff and inspector general. He shall have an office and keep it open during the usual business hours every day. He shall have the custody of all military records, returns, reports, correspondence, muster rolls, and other documents relating to the volunteers of this state, heretofore in the service of the United States, and of the national guard heretofore or hereafter organized, except such as are required to be filed with the governor or quartermaster general. He shall be the medium of military correspondence with the governor, and perform all other duties appertaining to his office or prescribed by law. He shall, biennially, on or before the first day of October, make a report to the governor to be laid before the legislature, of all the transactions of his department since the last biennial report, and setting forth the number, strength and condition of the national guard, and such other matters as he may deem important. He shall also make and transmit to the president the annual returns required by the laws of the United States, and at the same time submit to the governor a duly certified copy thereof.

Biennial report
of.

DUTIES OF THE ADJUTANT GENERAL AS
PENSION AGENT.

Adjutant
general to
assist claim-
ants for
pensions, etc.

SECTION 25. It is hereby made the duty of the adjutant general to assist all persons residing in the state of Wisconsin, having claims against the United States for pensions, bounty, or back pay, where such claims have arisen out of, or by

reason of service in the war of the rebellion. To this end the said adjutant general shall cooperate with the agents or attorneys of said claimants, advise as to the legality of claims, furnish to claimants only all necessary certificates and certified abstracts from, and copies of records and documents in his office, and in all practicable ways seek to secure speedy and just action upon all claims now pending, or which may be hereafter filed. He shall also, in cases where it may be expedient, act as agent or attorney of record in prosecuting claims for such of the persons before described as may request him to do so; provided, however, that for any services rendered pursuant to the provisions of this act, neither the said adjutant general nor any of his assistants or clerks shall make any charge or demand, or receive from the said claimants, or any of them, directly or indirectly, any pay or compensation whatever.

Not to receive compensation.

COMPENSATION, EXPENSES, POSTAGE.

SECTION 26. The adjutant general shall receive a compensation of two thousand dollars *per annum*, and also his necessary expenses, which shall not exceed the sum of five hundred dollars annually, while absent from his office on official business, which shall be payment in full for all services rendered by him under this or any other law of the state; and the same shall be audited and paid in the same manner as the salaries and expenses of other state officers are audited and paid. The adjutant general, and the quartermaster general also, shall each be furnished with all necessary stationery and postage for the use of their respective offices.

Adjutant general, compensation of.

Stationery and postage.

QUARTERMASTER GENERAL.

SECTION 27. The quartermaster general shall give a bond to the state in the sum of twenty thousand dollars, with not less than four sureties, resident freeholders, to be approved by the governor, and filed in the executive office, conditioned that he shall faithfully discharge the duties of

Quartermaster general to give bond.

his office, and deliver to his successor in office, or to any other person authorized by law to receive the same, all arms, ordnance, ordnance stores, money and other property belonging to the state, and all books, papers and bonds in his possession or charge, pertaining to his office; and if at any time the governor shall deem such bond insufficient, he shall require him to furnish such additional bond or security as he may deem sufficient.

HIS DUTIES.

To be commissary general and chief of ordnance, and have charge of military property.

SECTION 28. The quartermaster general shall be commissary general and chief of ordnance. He shall have an office at Madison, and keep it open during the usual business hours every day. He shall have charge of the military property of the state, and carefully preserve, repair and account for the same; shall keep in such manner as the governor shall direct, and subject to his inspection, an account of all moneys received and expended by him; perform the customary duties of his office, and of the office of commissary general and chief of ordnance, and have the custody of all records, returns and papers pertaining to such offices; and he shall biennially, on or before the first day of October, render a report to the governor, to be by him laid before the legislature, giving a detailed statement of all moneys received and expended by him, of all military property belonging to the state and remaining on hand at the date of his last biennial report, and such as may have come into his possession after such date, and from what sources the same has been received, and to whom issued or how expended, and upon whose order, and the condition of the property remaining on hand, also showing who has the possession, and the condition of all military property, issued under the military laws, so far as the same has been reported to him.

Biennial report

CONTRACTS FOR TRANSPORTATION.

SECTION 29. The transportation of all troops arms, accoutrements, stores and other property

shall be contracted for by the quartermaster general, under the direction of the governor, and accounts therefor, approved by the governor, shall be paid out of the state treasury.

Quartermaster general to contract for transportation of troops, etc.

OUTFITS FOR RIFLE PRACTICE.

SECTION 30. The quartermaster general is hereby authorized to purchase and issue to each company of the national guard such supplies for gallery rifle practice as may be prescribed by the governor, at an expense not exceeding ten dollars *per annum* for each company, to be paid for out of the state treasury.

Quartermaster general to issue.

UNIFORMS.

SECTION 31. The state shall supply, through the quartermaster general's department, each enlisted man with a good and substantial fatigue uniform, overcoat, rubber blanket, and such other clothing and equipments as the governor may direct, not to exceed the number of the maximum strength of each company or band; provided, that the expenditure for the purchase of the clothing herein provided for shall not exceed the sum of twenty-two thousand dollars biennially. Provided, further, that any company which has provided itself with such fatigue uniforms, overcoats or rubber blankets, or any other clothing or equipments, such as may be approved in lieu thereof, such company shall be reimbursed for the cost thereof in a sum not exceeding that paid by the state for similar clothing purchased in pursuance of this act, on the report of an inspecting officer that such clothing so provided is of proper pattern and quality, and in good condition.

Clothing and equipments, how supplied.

SECTION 32. The quartermaster general is hereby authorized to contract, subject to the approval of the governor, for the purchase of the overcoats, blankets and uniforms provided for in this act, and the cost thereof shall be paid out of the state treasury, together with the necessary expenses of making such purchase and distribution. The uniform of the national guard of the state of Wisconsin shall be that of the

Overcoats, blankets, etc., contract for purchase of.

United States army, substituting the state button for that of the national service.

Uniform of guard, not to be worn by unauthorized person.

Penalty.

SECTION 33. It shall be unlawful for any organization or individual not regularly enrolled in the United States army or marine corps, the national guard of the several states, or the student cadet companies armed and recognized by the national or state governments, to wear the uniform of the Wisconsin national guard; and any person violating the provisions of this section shall be punished for each such offense by a fine of not less than ten, nor more than one hundred dollars, or by imprisonment of not less than five, nor more than thirty days, or both. Justices of the peace shall have jurisdiction of all such offenses, and the provisions of law in reference to the jurisdiction of justice's courts in criminal cases shall apply thereto. It shall be the duty of the district attorney of the county in which such offense is committed, to prosecute the action in the name of the state.

ARMS MAY BE ISSUED TO COLLEGES, ETC. WRONGFUL DETENTION OF.

Arms and equipments, how issued to colleges, etc.

Wrongful detention or use of arms, etc., of the state.

Penalty.

SECTION 34. The governor may, in his discretion, direct the quartermaster general to issue old or unservicable arms and equipments in possession of the state to such colleges and schools applying for the same for the purpose of instruction in military science, in such quantities as he may deem proper. But no arms, accoutrements, stores or military property shall be issued otherwise than as herein provided, except in case of war, insurrection or imminent public danger. No person shall retain at any time any arms, equipments or military stores of any kind belonging to the state, unless they have been properly issued to him in pursuance of law and he shall be permitted by proper authority to retain the same in the discharge of a public duty; and no person shall use any public arms, equipments, clothing or military stores, belonging to the state, for his private use. Any person violating the provisions of this section, shall forfeit not less than twenty dollars, nor more than fifty dollars, such forfeiture to be re-

covered in an action brought in the name of the state on the complaint of any citizen. It shall be the duty of the district attorney of the proper county to prosecute every such action.

INSURANCE.

SECTION 35. Every company commander shall immediately insure in some reliable insurance company or companies to the extent of seventy-five per cent. of the full value thereof, any state property now in his possession, or hereafter received by him, and forward such policy or policies to the quartermaster general. All policies insuring such property must provide in substance, "Loss, if any, payable to the quartermaster general of the state of Wisconsin." The premiums may be paid out of such funds as provided in section 69.

Every company commander to insure state property.

ARMS AND STORES.

SECTION 36. The state shall supply through the quartermaster general's department, to the commanding officer of any company composed of not less than the minimum number, organized according to law, such arms, accoutrements or stores, as shall be required for its proper equipment. Such commanding officer shall execute to the state a bond with such sureties and in such form as the governor shall approve, and in a sum not less than double the value of such arms, accoutrements or stores furnished, conditioned for the faithful preservation and care of all such arms, accoutrements, moneys, or stores, as shall be by him received from the state, to indemnify the state against any loss by misuse or misapplication of any part thereof by himself or any other person; to account for all of the same according to law, and to deliver the same to any officer lawfully entitled thereto, on demand, and to pay all sums lawfully appraised for losses or damages. Thereupon the quartermaster general shall issue such arms, accoutrements and stores as the governor shall by order direct, which shall be as nearly as possible those in use

Arms and stores, how issued to company commander.

Bond to be given.

in the army of the United States, upon receiving duplicate receipts therefor, one of which he shall file with the secretary of state, and the other in his office. Every such bond shall be held to apply to all military property received by such officer at any time.

CUSTODY OF PROPERTY.

Commanding officer to be legal custodian of property.

SECTION 37. The commanding officer for the time being is the legal custodian of the money, property and effects of any company, regiment or brigade of the national guard, whether such property is owned by said company, regiment or brigade, or its members collectively, or has been issued to it or any of its officers, for its use by state or United States authority, and may sue for and recover possession of the same, whenever wrongfully withheld from his custody, or the custody of the company, regiment or brigade, in an action before any competent court or magistrate.

Military property exempt from execution.

SECTION 38. The uniforms, arms and equipment of every member of the national guard, together with any military property of any company, regiment or brigade, shall be exempt from execution for debt.

PRESERVATION OF FLAGS.

Flags, quartermaster general to procure.

SECTION 39. The quartermaster general shall preserve in proper cases, the colors and flags of the several regiments, batteries and detachments of the state, engaged in the late war. A label shall be placed conspicuously on each of said colors and flags, stating the number of the regiment, and briefly the battles, sieges and campaigns in which the regiment, battery or detachment was engaged; and such flags and colors shall be placed so that such labels can be seen without opening the cases.

EMPLOYMENT OF CLERKS.

SECTION 40. The governor, and the adjutant general and the quartermaster general, with the

governor's approval, may employ such clerks in their offices, and shall be furnished with such blanks and blank books, as may be necessary to the proper discharge of their duties under this chapter. The governor may, by orders, duplicates of which shall be filed with the secretary of state, fix the pay of the quartermaster general, and the pay of any member of his staff, or other officer or officers, for any special service under orders, and the pay of all clerks above referred to. The pay of such officers and clerks, and their actual and necessary expenses when on special duty, under the orders of the governor, shall be paid out of the state treasury.

Clerks,
employment
and compensa-
tion of.

CAMPS FOR INSTRUCTION, PARADES, ETC.

SECTION 41. The governor may order all of the national guard or any portion thereof, and the commander of any organization of the national guard may order the whole or any portion of his command, stationed in any city, to assemble for instruction, parade, review or exercise, at such times and places and for such length of time as he may think proper, or make any other orders relating thereto; provided, no organization of the national guard shall be ordered to, or shall leave, the limits of the county in which its station is located, except by permission of the commander-in-chief.

Assembly for
instruction,
parade, etc.,
governor may
order.

SECTION 42. The governor may also order the national guard, or any part thereof, into encampments for military instruction, not to exceed seven days in any year, and may fix the time and place for such encampments. Any troops, when so ordered into camp, shall be furnished by the state with transportation, tents and camp equipage, and such other reasonable and necessary provision for the proper care and preservation of the health of the men, so ordered into camp, as may be ordered by the governor, and an allowance for subsistence and other expenses, not herein provided for, equal to two dollars per day, for each day's actual service in such encampment, or en route to and from the same, by each enlisted man; and each officer, except as otherwise provided in this act, shall

Encampment
for military
instruction,
governor may
order.

With what
troops to be
furnished.

Allowance for
subsistence
and exposure.

Pay.

receive the pay of an officer of equal rank in the United States army, while on duty at such encampment, or on other service under orders of the governor, to be paid out of the state treasury, on such vouchers and proofs as the governor may require, and on his approval. The amount due on account of any company, shall be paid to its commanding officer, and the amount due on account of the field, staff or other officers, or enlisted men, not herein enumerated, if any, on duty in such encampment under orders, shall be paid to the person to whom the same shall be due. The amount due the noncommissioned staff and band, shall be paid to the regimental commanders. The allowances herein provided for may be withheld by order of the governor, and applied to the payment of any damages to grounds, buildings, uniforms, equipments, or any property, public or private, which may be caused by the fault or neglect of any officer or enlisted man in camp, or en route to or from the same.

ANNUAL INSPECTION OF COMPANIES.

Annual inspection, when and how held.

SECTION 43. At least once in each year, and between the months of March and October, inclusive, and upon not less than three days' notification to the commanding officer, an inspection shall be made of each company of the national guard by some officer appointed by the governor for such purpose. Such inspection shall be held in the same manner and form, prescribed for troops in the service of the United States. The inspecting officer shall be furnished with the last muster roll, and ordnance and property return of such company, and shall report to the governor in writing on a form provided for that purpose. The inspecting officer may be allowed ten cents per mile for every mile actually traveled in the performance of his duty, to be paid out of the state treasury.

When company may be disbanded.

SECTION 44. Whenever any company of the national guard shall fall below the minimum in membership, become lax in discipline, negligent in drill or other duties, or its members lose interest in their organization, the governor may, by order, retire and disband such company.

SECTION 45. The governor may at any time, by ^{Sama.} order, disband any company for insubordination, or when, upon inspection, it shall appear to be not properly organized or conducted, or when musters and returns shall not be made, and may direct all arms, accoutrements, and stores to be delivered up by whomsoever held, and if any person, who was a member of such disbanded company, shall appear with or retain arms or property of the state in his possession, until again mustered or enlisted into the service, he shall forfeit not less than twenty-five, nor more than one hundred dollars.

MUSTER ROLLS, WHERE FILED, INSPECTION.

SECTION 46. On the last Monday of April, and the last Monday of September, in each year, each and every company of the national guard shall be mustered by the commanding officer thereof, and duplicate muster rolls shall be made and certified by him, one of which shall be filed with the adjutant general, before the twentieth day of the succeeding month. Such muster rolls shall set forth the officers in order of rank and the enlisted men in alphabetical order, distinguishing recruits since last muster, and shall truly state the residence, age and date of enlistment of each, and such other facts as shall be required by orders or the forms prescribed. On said muster days every such commanding officer shall also inspect all arms, accoutrements, stores and other military property, issued by the state to him or his command, and make and certify an account and return thereof, in duplicate copies, one of which shall be filed with the quartermaster general, before the twentieth day of the succeeding month. In such returns he shall state the true number, amount and condition of such arms, accoutrements, stores and property, charging himself with the amount on hand at the time of his last return, and all subsequently received, and furnishing vouchers for all returned, disposed of or lawfully expended, in such manner as shall be prescribed.

When company to be mustered.

Muster rolls, what to set forth.

Arms, stores, etc., to be inspected; account to be returned.

INSPECTION OF ARMS, REPAIRS, BOARD OF SURVEY.

Arms, accoutrements, etc., to be subject to inspection by inspector-general, etc.

Board of survey, governor may convene; proceedings.

SECTION 47. All arms, accoutrements or stores, issued at any time by the state, shall be at all times subject to inspection by the inspector general, chief-of-ordnance, or any officer designated by the governor for such purpose, who shall report the true condition thereof. The governor may at any time require repairs to be made or defects and losses supplied; and he may, at any time, convene a board of survey, appraisal or condemnation, to condemn old, damaged or worn out property, or to appraise the loss sustained by the state from injury, want of repair, defects or losses in any such arms, accoutrements or stores, issued to any officer; which board, after reasonable notice to him, and hearing of his explanations or objections, shall appraise the same and make report; and the amount so appraised, approved by the governor, shall be conclusively deemed the amount of his liability on his bond therefor, up to the date of such report; and he shall immediately pay the same into the state treasury. The governor shall cause suit to be brought, whenever necessary, to make good any loss from injury, want of repair, or loss of any arms, accoutrements or stores, or other state property.

LIABILITY FOR LOST ARMS, HOW RELIEVED FROM.

By order of governor on report of board of survey.

SECTION 48. If any arms, equipments, tents, camp equipage, or other military stores or property, belonging to the state, shall be, or may have been heretofore, destroyed by fire, or otherwise lost or destroyed, or damaged, without the fault or neglect of the officer responsible for the same, such officer and any surety may, by order of the governor, on the report of a board of survey, or other satisfactory proof, be relieved of all liability therefor.

ARMS, HOW DISPOSED OF ON CHANGE OF OFFICERS.

SECTION 49. Whenever any officer, responsible for state property shall resign, be promoted, dismissed or discharged, he shall deliver such arms, accoutrements or stores only to the quartermaster general, or to some officer appointed to receive the same, and take duplicate receipts therefor, one of which he shall file with the quartermaster general. His successor in office shall, before receiving such property, execute and file a bond as hereinbefore provided. In case of the death of any such officer, the next in command shall immediately take charge of such arms, accoutrements or stores, and deliver the same to the quartermaster general, or some person appointed to receive the same; or if commissioned in place of such deceased, shall execute and file a like bond, and file duplicate receipts for such arms, accoutrements and stores, with the quartermaster general.

To be delivered to quartermaster general.

Successor to give bond.

ARMORY.

SECTION 50. Each company shall provide, at its own expense, a suitable room or building for an armory, and proper racks, frames and other needful provision for the safe keeping of the arms, accoutrements and stores, issued by the state, and shall therein keep the same when not in lawful use.

Company to provide.

SECTION 51. When such company shall be found by means of the annual inspection, provided for in this act, to be properly organized; to have at least the minimum number of members; to be well uniformed; to be well equipped with the necessary arms and accoutrements; and to have its arms, accoutrements and stores in good condition; to have assembled for inspection and drill as provided by law; and if the commanding officer of such company shall have made all the muster rolls and returns required by law or order, all of which shall be evidenced by the certificate of the adjutant general; and when such certified inspection report shall be approved by the governor each

Armory rent and other expenses, appropriation for, upon what showing made.

such company shall annually be paid out of the state treasury, upon the receipt of its commanding officer, the following appropriations in addition to those otherwise provided for in this act: Each company, stationed in a city containing less than twenty thousand inhabitants, according to the last state or national census, the sum of three hundred dollars. Each company, stationed in a city containing more than twenty thousand and less than fifty thousand inhabitants, according to the last state or national census, the sum of four hundred dollars. Each infantry company, stationed in a city containing more than fifty thousand inhabitants, according to the last state or national census, the sum of five hundred dollars. The troop of cavalry and battery of light artillery each the sum of eight hundred dollars. The above mentioned appropriations shall be full compensation for armory rent, and for all other expenses not otherwise provided for in this act.

ARMORIES EXEMPT FROM TAXATION.

SECTION 52. The armory owned by any regiment, battalion or company, used for military purposes by such organization, shall be exempt from all taxes and assessments, except local assessments for the improvement of streets, sidewalks, sewers or drains.

RULES OF DISCIPLINE.

Rules and regulations of United States army to be applicable.

SECTION 53. The rules of discipline and the regulations of the army of the United States shall, so far as the same may be applicable, constitute the rules of discipline and the regulations of the national guard of this state, and the rules and articles of war, established by congress and the war department for the army of the United States, shall be adopted so far as they may be applicable for the government of the national guard of this state; and the system of instruction, and the drill regulations, prescribed for the different arms and corps of the United States army, shall be followed in the military instruc-

tion and practice of the national guard of this state, and the use of any other system is forbidden. The quartermaster general is hereby authorized, under the direction of the governor, to make the necessary purchases, and issue to each of the commanding officers of the brigade, regiments, and companies, six copies of the said drill regulations, taking receipts for the same, as for other military property; and every commanding officer shall make return thereof in the semi-annual returns and be answerable therefor on his bond.

Quartermaster general to issue copies of drill regulations.

SECTION 54. Each company of the national guard shall assemble for instruction at least three times a month, unless in the case of infantry companies, excused for good and sufficient reasons, by the regimental commander, and in case of troop or battery, unless excused by special order of the governor.

When company to assemble for instructions.

ACTIVE SERVICE.

SECTION 55. In case of war, insurrection, rebellion, riot or invasion; or of resistance to the execution of the laws of the state, or of the United States; or upon application of any marshal of the United States; or of any mayor of a city, or of a sheriff, the governor may order into active service all or any portion of the national guard.

When governor may order into active service.

SECTION 56. If the governor be absent or cannot be immediately communicated with, any such civil officer may, if he deems the occasion so urgent, make such application, which shall be in writing, to the commanding officer of any company, battalion or regiment, who may, if the danger be great and imminent, order out his command to the aid of such officer. Such order shall be delivered to each commanding officer, and by him immediately communicated to each and every subordinate officer, and every company commander receiving the same shall immediately communicate the substance thereof to each member of the company, or if any such member cannot be found, a notice in writing, containing the substance of such order, shall be left at the last and usual place of residence of

Commanding officers, when may order command into active service.

Notice of order, how given.

such member, with some person of suitable age and discretion, to whom the contents of such notice shall be explained.

Failure to give notice or obey order, how punished.

SECTION 57. If any company commander or commissioned officer, receiving such order, shall fail to give such notice as required thereby or by law, or shall fail to appear at the time and place so ordered, prepared for duty, he shall be cashiered, and be further punished by fine and imprisonment as a court martial may judge; and if any enlisted man, after being duly notified, shall refuse or neglect to appear at the time and place of rendezvous properly prepared for duty, or shall fail to obey any order issued in such case, he shall be deemed a deserter, and be punished by a fine not less than fifty dollars, nor more than three hundred dollars, or be imprisoned not exceeding six months, or both; and any person who advises or endeavors to persuade an officer or soldier to refuse or neglect to appear at such place, or to obey such order, shall be punished by imprisonment not exceeding six months, or by a fine not exceeding one thousand dollars, or both. But physical incapacity to perform military service, dangerous sickness in the family of any such officer or enlisted man, or absence at the time such notice was served, when such absence was not intended to avoid such notice or service, and when he shall join for duty upon his return, if his command is still in service, shall excuse such default.

What to excuse default.

PAY OF TROOPS AND OFFICERS.

Pay when in active service.

SECTION 58. When called into active service, and retained for thirty days or less, such troops shall be subsisted and paid as provided in section 42, of this act, referring to annual encampments. If engaged longer than thirty days, they shall receive after the expiration thereof the pay and rations established by law for the army of the United States.

MISCELLANEOUS.

RULES FOR GOVERNMENT.

SECTION 59. The governor may, from time to time, make and publish rules, regulations and orders for the government of the national guard, not inconsistent with law, and cause the same, together with any laws relating to the national guard, to be printed and distributed in book form, in such number as he may, in his judgment deem necessary.

Governor to make and publish.

BLANKS AND INSTRUCTIONS.

SECTION 60. The adjutant general and quartermaster general shall prepare, subject to the governor's approval, blanks and forms for muster rolls, ordnance and property returns, reports, receipts and other papers necessary to carry out the provisions of this act, or for the proper management of the national guard, with proper accompanying instructions, and furnish the same to the several company commanders and other officers from time to time. The adjutant general shall preserve and cause to be recopied, when necessary, such muster rolls or other records of his office, as are required to be transcribed for preservation.

Adjutant general and quartermaster general to prepare and furnish

ELECTION DAYS, MUSTER NOT HELD ON.

SECTION 61. No muster or assembly for instructions, review or parade, shall be held or called in any county, on any day during which a general or special election shall be held therein, nor within five days before such election, except in case of riot, invasion, insurrection or imminent danger thereof; and if any officer shall order any such muster or assembly, he shall forfeit one hundred dollars.

Not to be held within five days before election.

EXEMPTION FROM ARREST.

When not to be
arrested on
civil process.

SECTION 62. On days of military parade, the national guard, called out by proper authority, and performing military duty, shall be considered to be under military discipline, performing such duty, from the rising to the setting of the sun, or if performing military duty under orders after the setting of the sun, then until the rising of the sun of the next day; and no officer or enlisted man shall be subject to be arrested on any civil process during the time aforesaid.

RENDEZVOUS GROUNDS NOT TO BE OBSTRUCTED.

Arrest and
punishment of
offender.

SECTION 63. The commanding officer of any parade, review or drill, and the officer in charge of any rendezvous or camp, may cause the ground selected for that purpose to be marked or designated in such a manner as not unnecessarily to obstruct travel on any public highway; and if any person, during the occupation of such ground for such military purpose, shall encroach upon such bounds, or enter upon such ground, without the permission of such officer, he may be arrested and kept under guard by the order of such officer, until the setting of the sun of the same day, or for such reasonable time as may be necessary to procure his arrest by the civil authorities. Any such offender may be arrested and punished by any court of competent jurisdiction as for a breach of the peace.

PENALTIES FOR INSULTING OFFICERS OR SOLDIERS, ETC

What constitutes offense.

SECTION 64. If any person shall intercept, molest, insult or abuse any officer or enlisted man of the national guard, while in the performance of his military duty, he may be immediately arrested and kept confined at the discretion of the commanding officer of the forces engaged in the performance of such military duty, until the setting of the sun of the same

day on which the offense shall have been committed, or for such reasonable time, as may be necessary to procure his arrest by the civil authorities. Any such offender may be arrested and punished by any court of competent jurisdiction, as for a breach of the peace.

DEFINITION OF COMPANY.

SECTION 65. Whenever the word company is used in a military sense, in this act, it shall be understood and construed to mean a company of infantry, troop of cavalry, or battery of artillery. Term defined.

AUTHORITY TO ADMINISTER OATHS.

SECTION 66. All officers of the military force of this state shall be empowered to administer oaths of enlistment, and the same shall have full force and effect, as if made before a civil magistrate, or other officer competent to administer oaths. Officers may administer oaths of enlistment.

MILITARY RESERVATION.

SECTION 67. The state camp ground near Camp Douglas, Juneau county, shall be known as the "Wisconsin Military Reservation."

SECTION 68. There is hereby appropriated out of the general fund, to be paid on the voucher of the quartermaster general, with the approval of the governor, the sum of three thousand dollars annually, for the maintenance, care and improvement of said military reservation. Appropriation for military reservation.

GENERAL APPROPRIATION CLAUSE.

SECTION 69. There shall be paid annually to each company, from the state treasury, for the repair, care and insurance of state property in its possession, or in the possession of its commanding officer, the sum of five dollars for each member who is in attendance at the annual inspection, fully uniformed. The governor may order such payment to be withheld from any General appropriation. Payment, when withheld.

company, which shall be delinquent in returns or reports, neglectful of its duties, parades, drills or instruction, or guilty of any insubordination or misapplication of its funds drawn from the state.

Deposit of part of funds in treasury, governor may require.

SECTION 70. The governor may require, by orders, any company to leave all or any part of such funds in the treasury on deposit, and may direct the same to be expended for uniforms or repairs thereon, when and in such amounts as he shall direct, and may make such orders or regulations, or require such security from officers, from time to time, as he may deem necessary for the proper care or expenditure of said funds or the clothing procured therewith.

EXTRA ALLOWANCE FOR MOUNTED TROOPS.

What amount to receive.

SECTION 71. In addition to all other appropriations and allowances provided for in this act, the troop and battery shall each receive, subject to the approval of the governor, the sum of three hundred dollars annually, as extra allowance for the extraordinary expense incident to drills and instruction of mounted organizations; and each regimental commander shall receive annually the sum of one hundred dollars, for the incidental expenses of regimental headquarters, and each such commander shall annually report to the adjutant general the disposition made of such fund.

Report of convention of officers of National Guard, printing and distribution of.

SECTION 72. The adjutant general is hereby authorized to procure the printing of, and upon his order the public printer shall print and deliver to the adjutant general, for distribution, not to exceed two thousand copies of the report of the annual convention of the officers of the Wisconsin National Guard, which shall be distributed as follows: To each company, troop or battery, five copies; to each commissioned officer, one copy; to each state officer and member of the legislature, one copy; and the remainder to the adjutant general, for distribution at his discretion; provided, that such volumes shall not exceed one hundred pages each.

Appropriation.

SECTION 73. There is hereby appropriated, out of any money in the state treasury not otherwise

appropriated, a sum of money sufficient to make the purchase, defray the expenses, and pay all allowances authorized by this act.

SECTION 74. Chapter 34, of the Revised Statutes of 1878, except section 617, of said chapter; chapter 208, of the laws of 1879; chapter 185, of the laws of 1880; chapter 300, of the laws of 1880; chapter 299, of the laws of 1881; chapter 139, of the laws of 1882; chapter 162, of the laws of 1882; chapter 301, of the laws of 1882; chapter 298, of the laws of 1885; chapter 394, of the laws of 1885; chapter 404, of the laws of 1885; chapter 439, of the laws of 1885; chapter 452, of the laws of 1885; chapter 353, of the laws of 1889; chapter 382, of the laws of 1889; chapter 344, of the laws of 1891; and all acts and parts of acts, inconsistent or in conflict with the provisions of this act, are hereby repealed. What laws repealed.

SECTION 75. This act shall take effect and be in force from and after its passage and publication
Approved April 19, 1893.

No. 357, A.]

[Published May 3, 1893.

CHAPTER 293.

AN ACT to require mutual fire insurance companies, incorporated outside of the state of Wisconsin, and doing business within the state, that have been declared insolvent, to collect all claims due from policy holders within the time specified, and for other purposes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. All mutual fire insurance companies, incorporated outside of the state of Wisconsin, that have been declared to be insolvent, and where a receiver has been appointed, shall, within six months after the passage and publication of this act, proceed to collect all claims due from policy holders within this state for premiums or assessments. The insurance commissioner is Shall proceed to collect claims.