

hereby declared to be modified, amended, superseded or repealed in so far as they interfere with the provisions of this act.

SECTION 3. This act shall take effect and be in force, from and after its passage and publication.

Approved April 18, 1899.

No. 189, S.]

[Published April 20, 1899.

CHAPTER 200.

AN ACT to reorganize the Wisconsin national guard and making an appropriation therefor.

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

SECTION 1. The active and organized militia of this state shall be known as the Wisconsin national guard and shall consist of not more than forty companies of infantry, one battery of artillery, one troop of cavalry, an adjutant general's department, a quartermaster general's department, a medical department and such other officers as may from time to time be required. The infantry shall be organized into regiments consisting of twelve companies each and each regiment shall be divided into three battalions of four companies each. Each regiment may have one band. All companies not needed to complete the regiments of infantry may, at the discretion of the governor, be organized into an independent battalion. The entire force may, at the discretion of the governor, be organized into a brigade.

State militia, of what to consist. Brigade organization may be made.

SECTION 2. The officers of the brigade, when organized, shall consist of one brigadier general,

Rank and
number of
officers of
brigade.

who shall command the brigade; the brigade staff, which shall be appointed by the brigade commander, subject to the approval and on the commission of the governor, shall consist of one assistant adjutant general with the rank of captain mounted, one quartermaster and commissary with the rank of captain mounted, and such aides and non-commissioned staff as shall be detailed by the brigade commander from his brigade.

Regiments,
how officered.
Rank of officers.

SECTION 3. The regiments shall each be officered by one colonel, whose term of continuous service as such colonel shall be limited to five years, one lieutenant colonel and three majors. The regimental staff shall consist of one regimental adjutant, one quartermaster and one chaplain, each with rank of captain mounted; any officer not providing himself with and using a proper horse when on duty shall receive dismounted pay only, and one commissary with the rank of first lieutenant. The regimental staff shall be appointed by the regimental commander, subject to the approval of and on the commission of the governor. The regimental non-commissioned staff shall consist of one sergeant major, one quartermaster sergeant and one commissary sergeant; who shall be appointed by the regimental commander from the enlisted men of his command. The battalion staff shall consist of one battalion adjutant with the rank of first lieutenant mounted, who shall be appointed by the battalion commander, subject to the approval of the colonel and on commission of the governor, and one battalion sergeant major, who shall be appointed by the battalion commander from the enlisted men of his command.

Companies,
how officered.
Rank of officers.

SECTION 4. Each infantry company shall consist of one captain, one first lieutenant, one second lieutenant, one first sergeant, one quartermaster sergeant, four sergeants, six corporals, two cooks, two musicians, one artificer and not more than forty-eight nor less than twenty-five enlisted men. A battery shall consist of one

captain, two first lieutenants, one second lieutenant, one first sergeant, one stable sergeant, one quartermaster sergeant, six sergeants, twelve corporals, four artificers, two musicians, two cooks and not more than fifty-one nor less than seventeen enlisted men. A troop shall consist of one captain, one first lieutenant, one second lieutenant, one first sergeant, one quartermaster sergeant, six sergeants, six corporals, two cooks, two farriers and blacksmiths, one saddler, one wagoner, two trumpeters and not more than forty-three nor less than twenty enlisted men. In time of war or in great public danger the governor may recruit the companies, battery and troops to the maximum allowed in the United States army.

SECTION 5. 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 1 of this act. 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 therein. 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 Wisconsin national guard. When at least fifty persons shall have been so mustered in, they shall pro-

Companies,
how formed
and mustered
into service.

ceed 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 to 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 a part of the Wisconsin national guard, and the officers thereof be 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 another in stead, or may fill the position in such manner as he may deem best. All officers of the Wisconsin national guard may administer oaths of enlistment.

Medical department, how organized and officered.

SECTION 6. The medical department of the national guard shall be organized as follows: The surgeon general shall be the head thereof. There shall be as many surgeons as there are regiments, two assistant surgeons for each regiment of infantry, and one for each troop of cavalry, battery, and independent battalion; said surgeons to have rank of major, assistant surgeons to have the rank of first lieutenant mounted for the first five years of service and that of captain mounted after five years service. Any such officer not providing himself with and using when on duty a proper horse shall receive dismounted pay only. A hospital corps may also be organized by order of the governor. Medical officers may be commissioned by him upon the recommendation of the surgeon general, or otherwise, and any vacancies shall be filled by the promotion of the medical officer next in rank

unless such promotion be waived or the governor order otherwise. No person shall be commissioned in the medical department until he shall have passed such examination as the surgeon general may direct. The surgeon general shall, on recommendation of the regimental commander, appoint one hospital steward and one acting hospital steward for each regiment of infantry, and one acting hospital steward for each troop, battery and independent battalion of infantry. The surgeon general shall, under direction of the governor, have general supervision of the selection, purchase and distribution of all medical and hospital supplies and may, with the approval of the governor, purchase such supplies as may be necessary; he shall make, subject to such approval, 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. The duties of the surgeons and the assistant surgeons 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.

SECTION 7. Each regimental band shall consist of one chief musician, one principal musician and one drum major, who shall each receive the pay of a first sergeant of infantry, four sergeants, eight corporals, one cook and twelve privates. All bands shall be enlisted by the regimental commander or such officers as he may appoint, and such members, except as hereinbefore provided, shall receive the same pay and allowance except for armory rent, as other enlisted men and be held to service as other enlisted men. The governor may by orders, prescribe and establish such rules and regulations for the issuing

Regimental band, of what to consist, and how enlisted.

of state property to bands and the giving of security therefor, the mustering, inspection, property and other returns as he may deem proper. The governor may require all officers and enlisted men of the national guard to pass the physical examination that is required for admission to the United States army.

Companies to adopt constitution and by-laws.

SECTION 8. 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 parade, 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.

Governor to issue commissions. Rank, how determined.

SECTION 9. 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. Each officer 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 national guard, and if of equal service then by lot.

Terms of enlistment.

SECTION 10. 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 com-

missioned 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 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 or they may be filled by appointment by 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.

Resignation of officers. Members of guard exempt from jury duty and poll taxes.

SECTION 11. Enlisted men shall be discharged only upon certificates 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 absolute disability occurring after mustering in unless the member discharged permanently removes his residence out of the county, or the governor shall order the same for other good cause. Any officer may be discharged by order of the commander-in-chief. Any member who absents himself from all meeting for instruction during a period of thirty days, unless properly excused by his commanding officer, shall, in addition to all other penalties, be debarred from the exemption from jury duty, be considered a deserter, and be dishonorably discharged. Any enlisted man may be so

Enlisted men, h w discharged.

discharged for absence from his command when called out for the suppression of riot or for other active duty, for drunkenness, immoral conduct or insubordination, continued non-attendance at drills, or refusal to pay any fine properly imposed. Any enlisted man dishonorably discharged may, at the discretion of the governor, be reinstated, provided his application for reinstatement is approved by the officers who made the application for his discharge and provided that upon reinstatement he returns to his command and serves out the unexpired period of his enlistment.

Governor may order examinations for promotion.

SECTION 12. The governor may order any subordinate officer or person nominated or recommended for promotion or appointment 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 appointed 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 interests of the service.

Governor's staff, of what to consist.

SECTION 13. The military staff of the governor shall consist of one adjutant general, one quartermaster general, one surgeon general, each with the rank of brigadier general, five aides-de-camp with the rank of colonel and such other officers as he may from time to time require. The governor may appoint any officer of the United States army on duty at the state university or other institution of learning in this state as a member of his staff, but without rank. No person shall be appointed on the governor's staff who has not had previous military experience.

Duties of adjutant general. Report of, etc.

SECTION 14. The adjutant general shall be chief of staff and inspector general. He shall have an office in the capitol 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 at any time 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 pertaining to his office or prescribed by law. He shall on or before the first day in October in each even numbered year make a report to the governor, to be laid before the legislature, of all the transactions of his department since the last biennial report, setting forth the number, strength and condition of the national guard, and such other matters as he may deem important. He shall make and transmit to the president, the annual returns required by the laws of the United States and submit to the governor a duly certified copy thereof. He shall 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 wars of the country. To this end he shall co-operate 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 persons as may request him to do so; provided, that for any service 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.

To conduct a pension department.

SECTION 15. The quartermaster general shall give a bond to the state in the sum of twenty thousand dollars with not less than four resi-

Duties of quartermaster general.

dent free-holders as sureties, which bond shall be approved by the governor and filed in the executive office and be conditioned for the faithful discharge of the duties of his office, and deliver to his successor in office or to any other person authorized by law to receive the same, all quartermaster stores, ordnance and 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. The quartermaster general shall be commissary general and chief of ordnance. He shall have an office in the capitol 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; 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 on or before the first day of October in each even numbered year 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 report, and such as may have come into his possession after such date, from what sources the same has been received, 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 law, so far as the same has been reported to him. The transportation of all troops, arms, accoutrements, stores, and other property shall be contracted for by him under

To make a
report.

direction of the governor, and accounts therefor approved by the governor shall be paid out of the state treasury. The quartermaster general may purchase and issue to each company of the national guard such supplies for 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.

SECTION 16. The state shall supply through the quartermaster general each man enlisted in the national guard with a good substantial fatigue uniform, overcoat, rubber blanket, and such other clothing and equipments as the governor may direct, but the number of such clothing and equipments furnished to each company or band shall not exceed the maximum strength thereof; provided, that the expenditure for such purposes shall not exceed twenty-two thousand dollars biennially. The quartermaster general may contract, subject to the approval of the governor, for the purchase of such 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 shall be that of the United States army with the substitution of the state button for that of the national service.

Equipment to be supplied companies, by the state.

SECTION 17. The governor may, in his discretion, direct the quartermaster general to issue old or unserviceable ordnance stores in possession of the state, to such colleges and schools therein applying for the same for the purpose of instruction in military science, in such quantities as he may deem proper. But no ordnance stores or military property shall be issued otherwise than as provided in this chapter 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

Disposition of old and un-serviceable ordnance stores. Penalty for private use.

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 any provision of this section shall forfeit not less than twenty dollars nor more than fifty dollars, such forfeiture to be recovered 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.

Company commanding officer to give bond for care of company equipment.

SECTION 18. The quartermaster general's department shall supply to the commanding officer of any duly organized company composed of not less than the minimum number of men, such arms, accoutrements and 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, to indemnify the state against any loss by misuse or misapplication or 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 like those in use 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. The commanding officer for the time being is the legal custodian of the money, property and effects of any company, band, regiment or brigade of the national guard, whether said property is owned

Issuing of equipment.

by said company, band, 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, band, regiment or brigade.

SECTION 19. The quartermaster general shall preserve in proper cases, the colors and flags of the several regiments, batteries and detachments of the state, engaged in any 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 may be seen without opening the cases, provided, that the governor may, in his discretion, place in the building erected for the state historical society, and in the custody of said society, such colors and flags, in which event they shall be preserved and labeled as herein directed.

Colors of regiments, how preserved.

SECTION 20. The governor and the adjutant general may appoint an assistant adjutant general with the rank of colonel, a clerk and stenographer for the department of the national guard, a bookkeeper, a pension clerk and a volunteer-service clerk, and the governor and the quartermaster general may appoint an assistant quartermaster with the rank of major in the department of the quartermaster general. Such blanks and blank books as may be necessary for the proper discharge of the duties of such offices shall be furnished. 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. 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 treas-

Appointments in the office of adjutant general.

Pay of labor
at military
reservation.

Guard may be
ordered out by
governor.

Length of an-
nual encamp-
ment. Sub-
sistence, how
provided and
paid.

ury. For the payment of labor at the Wisconsin military reservation the quartermaster general shall have authority to draw funds from the state treasury not to exceed five hundred dollars at any one time, giving his personal receipt for the same and filing the proper vouchers therefor within thirty days thereafter.

SECTION 21. The governor may order all or any portion of the national guard, and the commander of any organization thereof 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 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. 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 encampment provided that no troops shall be transported or moved on Sunday for purposes of instruction or for any other purposes except for active military service in cases of necessity. 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, as may be ordered by the governor, and 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; subsistence based upon the army ration, to be issued under the direction of the quartermaster general, the cost of the same to be deducted from the per diem allowed each enlisted man. The subsistence account of the quartermaster general to be audited by such board of officers as the governor may direct; and each officer, except as other-

wise provided in this act, shall receive the pay of an officer of equal rank in the United States army, and subsist himself, 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. Each regiment while in camp shall conduct its own officers' mess. Each first sergeant and each member of the non-commissioned staff shall be paid at the rate of two dollars and seventy-five cents per day, each sergeant two dollars and fifty cents per day and each corporal two dollars and twenty-five cents per day, which payment shall include subsistence and all other allowances not herein provided for. The amount due on account, of the field, staff or other officers, non-commissioned staff and band, company or enlisted men, not herein enumerated, if any, shall be paid to the person to whom the same shall be due. 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. The acting paymaster general, under orders from the governor, shall have authority to draw from the state treasury the money necessary for paying troops in camp, and shall furnish such security for the same as the state treasurer may direct.

Pay of men.
When pay may
be withheld
by governor.

SECTION 22. At least once in each year, and upon not less than three days' notification to the commanding officer, an inspection shall be made of each company and band of the national guard by some officer appointed by the governor for that purpose, in the same manner and form prescribed for United States troops. The inspecting officer shall be furnished with the last muster roll and ordnance and quartermaster's return of such company, and shall report to the governor in writing on a form provided for that purpose. The compensation of the inspecting

Inspection of
companies,
how made,
and expense
of, how paid.

officer shall be six hundred dollars per annum, which shall be in full for all expenses incurred by him, and shall be paid on warrants drawn by the secretary of state on the order of the governor and certificate of the adjutant general. Whenever any company 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 orders, retire and disband the same.

When company may be disbanded.

SECTION 23. The governor may, at any time, by 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 in the service, he shall forfeit not less than twenty-five dollars nor more than one hundred dollars.

Dates of semi-annual muster. Muster rolls, what to contain. Inspection of arms, etc.

SECTION 24. On the last Monday of April, and the last Monday of September, in each year, each and every company and band 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 truly state the residence, age and date of enlistment of each, and such other facts as shall be required by orders, on 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 twen-

tieth day of the succeeding month. In such return 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.

SECTION 25. All quartermaster and ordnance stores and supplies issued by the state, shall be at all times subject to inspection by the inspector general, chief of ordnance, or 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 or losses supplied; and he may, at any time, convene a board of survey, appraisal or condemnation, to condemn old, damaged, or worn out quartermaster and ordnance stores and supplies or to appraise the loss sustained by the state from injury, want of repair, defects or losses in any such quartermaster or ordnance stores issued to any officer; which board, after reasonable notice to him and hearing his explanations or objections, shall appraise the same and make report, and the amount so appraised, when approved by the governor, shall be conclusively deemed the amount of such officer's 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 quartermaster or ordnance stores or supplies or other state property. But if any such stores or property belonging to the state, shall be lost, destroyed or damaged, without the fault or neglect of the officer responsible for the same, such officer and his sureties may, by order of the governor, on the report of a board of survey or other satisfactory proof, be relieved of all liability therefor.

Board of survey to condemn old and damaged quartermaster and ordnance stores.

Disposition
of state prop-
erty by officers
in case of dis-
charge or
promotion.

SECTION 26. Whenever any officer responsible for state property shall resign, be promoted, dismissed or discharged, he shall deliver the quartermaster and ordnance stores in his possession or for which he is responsible, only to the quartermaster general, or to some officer appointed to receive the same, who shall give such bond for its safe keeping while in his possession, as the governor may direct, and take duplicate receipts therefor, one of which he shall file with the quartermaster general. A discharge shall not be issued until such officer has received certificates of non-indebtedness from the quartermaster general's and ordnance departments. 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 quartermaster and ordnance stores and supplies and deliver the same to the quartermaster general or some person appointed to receive the same; or if commissioned in place of said deceased, he shall execute and file a like bond, and file duplicate receipts therefor, one of which he shall file as aforesaid.

Armories, how
provided.
State aid,
when and
how given.

SECTION 27. Each company and band shall provide at its own expense a suitable room or building for an armory, and proper racks, frames and other needed provisions for safe-keeping of the quartermaster and ordnance stores and supplies issued by the state, and shall therein keep the same when not in lawful use, except when an armory has been provided for the entire regiment to which the company or band may be attached. When such company or band shall be found by means of the annual inspection, provided for in this chapter, 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 quartermaster and ordnance stores in good condition; to have assembled for inspection and drill as provided by

law and if the commanding officer of such company or the officer or non-commissioned officer in charge of such band, 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 such company shall, except as is provided in chapter 365 of the laws of 1895, 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 chapter: Each company stationed in a city containing less than fifty thousand inhabitants according to the last state or national census, four hundred dollars. Each company stationed in a city containing more than fifty thousand inhabitants, according to such census, five hundred dollars. The troop of cavalry and battery of light artillery each eight hundred dollars and the bands each the sum of one hundred dollars. The above appropriations shall be full compensation for armory rent, and for all other expenses not otherwise provided for in this chapter.

SECTION 28. The rules of discipline and the regulations of the United States army shall, so far as the same may be applicable, constitute the rules of discipline and the regulations of the national guard; the rules and articles of war established by congress and the war department for said army, shall be adopted so far as they may be applicable for the government of the national guard, and the system of instruction and the drill regulations prescribed for the different army and corps of the United States army, shall be followed in the military instruction and practice of the national guard, and the use of any other system is forbidden. The quartermaster general may, under the direction of the governor, make the necessary purchases, and issue to each of the commanding officers of the brigade, regiments and companies, necessary copies of the said drill regulations, taking receipts for the

Regulations of U. S. army to prevail in national guard. Drill, how often conducted.

same; and every such officer shall make return thereof in his semi-annual return and be answerable therefor on his bond. Each company of the national guard shall assemble for instruction at least three times in each month, unless in the case of infantry companies excused for good and sufficient reasons by the regimental commander, and in case of the troop or battery unless excused by special order of the governor.

National guard, how called out in case of riot or danger.

SECTION 29. In case of war, insurrection, rebellion, riot, invasion, resistance to the execution of the laws of this state, or of the United States, or in the event of public disaster resulting from flood, conflagration or tornado, or upon application of any marshal of the United States, the mayor of any city or any sheriff in this state, the governor may order into active service all or any portion of the national guard. If the governor be absent, or cannot be immediately communicated with, any such officer may, if he deem 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 such member with some person of suitable age and discretion, to whom its contents shall be explained.

Penalty for failure to report for active duty.

SECTION 30. If any company commander or commissioned officer, receiving such order shall fail to give such notice, or shall fail to appear at the time and place ordered, prepared for duty, he shall be cashiered and be further punished by fine and imprisonment as a court martial may judge; or 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 fail to obey any order issued in such case, he shall be deemed a deserter, and punished by a fine of not less than fifty dollars nor more than three hundred dollars, or be imprisoned in the county jail not exceeding six months, or both; and any person who advises or endeavors to persuade any officer or soldier to refuse or neglect to appear at such place or obey such order, shall be punished by imprisonment in the county jail not exceeding six months, or 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 on his return, if his command is still in service, shall excuse such default.

SECTION 31. When called into active service, and remaining for thirty days or less, such troops shall be subsisted and paid as provided in section twenty-one of this act. If engaged in such service for more than thirty days, they shall receive thereafter the pay and rations established by law for the United States army.

Pay, when engaged in active service.

SECTION 32. The governor may from time to time make and publish rules, regulations and orders for the government of the national guard, not inconsistent with the law, and cause the same, together with any laws relating thereto, to be printed and distributed in book form, in such numbers as he may deem necessary. The adjutant general and quartermaster general shall prepare, subject to the governor's approval, blanks and forms for muster rolls, quartermaster and ordnance returns, reports, receipts and other papers necessary to carry out the provisions of this chapter, 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 neces-

Blanks, forms, rules, etc., how prepared and furnished.

sary, such muster roll or other records of his office as are required to be transcribed for preservation. All said blanks forms, returns, reports, receipts, and other papers shall be made to conform as nearly as practicable to those in use in the United States army.

Time of duty
on days of
military
parade.

SECTION 33. On days of military parade the national guard, when called out by proper authority, and performing military duty, shall be considered under military discipline and 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 on the next day; and no officer or enlisted man shall be subject to be arrested on any civil process during the time aforesaid.

Authority of
commanding
officer over
territory
where parade
or drill is be-
ing conducted.

SECTION 34. The commanding officer of any parade 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 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 as for a breach of the peace. If any person shall intercept, molest, insult or abuse any officer or enlisted man 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 force engaged in the performance of such 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 as for a breach of the peace.

SECTION 35. The state camp ground near Camp Douglas, Juneau county, shall be known as the Wisconsin military reservation and there may be expended for the maintenance, care enlargement and improvement thereof three thousand dollars annually which sum shall be paid out of the general fund on the vouchers of the quartermaster general when approved by the governor.

Location of Wisconsin military reservation.

SECTION 36. There shall be paid annually to each company and band of the national guard from the state treasury, for such company expenses as the governor may authorize, the sum of five dollars for each member in attendance and fully uniformed at the annual inspection. The governor may order such payment to be withheld from any company or band 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. He may require by orders any company or band to leave all or any part of such funds in the treasury on deposit, and direct the same to be expended for uniforms or repairs, thereon, or for insurance, when and in such amounts as he may think proper and may make such orders and regulations, or require such security from officers from time to time, as he may deem necessary for the proper care or expenditure of such funds or the property procured therewith. No state funds shall be used for the purchase of uniforms or equipment for any officer. There shall be paid annually to each company commander from the state treasury the sum of fifty dollars.

State aid for company expenses, how determined and paid.

SECTION 37. 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.

Word company defined.

SECTION 38. In addition to all other appropriations and allowances provided for in this chapter, the troop and battery shall each receive, subject to the approval of the governor, fifteen

Allowances to troop and battery for extraordinary expenses.

hundred dollars annually as extra allowances for the extraordinary expenses incident to drills and instruction of mounted organizations; provided that not more than three hundred dollars of this amount shall be paid annually unless said troop and battery shall have present at each annual inspection not less than forty-five enlisted men in complete uniform and at each annual encampment at least forty-five enlisted men properly mounted and equipped; and each regimental commander shall receive annually for the incidental expenses of the regimental headquarters and staff one hundred dollars, and each such commander shall annually report to the adjutant general the disposition made of such fund.

Incidental
regimental
headquarters
expenses,
how paid.

Annual report
of officers' con-
vention, how
printed and
distributed.

SECTION 39. The adjutant general may procure the printing of, and upon the order of the commissioner of public printing the public printer shall print and deliver to him 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 officer and member of the legislature one copy and the remainder to the adjutant general for distribution at his discretion; provided, that such report shall not exceed one hundred pages each.

May purchase
a traveling
library.

SECTION 40. The adjutant general, subject to the approval of the governor, may purchase a traveling library of military text books for each regiment of infantry at a cost for books, boxes and transportation of not to exceed fifty dollars for each regiment annually. The expense to be paid out of the treasury from any unexpended appropriations for the national guard.

Retired list,
how formed.
Rank of offi-
cers thereon.

SECTION 41. All commissioned officers who may have heretofore served or who shall hereafter serve five years in the national guard may upon honorable retirement from the service be carried on a roll to be established and maintained in the office of the

adjutant general which roll shall be designated the "Wisconsin national guard retired list" and they shall be entitled to wear on occasions of ceremony the uniform of the highest rank which they have held. The officers so carried on said pay roll may be eligible for detail or appointment by the governor but when so detailed or appointed shall be considered as of the rank to which they have been detailed or appointed, which rank they shall hold during the period of such detail or appointment, and in case of a second retirement from active service, if the rank held by them at the time be higher than the one held by them on their first retirement, they shall be entered on said list as of the highest rank held by them. No officer whose name shall appear on said retired list shall be entitled to receive any pay or emolument whatever from the state during the time he so remains on said list, and in case he be reappointed, re-commissioned or detailed therefrom, he shall be entitled to the pay and allowance provided by law for officers of the rank to which he may be detailed or appointed.

SECTION 42. At the time when the state cen-

Census of
citizens for
military duty,
when and
how taken.

is taken in the year nineteen hundred and five and every ten years thereafter the several officers required by law to enumerate the inhabitants shall each also carefully enroll all able-bodied male citizens between the ages of eighteen and forty-five years, specifying their names, ages, occupations and residences and whether married or unmarried, who shall reside in the territory in which he makes such enumeration, omitting from enrollment only those persons whose mental or physical incompetency is plainly apparent to such officer. Every such enrollment shall be separately made and verified and returned in the manner directed for verifying and returning the enumeration of inhabitants, and the secretary of state shall, upon the receipt of the returns thereof from the several county clerks, file the same in the office of the ad-

jutant general. All proper blanks and instructions for such enrollment shall be prepared by the secretary of state, with the assistance of the adjutant general, subject to the approval of the governor.

When actions against members of guard, may be defended by state.

SECTION 43. If any member of the Wisconsin national guard shall be prosecuted by civil or criminal action for any act performed by such member while in the performance of his military duty and in pursuance thereof, the action against such member may, in the discretion of the governor, be defended by counsel appointed therefor by the governor upon the recommendation of the attorney general. The costs and expenses of any such defense shall be audited by the secretary of state and paid out of the state treasury.

Appropriating clause.

SECTION 44. There is hereby annually appropriated out of any money in the state treasury not otherwise appropriated a sum of money sufficient to make the purchases, defray the expenses and pay all allowances authorized by this act.

SECTION 45. Chapter 34 of the statutes of 1898 and all acts and parts of acts inconsistent or in conflict with the provisions of this act are hereby repealed.

SECTION 46. This act shall take effect and be in force from and after its passage and publication.

Approved April 18, 1899.