

imbursed his necessary traveling expenses; both of which sums he shall collect from the company, if he find the same guilty; otherwise he shall be paid and reimbursed out of any funds in his hands available for that purpose.

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved April 26, 1901.

NO. 119, S.]

[Published May 1, 1901.

CHAPTER 228.

AN ACT to provide for the organization and discipline of 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:

Organization of militia; name of. SECTION 1. The 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 quarter-master's and ordnance department, a subsistence department, a medical department, a pay department and such other officers as may be required.

Military staff of governor, of what to consist. SECTION 2. The military staff of the governor shall be appointed by him and shall consist of one adjutant general, one quartermaster general, one surgeon general, each with the rank of brigadier general, one assistant adjutant general, one inspector of small arms practice and five aides-de-camp, each with the rank of colonel, one quartermaster and one paymaster, each with the rank of major, one commissary of subsistence and one additional paymaster, each with the rank of captain, and such other officers as he may require.

Previous military experience necessary to appointment on. SECTION 3. No person shall be appointed on the governor's staff who has not had previous military experience.

ADJUTANT GENERAL'S DEPARTMENT.

Adjutant general, powers and duties of; as to pension claims.

SECTION 4. 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. He shall have the custody of all military records, correspondence 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 their agents or attorneys, 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 hereafter be 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 such services rendered neither he 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 be auditor of military accounts. SECTION 5. The adjutant general shall be the auditor of military accounts, and all accounts or claims payable from the treasury of the state for military purposes shall be regularly audited by him and approved by the governor before payment. He shall cause to be prepared and issued all necessary books, blank books, blanks and forms required by his office for the National Guard. All said books, blank books,

blanks and forms shall be made to conform as nearly as practicable to those in use in the United States army.

Printing report of convention of officers of W. N. G. SECTION 6. The adjutant general may procure the printing of, and upon the order of the commissioners of public printing, the public printer shall print and deliver to him for distribution, not to exceed one thousand copies of the report of the annual convention of the officers of the National Guard which he shall distribute; provided, that such report shall not exceed one hundred and fifty pages each.

Traveling libraries for military instruction. SECTION 7. 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.

Enumeration of persons liable to military duty. SECTION 8. At the time when the state census 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 receipts of the returns thereof from the several county clerks, file the same in the office of the adjutant 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.

QUARTERMASTER'S SUBSISTENCE AND ORDNANCE DEPARTMENT.

Quartermaster general, powers and duties of; bond. SECTION 9. The quartermaster general shall also be commissary general and chief of ordnance. He shall have an office in the capitol. He shall give a bond to the state in the sum of twenty thousand dollars with not less than four resident freeholders 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 delivery to his successor in office or to any other person authorized by law to receive the same, all quartermaster's 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.

Accounts of; how kept; report. SECTION 10. The quartermaster general shall have charge of all 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 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 have 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 and the preparation for encampments shall be contracted for by him under direction of the governor.

Issue of arms, accoutrements, ordnance stores and supplies. SECTION 11. The quartermaster general shall, subject to the approval of the governor, issue to the commanding officer of each regularly organized company, troop, battery, band, and members of the non-commissioned staff such arms, accoutrements, uniforms, quartermaster's and ordnance stores, supplies for rifle practice and such other supplies, drill regulations, text books, blanks and papers as may be necessary, taking receipts and causing proper returns to be made for the same. The quartermaster general, subject to the approval of the governor, may contract for the purchase and transportation of the supplies provided for in this section; provided, that the expenditures for such purposes shall not exceed twelve thousand dollars biennially.

Issue of transportation to officers. SECTION 12. The quartermaster general, subject to the approval of the governor, shall have authority to issue state transportation to the officers of the National Guard for use of schools of instruction, boards of survey and examination, the annual convention of the officers of the National Guard, for tours of instruction and inspection, and for use of members of the National Guard when traveling solely on official business.

Issue of ordnance stores to schools and colleges; insurance and inspection of. SECTION 13. The quartermaster general, subject to the approval of the governor, may issue 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 shall be issued otherwise than as provided in this act except in case of war, insurrection or imminent public danger. The quartermaster general shall require the persons to whom such issues are made to hold the property subject to inspection at any time and he may also require it to be kept insured at the expense of the persons to whom issued for such amount as he may direct.

Allowance for labor on military reservation. SECTION 14. 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 sixty days thereafter, for the payment of labor at the Wisconsin state military reservation.

Custody of flags. SECTION 15. The quartermaster general shall be the custodian of all the flags and colors of Wisconsin troops engaged in any war and shall provide for their care and preservation in such manner as the governor may direct.

Issue of subsistence; accounts of, how audited. SECTION 16. The quartermaster general, during the encampments or active service of the National Guard, shall issue subsistence based upon the United States army ration, to the enlisted men, the cost of the same to be deducted from the per diem allowed each enlisted man. The subsistence accounts of the quartermaster general shall be audited by such board of officers as the governor may direct.

MEDICAL DEPARTMENT.

Organization of medical department. SECTION 17. 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 separate battalion; said surgeons to have the 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. A hospital corps may also be organized by order of the governor.

Medical officers, how commissioned; vacancies. SECTION 18. All medical officers shall be commissioned by the governor 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.

Hospital stewards. SECTION 19. 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 separate battalion of infantry.

Surgeon general, powers and duties of; report. SECTION 20. The surgeon general shall, under direction of the governor, have general supervision of the selection, purchase and issue 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.

Duties of surgeons and assistants. SECTION 21. 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.

Physical examination of recruits; fee for. SECTION 22. The surgeon general, subject to the approval of the governor, shall provide for the physical examination of all recruits by regularly qualified physicians; provided, that physicians making such examinations shall be paid not to exceed forty cents for each man examined.

PAY DEPARTMENT.

Paymaster, powers of. SECTION 23. The paymaster, under orders from the governor, shall have authority to draw from the state treasury the money necessary for paying troops in camp or on active service, and shall furnish such security for the same as the state treasurer may direct. 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, on the properly signed and certified pay rolls.

ORGANIZATION.

Brigade organization. SECTION 24. The National Guard may, at the discretion of the governor, be organized into a brigade. The officers of the brigade 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 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.

Infantry organization. SECTION 25. 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 a separate battalion.

Regimental and battalion organization. SECTION 26. 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 commissary, each with the rank of captain mounted, and one chaplain with the rank of captain of infantry. 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, one commissary sergeant and two color sergeants 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, and one battalion quartermaster and commissary with the rank of second 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.

Company, battery and troop organization. SECTION 27. 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 privates. 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 privates. 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 privates. In time of war or in great public danger the governor may recruit the companies, battery and troop to the maximum allowed in the United States army.

Formation of company; meeting for; mustering in and election of officers; enrollment in W. N. G. SECTION 28. 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, detail an officer to muster such company and perfect the organization thereof; provided the whole number of companies shall not exceed the number fixed in section one of this act. Such 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 publica-

tion in some newspaper published in the county or by posting notices in three or more public places therein. Such 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 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 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 the officers elected according to law, and the governor shall approve such organization and officers, such company shall be enrolled as a part of the 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 instead, or may fill the position in such manner as he may deem best.

Band organization; enlistment of. SECTION 29. Each regimental band shall consist of one chief musician, one principal musician and one drum major, four sergeants, eight corporals, one cook and twelve privates. All bands shall be enlisted by the regimental commander or such officers as he may detail, 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.

OFFICERS.

Commissions, how issued and signed; rank of officers, how determined. SECTION 30. 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.

Examinations for promotion or appointments. SECTION 31. 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 qualifications 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. The governor may also require the physical examination provided for admission to the United States army.

Officers' pay. SECTION 32. Each officer while on duty during encampments or in active service shall receive the pay of an officer of equal rank in the United States army and shall furnish his own subsistence.

State funds not to be used for officers' uniforms. SECTION 33. No state funds shall be used for the purchase of uniforms or equipment for an officer.

Pay of staff officers for special service. SECTION 34. The governor may, by orders, duplicates of which shall be filed with the secretary of state, fix the pay of any member of his staff, or other members of the National Guard for any special service under orders.

Compensation of inspecting officer. SECTION 35. The compensation of the inspecting officer, making the annual inspections, shall be six hundred dollars per annum, which shall be in full for all expenses incurred by him.

Bond of commanding officer; custodian of property; duties of as to. SECTION 36. Each commanding officer to whom state military property is issued 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 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 like those in use in the army of the United States. 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 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.

Inspection of property; board of survey; lost military property fund. SECTION 37. All military supplies issued to any officer 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 to condemn quartermaster's 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's 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 be compelled to pay the same into the state treasury; said payments to be placed by the state treasurer in a special fund to be known as the lost military property fund and said fund shall at all times be available for purchase by the quartermaster general, subject to the approval of the governor, of any military property needed to replace that lost or destroyed. The governor shall cause suit to be brought whenever necessary to make good any injury, want of repair or loss of any quartermaster's 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.

Delivery of property on resignation or dismissal; custody in case of death. SECTION 38. Whenever any officer responsible for state property shall resign, be promoted, dismissed or discharged, he shall deliver the quartermaster's and ordnance stores in his possession or for which he is responsible, only to the quartermaster general, or to some person duly 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. 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's 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 give duplicate receipts therefor, one of which he shall file as aforesaid.

Funds for incidental expenses; accounting of. SECTION 39. There shall be paid annually to each company commander and to each regimental and separate battalion adjutant, from the state treasury, the sum of fifty dollars. Each regimental commander shall receive annually for the incidental expenses of the regimental headquarters and staff one hundred dollars and each battalion commander fifty dollars, and each such regimental commander shall annually report to the adjutant general the disposition made of such fund.

National guard how called into active service. SECTION 40. 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 can not 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 upon approval of the adjutant general, if the danger be great and imminent, order out his command to the aid of such civil officer. Such order shall be delivered to the commanding officer, and by him immediately com-

municated 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 can not be found, a notice in writing containing the substance of such order shall be left at the last and usual place of residence of such member with some person of suitable age and discretion, to whom its contents shall be explained.

Penalty for officers' failure to obey call; excuse. SECTION 41. 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 fault.

Encroachment on parade or drill ground; abuse of men; penalty. SECTION 42. 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 purposes, 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.

Discharge of officer. SECTION 43. Any officer may be discharged by order of the governor.

Pay of unmounted mounted officer. SECTION 44. Any mounted officer not providing himself with and using a proper mount while on duty shall be entitled to dismounted pay only.

Authority to administer oaths. SECTION 45. All officers of the National Guard shall have authority to administer oaths of enlistment.

Retired list; eligibility of officers on. SECTION 46. 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 such 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, recommissioned 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.

Resignation of officer; vacancies. SECTION 47. 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, ac-

cept 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.

ENLISTED MEN.

Term of enlistment; physical examination of men. SECTION 48. 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. The governor may require all men who enlist in the National Guard to first pass the physical examination that is required for admission to the United States Volunteer Army.

Re-enlistments; exemptions from poll taxes. SECTION 49. 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.

Discharge of enlisted men; absence from drill; dishonorable discharge and re-instatement. SECTION 50. 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 member who absents himself from all meetings 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 discharged for absence from his command when called out for the suppression of riot or for any other active duty, for drunkenness, im-

moral 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 re-instated, provided his application for his re-instatement is approved by the officers who made the application for his discharge and provided that upon re-instatement he re-enters the service and serves out the unexpired period of his enlistment.

Pay of men at encampments and in active service. SECTION 51. Enlisted men while in attendance at the annual encampments shall be paid as follows: Each first sergeant, chief musician, principal musician, drum major, and member of a non-commissioned staff, two dollars and seventy-five cents per day; each sergeant, two dollars and fifty cents per day; each corporal, two dollars and twenty-five cents per day; each private, two dollars per day; said payments to be for each day's actual service in camp or enroute to and from the same, and to include subsistence and all other allowances not herein provided for. When men called into active service and remaining for thirty days or less, such enlisted men shall be subsisted and paid as provided in this section. 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.

THE COMPANY, BANDS, TROOP AND BATTERY.

Word "company" defined. SECTION 52. 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.

Assembling of company for instruction. SECTION 53. 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.

Adoption of constitution; fines and collection of. SECTION 54. Each company or band may adopt such constitution, rules or by-laws, not inconsistent with the constitution 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 ab-

sence 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 collectible 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 only when approved by the governor.

Mustering out of company for negligence or insubordination; deposit of arms, etc. SECTION 55. Whenever any company shall fall below the minimum in membership, become lax in discipline, negligent in drill or other duties, insubordinate, or its members lose interest in their organization, or when, upon inspection, it shall appear to be not properly organized or conducted, or when musters and returns shall not be made, the governor may muster out the same, 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 service, he shall forfeit not less than twenty-five dollars nor more than one hundred dollars.

Annual inspection. SECTION 56. 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, and regimental and battalion non-commissioned staff 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.

Semi-annual muster; muster rolls, what to contain and disposition of. SECTION 57. On the last Monday of March 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, ac-

coutrements and 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 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.

Expense allowance to companies; withholding of. SECTION 58. There shall be paid annually to each company and band of the National Guard, 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 return 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 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.

Companies to provide armory; allowance to for rent; when to be paid. SECTION 59. 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's and ordnance stores and supplies issued by the state, and shall keep therein 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, accoutrements, and to have its quartermaster's 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 orders, 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 provided in chapter 365 of the laws of 1895, annually be paid, upon the receipt of its commanding officer, the following appropriations in addition to those otherwise provided for in this chapter. Each company of infantry stationed in a city containing less than fifty thousand inhabitants, according to the last state or national census, four hundred dollars. Each company of infantry 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.

Allowance for extraordinary expenses of troop and battery.

SECTION 60. The troop and battery shall receive, subject to the approval of the governor, fifteen 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.

Governor to prescribe rules for issuance of state property to bands. SECTION 61. 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.

ENCAMPMENTS.

Review or parade, governor may order; encampments; length of; transportation of troops; not on Sunday. SECTION 62. 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 ten days in any year, and may fix the time and place for such encampment, provided, that no troops shall be transported on Sunday 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.

Camp for advanced rifle practice; transportation. SECTION 63.

The governor shall have authority to order, not to exceed one in any one year, a camp for advanced instruction in rifle practice and competition; the time of the camp not to exceed six days; the attendance to be limited to such officers as the governor may direct, to the regimental teams of ten men and two alternates, the distinguished marksmen and such enlisted men as may be needed for the proper conduct of the work of the camp. The quartermaster general shall, subject to the approval of the governor, furnish necessary transportation to the officers and men and provide for the proper maintenance of the camp. Officers and men detailed for duty at this camp shall receive such pay as the governor may direct, provided such pay shall not exceed the pay for officers and men at the annual encampments.

Allowances for encampment may be withheld. SECTION 64.

The allowances provided for any encampments may be withheld by order of the governor, and applied to the payment of any damage 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.

State military reservation; expenditures for. SECTION 65.

The state camp grounds near Camp Douglas, Juneau county, shall be known as the Wisconsin State Military Reservation, and there may be expended, subject to the approval of the governor, and in addition to any special appropriations, for the maintenance, care, enlargement and improvements thereon, three thousand dollars annually.

RULES OF DISCIPLINE, ETC.

Rules and regulations of U. S. army to obtain in W. N. G. SECTION 66. 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 arms 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.

Governor may promulgate certain rules. SECTION 67. 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 or otherwise in such numbers as he may deem necessary, and he shall have authority to provide for all books, blank books, and blanks that may be necessary for the proper discharge of the duty of all officers.

MISCELLANEOUS.

Retention of military property, penalty for; recovery of. SECTION 68. 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 any provisions of this section shall forfeit not less than twenty dollars nor more than fifty dollars, such forfeiture to be recovered in 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.

Military day and night; members of W. N. G. exempted from civil process during. SECTION 69. 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 set-

ting 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 arrest on any civil process during the time aforesaid.

Defense of members of guard. SECTION 70. If any member of the National Guard shall be prosecuted by any 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.

Uniform of W. N. G. SECTION 71. 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.

Clerk service in adjutant general's department. SECTION 72. The governor and adjutant general may appoint a pension clerk, a volunteer service clerk, a book-keeper, and a stenographer and clerk, for the office of the adjutant general.

Appropriation. SECTION 73. There is hereby annually appropriated out of any money in the state treasury, not otherwise appropriated, a sum of money to make purchases, defray the expenses and pay all allowances authorized by this act not to exceed one hundred twenty-five thousand dollars annually, except in case of war, riot or great public calamity.

Repeal of old organization. SECTION 74. Chapter 200 of the laws of 1899, and all acts and parts of acts inconsistent or in conflict with the provisions of this act are hereby repealed.

SECTION 75. This act shall take effect and be in force from and after its passage and publication.

Approved April 27, 1901.