

CHAPTER 102.

S. F. 57. AN ACT to revise, amend, and codify the statutes relative to the militia.

Be it enacted by the General Assembly of the State of Iowa:

CHAPTER 1. OF THE MILITIA.

Militia of the state. SECTION 1. The military force of the state shall consist of all able bodied male citizens between the ages of eighteen and forty-five years not exempt from such service under the laws of the United States, except honorably discharged soldiers, sailors, and marines of the United States who shall be exempt from military service in this state at their option. The assessors shall return to the auditor with the annual assessment a complete enumeration of such persons, which may be revised and corrected by the board of supervisors at its June session in each even-numbered year or at such other time as the governor may direct, and the auditor shall certify to the adjutant-general a true copy of such corrected list, and in each odd-numbered year he shall certify the number of names on the list.

Honorably discharged soldiers exempt.

Duty of assessors in taking enumeration.

Shall be ordered out when a requisition is made by the president.

Draft.

Compensation.

In case of insurrection, etc., may be ordered out.

Sheriff may call out any company in county.

SEC. 2. When a requisition shall be made by the president of the United States for troops, the governor, as commander-in-chief, shall order into service the active militia or national guard of the state, or such portion thereof as may be necessary, and if insufficient so many of the remainder thereof as is required, designating the same by draft if a sufficient number shall not volunteer, and shall organize the same and commission officers therefor; and while so in service the militia shall be subject to the same regulations and receive from the state the same compensation and subsistence as the army of the United States receives.

SEC. 3. The commander-in-chief shall have power in cases of insurrection, invasion, or breaches of the peace, or imminent danger thereof, to order into the service of the state such of its military force as he may think proper and under the command of such officers as he shall designate.

SEC. 4. In case of any breach of the peace, tumult, riot, or resistance to process, or imminent danger thereof, the sheriff of any county may call for aid upon the commanding officer of any military company within his county, immediately notifying the governor of such action, and such officer shall order into service the military force or any part thereof under his command, in aid of the civil authorities.

SEC. 5. The command of any force called into service under this chapter shall devolve upon the senior officer of such force, unless otherwise ordered by the commander-in-chief.

Senior officer to command.

SEC. 6. The active militia shall be designated "The Iowa National Guard," hereinafter referred to as "the guard," recruited by volunteer enlistments, and shall consist of four regiments of infantry and, at the discretion of the commander-in-chief, of two batteries of artillery and two troops of cavalry, with such other officers and enlisted men as are hereinafter prescribed.

"The Iowa National Guard."

How constituted.

SEC. 7. The guard shall be organized into not more than two brigades, each to be commanded by a brigadier-general, to which the commander-in-chief shall assign all regiments, battalions, and companies. All enlistments therein shall be for three years, and re-enlistments for one, two, or three years as the soldier may elect, and made by signing enlistment papers prescribed by the adjutant-general and taking the following oath or affirmation, which may be administered by the enlisting officer, to-wit: "You do solemnly swear (or affirm) that you will bear true allegiance to, and that you will support the constitution of the United States and that of the state of Iowa, and will, as a member of the Iowa National Guard, serve the State of Iowa faithfully during the term of service, unless sooner discharged, or you cease to become a citizen thereof; and that you will obey the orders of the commander in-chief and of such officers as may be placed over you; and the laws governing the military forces of Iowa."

Brigades.

Enlistment for three years.

Form of oath.

SEC. 8. The staff of the commander-in-chief shall consist of an adjutant-general, a quartermaster-general, an inspector-general, a commissary-general, a surgeon-general, a judge advocate-general, a general inspector of small arms practice, a chief of engineers, a chief signal officer, an assistant adjutant-general, a military secretary, and such other officers as he may think proper to appoint. The adjutant-general shall rank as a major-general and shall issue and transmit all orders of the commander-in-chief and shall keep a record of appointments of all officers commissioned by the governor, of all general and special orders and regulations, and of such matters as pertain to the organization of the military force and his duties.

Staff of commander-in-chief.

Duties of adjutant-general.

SEC. 9. The adjutant-general shall reside at the capital, and hold his office at the pleasure of the governor; except in times of war or public danger, he shall perform the duties of quartermaster-general; he shall have charge of the state arsenal and grounds and receive and issue all ordnance stores and camp equipage on the order of the commander-in-chief. He may appoint, with the approval of the governor, an ordnance-sergeant who shall under the direction of the adjutant-general take charge of the

Shall reside at state capital.

Acting quartermaster-general.

Custodian of state arsenal. state arsenal and grounds, and assist him in the discharge of his duties. The adjutant-general shall furnish at the expense of the state such blanks and forms as shall be approved by the commander-in-chief. He shall, in each odd-numbered year, make out a detailed report for the preceding two years of the transactions of his office, the expenses thereof, and such other matters as shall be required by the governor, who may at any time require a similar report.

Adjutant-general to furnish blanks. Biennial report.

Election of brigade commanders. SEC. 10. The commander of each brigade shall be elected by the officers and enlisted men thereof, and shall hold his office for five years, or until he is discharged or is removed by court-martial. On recommendation of the brigade commander, the governor shall appoint and commission the following brigade staff: An assistant adjutant-general, with rank of lieutenant-colonel; a surgeon, with rank of lieutenant-colonel; an assistant inspector-general, with rank of major; a judge advocate, with rank of major; an inspector of small arms practice, with rank of major; an engineer and signal officer, with rank of major; a quartermaster, with rank of captain; a commissary of subsistence, with rank of captain; and two aids-de camp, with rank of first lieutenant, and such other officers as the commander-in-chief may think proper. The brigade commander of each brigade shall appoint by warrant, countersigned by the assistant adjutant-general, such non-commissioned staff officers as the commander-in-chief may think proper, and may enlist two men to serve as orderlies.

Brigade staff. Rank.

Non-commissioned brigade staff.

Number of companies to a regiment. Election of field officers.

Regimental staff.

Rank.

Non-commissioned regimental staff.

Expiration of commissions.

SEC. 11. A regiment shall consist of not less than eight nor more than twelve companies. Each field officer of each regiment shall be elected by the officers and enlisted men thereof, and shall hold his office for five years, or until he is discharged or is removed by court-martial.

SEC. 12. The regimental staff shall be appointed and commissioned by the governor on recommendation of the regimental commander, and shall consist of a surgeon, with rank of major; an adjutant, with rank of captain; an inspector of small arms practice, with rank of captain; an assistant surgeon, with rank of captain; a chaplain, with rank of captain; a quartermaster with rank of first lieutenant; and such other officers as the commander-in-chief may think necessary. The commander of each regiment shall appoint by warrant, countersigned by the adjutant, the non-commissioned staff, consisting of a sergeant-major, a quartermaster-sergeant, a commissary-sergeant, a hospital-steward, a color sergeant, an ordinance-sergeant, a drum-major, a chief musician, a chief trumpeter, and such other non-commissioned staff officers as the commander-in-chief may think necessary. The commissions of staff officers shall expire when the officer nominating

them, or his successor, shall make new nominations for their respective offices, and such nominations shall be confirmed by the commander-in-chief.

SEC. 13. The adjutant-general may cause to be enlisted and organized a band which shall be composed of a chief musician, a drum-major, and not more than thirty-six musicians, under the leadership of such chief musician, and under the command of the adjutant-general, for such military duty as the commander-in-chief may direct. Each regimental commander may cause to be enlisted and organized a band under the leadership of the chief musician of his command, not to exceed twenty-two in number, which shall be subject to the orders of such leader, and under the command of the regimental commander. The members of such bands shall be subject to the same regulations as other enlisted men.

Band under command of adjutant-general.

Regimental bands.

SEC. 14. A company shall consist of a captain, a first lieutenant, a second lieutenant, five sergeants, four corporals, two musicians, and not less than forty nor more than sixty-four privates and non-commissioned officers. A company of cavalry or artillery shall have the same officers and a commissary sergeant, a quartermaster-sergeant, and a saddler-sergeant. The regimental commander, on the recommendation of the captain, shall appoint the non-commissioned officers of each company, by warrant countersigned by the adjutant.

A company. Officers. Enlisted men.

Cavalry and artillery companies.

Non-commissioned officers of company.

SEC. 15. All elections of line officers shall be ordered by the regimental commander. All elections of field and general officers shall be ordered by the commander-in-chief. Such orders shall be sent to the commanding officer of the company in which said election is ordered, who shall issue his order for such election, giving at least six days' notice thereof by posting in three public places accessible to the members of his command, and where practicable the same shall be published in one or more newspapers in the county where said company is located. All voting shall be in person and by ballot, and a majority of all votes cast shall elect. The senior officer present at such election shall preside. The returns of elections attested by the presiding officer shall be made within five days from the date thereof to the commanding officer of the regiment, who shall promptly forward the same through military channels to the adjutant-general, who upon approval by the commander-in-chief shall issue commissions accordingly. At the organization of a new company the election shall be conducted under such regulations as the adjutant-general shall prescribe.

Election of line officers.

Election of field and general officers.

Form of election.

Returns of election.

Organization of a new company; election.

SEC. 15. Every company and regiment may make chapters for its own government not in conflict with this chapter and general orders or regulations.

By-laws.

SEC. 17. Every officer and soldier of the guard shall be held to duty for the full term of his commission or

Held for duty unless discharged.

- enlistment from the time he becomes an active member thereof unless regularly discharged for good and sufficient cause by the regimental commander, approved by the commander-in-chief. All members thereof, serving the full term for which they are commissioned or enlisted in the guard shall, on application, be entitled to an honorable discharge exempting them from military duty except in time of war or public danger.
- Full term of service entitles honorable discharge; exempts from further duty.** SEC. 18. The guard may parade for encampment or drill not less than three nor more than ten days annually, by company, battalion, regiment, or brigade as ordered by the commander-in-chief.
- Encampments.** SEC. 19. The quartermaster general shall provide transportation to and from the encampments and points of active service. The commissary-general, under the direction of the commander-in-chief, shall provide for all forces so engaged subsistence to conform as nearly as practicable to the rations prescribed for the army of the United States, and to be issued in kind.
- Transportation and subsistence.** SEC. 20. The organization, equipment, discipline, and military regulations of the guard shall conform to the regulations for the government of the army of the United States, except as otherwise provided. The commander-in-chief may at any time change the organization of regiments, battalions, or companies so as to conform as nearly as practicable to the organization of the United States army, or that prescribed by the authorized military authority of the United States, or by authority of congress.
- Military regulations.** SEC. 21. The commanding officer of any force of the guard in active service, or at any encampment, may require those under his command to perform any field or camp duty.
- Field and camp duty.** SEC. 22. Any person who shall trespass on the encampment grounds, or the camp grounds of the guard in active service, or interrupt, molest, or interfere with any member of the guard in the discharge of his duties, or sell any malt, spirituous, or other intoxicating liquors within one mile of such encampment or camp, except under permit issued by the district or superior court, shall be guilty of a misdemeanor, and the commanding officer of such force may order the arrest of such person and cause him to be delivered to a peace officer or magistrate as soon as practicable.
- Trespass on camp grounds.** SEC. 23. The commander-in-chief may, whenever the exigencies of the public service require it, detail any officer or soldier for special duty, and the expenses and proper compensation therefor may be paid under such provisions as the commander-in-chief may prescribe. The regimental commander may order monthly or semi-monthly day or evening drills by the companies of his command, but the members shall receive no compensation therefor.
- Sell liquors.**
- Penalty.**
- Details for special duty.**
- Company drill.**

SEC. 24. Upon the organization of any company or regiment of the guard, on the requisition of its commanding officer and the approval of the governor, the adjutant-general shall issue necessary arms and ammunition, and the commanding officer shall deliver to the adjutant-general a bond therefor, payable to the state in sufficient amount, with sureties to be approved by the governor, conditioned for the proper use, and upon request of the proper officer for its return in good order, wear, use, unavoidable loss, and damage excepted. All arms shall be kept at the company or regimental armory.

New company or regiment to receive arms and ammunition.

Bond.

SEC. 25. Such inspections and schools of instruction for officers and non-commissioned officers of the guard shall be held as the commander-in-chief may from time to time direct.

Inspection.

SEC. 26. Any officer or soldier of the guard knowingly making any false certificate or false return of state property in his hands, or wilfully neglecting or refusing to apply all money drawn from the state treasury for the purpose named in the requisition therefor, shall be punished by imprisonment in the penitentiary not exceeding five years, or by fine in the amount of the money not so applied, or by both such fine and imprisonment.

Making false certificate or return punished.

SEC. 27. The guard shall adopt the uniform of the army of the United States, subject to such modifications as shall be prescribed by the commander-in-chief. The field, staff, and line officers thereof shall provide themselves with the uniform prescribed for officers of the same rank in the United States army within ninety days from the date of commission.

Uniform.

SEC. 28. Every member of the guard who shall wilfully neglect to return to the armory of the company, or place in charge of the commanding officer of the company to which he belongs, any arms, uniform, or equipment, or portion thereof, belonging to the state, within six days after being notified by said commanding officer to do so, shall be fined not more than fifty dollars or imprisoned not more than thirty days.

Penalty for neglect to return arms and uniforms to armory.

SEC. 29. Every soldier absent from any tour of active service, parade, drill or encampment, without leave or sufficient excuse, shall be fined two dollars for each day of absence; and for any unsoldierly conduct during any such service he may be fined not more than ten dollars. Such fines shall be collected by civil action, in the name of the state, for the use of the company to which the soldier fined belongs; but in no case shall the state pay the costs of such actions. Any company or band may impose such fines upon its members as it may think proper in its by-laws, which may be enforced in the manner above provided.

Penalty for absence from drill or encampment.

SEC. 30. A judge-advocate with the rank of major shall be appointed for each brigade who shall hold office

Appointment and duty of

judge-advocate general. during the pleasure of the commander-in-chief, and who shall perform the usual duties of such officer in the courts-martial held in his district. No other person shall prosecute in such courts; but when he shall be unable to attend, or shall be disqualified by interest or relationship, the commander-in-chief may designate the judge-advocate of another brigade to act in his place.

Trial by court-martial.

SEC. 31. Any member of the guard charged with a military offense as defined in this chapter or in the articles of war and general regulations governing the army of the United States, or any regulations promulgated by the commander-in-chief under authority of this chapter, may be tried by a general court-martial ordered and appointed by the commander-in-chief. The organization of the court and the forms of procedure shall, as far as practicable, be those prescribed in said articles of war and regulations.

Organization of court.

Sentence by court.

The punishment fixed in the sentence shall not be other than dismissal or dishonorable discharge from the service, reduction to the ranks of a non-commissioned officer, suspension from duty and forfeiture of compensation, or confinement for a period named in the sentence, or reprimand according to the gravity of the offense.

Witnesses.

Witnesses duly served with subpoenas, signed by the judge-advocate, shall appear and testify as if duly served with subpoenas to appear and testify in the district court, and shall receive the same fees and mileage therefor, to be taxed as costs, which, with other necessary expenses of the judge-advocate and the court shall be taxed and certified by the president of the court-martial and paid by the state treasurer upon the auditor's warrant issued therefor to the judge-advocate, who shall pay the expenses of the trial.

Inferior court-martials.

SEC. 32. Inferior courts-martial are hereby authorized and the constitution, composition, jurisdiction, and proceedings thereof shall be assimilated to courts of the same nature in the army of the United States, but no stoppage of pay or confinement shall exceed that which can be imposed by a general court-martial.

Proceedings of court-martials submitted to commander-in-chief.

SEC. 33. The proceedings of all general courts-martial shall be submitted to the commander-in-chief, who shall approve or disapprove the same, or he may mitigate or remit any punishment imposed by the sentence of said court. The proceedings of inferior courts-martial shall be approved or disapproved by the commanding officer on the field of service, who may in like manner mitigate or remit the punishment fixed in the sentence. In all cases, the record of the proceedings of a court-martial, with the order of the commander-in-chief or commanding officer accompanied therewith, shall be deposited and preserved as a permanent record in the office of the adjutant-general.

Records of court-martial preserved by adjutant-general.

SEC. 34. An examining board of three or more competent officers appointed by the commander-in-chief shall convene at such times and places as he shall direct, whose duty it shall be to examine into the capacity, qualifications, propriety of conduct, and efficiency of commissioned officers who shall be ordered before it; and upon the report of said board, if adverse to such officer and approved by the commander-in-chief, the commission of such officer shall be vacated. No officer shall be eligible to sit on such board whose rank or promotion would in any way be affected by the proceedings; and two members at least shall be of equal or superior rank to the officer examined. If any officer shall refuse to report himself before said board when directed, the commander-in-chief may, upon the report of such refusal by such board, vacate his commission.

Examining board.

Duty of board.

Eligibility of members.

SEC. 35. It shall be unlawful for any body of men other than the regularly organized volunteer militia of this state and the troops of the United States, to associate themselves together as a military company or organization, or drill, or parade within the limits of this state without the written permission of the governor, which he may at any time revoke, but this provision shall not prevent social or benevolent organizations from wearing swords.

Unlawful for other than regular organized militia to organize.

Not to apply to benevolent societies.

SEC. 36. Every soldier of the guard shall keep himself provided with a uniform prescribed by law, and subject to such restrictions and changes as the commander-in-chief may direct. Uniforms in kind may be issued by the state under such provisions as the commander-in-chief may direct, or in lieu thereof there may annually be paid to each officer and soldier of the guard the sum of four dollars to be paid under like provisions, but in no event shall the state be liable for the payment of any money in lieu of uniforms, or for any purpose contemplated in this chapter, unless such payment can be made without exceeding the annual appropriation provided by this chapter.

To provide uniform.

Uniforms may be issued by state.

Price of uniforms.

SEC. 37. All uniforms and other military property shall belong to the state, for military purposes only, and each officer and soldier, upon receiving a discharge or otherwise leaving the military service of the state, or upon demand of his commanding officer, shall forthwith surrender his uniform and all other articles of military property in his possession to said commanding officer.

Uniforms to belong to state.

SEC. 38. There shall be allowed annually for postage, stationery, and office incidentals to each brigade headquarters the sum of twenty-five dollars, to each regimental headquarters the sum of twenty-five dollars, and to each company headquarters the sum of ten dollars.

Postage, etc.

- Armory rent, etc. SEC. 39. There shall be allowed annually to each company and band for armory rent, fuel, lights, and like necessary expenses the sum of one hundred dollars.
- Regulations. SEC. 40. The commander-in chief is authorized to make and publish regulations for the government and discipline of the guard not in conflict with existing laws.
- Disband company when below standard. SEC. 41. The commander-in-chief shall disband any company of the guard when it shall fall below a proper standard of efficiency, and he may order special inspections with a view to determining such efficiency.
- Construction of word "soldier." SEC. 42. In this chapter the word "soldier" shall include musicians and all persons in the guard or in the militia when called into service, except commissioned officers, and the word "company" shall include battery of artillery and troop of cavalry.
- Medical staff. SEC. 43. The medical staff of the guard shall have charge of that branch of the service under the supervision of the surgeon-general.
- Surgeon may draw supplies. SEC. 44. A surgeon in charge in the field or at an encampment may make requisition on the quartermaster-general for such medical supplies as may be needed, for which he shall account on forms provided by the quartermaster-general.
- Surgeon general. SEC. 45. The surgeon-general may prescribe the necessary forms and blanks for the work of his department; and all subordinate surgeons of the guard shall obey his orders and report, as often as he may prescribe, the transactions of their departments.
- Loan arms to military schools. SEC. 46. Subject to such regulations as the governor may direct, the adjutant-general may loan the surplus arms and accouterments of the state to military schools and colleges in good standing within the state which include military drill in their course of instruction, but when any arms or accouterments are delivered to such an institution the proper officers thereof shall deliver to the adjutant-general a bond to the state in such amount and with such sureties as the governor approves, conditioned for the proper use of such arms and accouterments and the return of the same in good order, wear and use excepted, upon the request of the adjutant-general.
- Exemption on account of military duty. SEC. 47. Every officer and soldier of the guard shall be exempt from jury duty and poll tax during his term of service, and except in cases of treason, felony, or breach of the peace be privileged from arrest during his attendance at drills, parades, encampments, active service, the election of officers, and in going to or returning from the same. The uniform, arms, and equipments of every member of the guard shall be exempt from attachment, execution, or sale for debt or taxes.
- Penalty for injuring military property. SEC. 48. Every person who shall wilfully or wantonly injure or destroy any article of uniform, arms, equipment, or other military property of the state, and refuse to make

good such injury or loss, or who shall sell, dispose of, secrete, or remove the same with intent to sell or dispose of it, or shall unlawfully break or enter any armory or place where any such arms or equipments are kept or stored with the intent to remove the same therefrom, shall be punished by a fine not exceeding two hundred dollars, or imprisonment in the county jail not exceeding two months or by both fine and imprisonment.

SEC. 49. The adjutant-general shall receive an annual salary of fifteen hundred dollars, and if an ordnance-sergeant is appointed under the provisions of this chapter he shall receive an annual salary not to exceed five hundred dollars, the amount to be fixed by the adjutant-general. Salary of adjutant-general.

SEC. 50. Such clerical assistance shall be employed in the adjutant-general's office as shall, in the opinion of the governor be actually necessary, and any person so employed shall receive for the time actually and necessarily on duty such compensation as the governor may prescribe. Clerical assistance for adjutant-general.

SEC. 51. The military force, when in the active service of the state in time of insurrection or invasion, or immediate danger thereof, shall be paid the following compensation for every day actually on duty: Each general, field, and staff officer, four dollars; every other commissioned officer, two and one-half dollars; every non-commissioned officer, two dollars; every other enlisted man, one and one-half dollars; and necessary transportation, subsistence, and quarters; the same to be paid out of any money specially appropriated for that purpose. When in actual service of the state, in case of riot, tumult, or breach of the peace, or imminent danger thereof, pursuant to the order of the governor, they shall receive the same compensation, transportation, subsistence, and quarters out of the state treasury, and for such services rendered upon the call of the sheriff they shall receive the same compensation, transportation, subsistence, and quarters from the treasury of such county, claims being audited and allowed in the former cases by the executive council and in the latter by the board of supervisors at its next session. Compensation of officers and enlisted men when in actual service.

SEC. 52. For the time spent in each annual encampment or drill, compensation to be paid under such provisions as the commander-in-chief may direct, and graded according to length of continuous service therein shall be allowed as follows: To each officer and soldier of less than three years' continuous service, one dollar per day; to each officer and soldier of more than three and less than five years' continuous service, one and one-half dollars per day; to each officer and soldier of more than five years' continuous service, two dollars per day. Compensation when attending drills and encampments.

\$45,000 appropriated annually.

SEC. 53. There is appropriated out of any moneys in the treasury not otherwise appropriated the sum of forty-five thousand dollars per annum or so much thereof as may be necessary for the support of the guard under the provisions of this chapter not applying to active service, which shall be drawn by warrants drawn by the auditor of state on the state treasurer, upon certificates of the adjutant-general approved by the governor, showing for what purpose each draft is to be or has been used, and no indebtedness shall be created in excess of such annual appropriation.

Approved April 10, 1896.

CHAPTER 103.

H. F. 503. AN ACT to, provide additional support for the Iowa National Guard.
Be it enacted by the General Assembly of the State of Iowa:

\$5,200 appropriated for armory rent, etc., for Iowa National Guard.

SECTION 1. For the purpose of carrying out the provisions of chapter 74 of the laws of the 18th G. A. there is hereby made an annual appropriation, in addition to the appropriations heretofore made, the sum of five thousand two hundred dollars (\$5,200); said sum shall be for the purpose of providing additional allowance to the companies and bands of the Iowa National guard for armory, rent, fuel, light, and necessary expenses, out of any money in the state treasury not otherwise appropriated; and the auditor of state is hereby authorized to draw warrants upon the state treasurer upon the certificate of the adjutant approved by the governor.

Approved April 10, 1896.

CHAPTER 104.

S. F. 17. A BILL for an act to repeal sections one (1) and two (2) of chapter eighty-five (85) of the acts of the Twenty-second General Assembly, as amended by chapter eighty-two of the acts of the Twenty-fifth General Assembly, relating to the rights of aliens and to enact the following in lieu thereof.

Be it enacted by the General Assembly of the State of Iowa:

Secs. 1 and 2, ch. 85, 22 G. A., amended

SECTION 1. Sections one (1) and two (2) of chapter eighty-five (85) of the acts of the Twenty-second (22) General Assembly as amended by chapter eighty-two (82) of the acts of the Twenty-fifth (25) General Assembly are hereby repealed and the following enacted in lieu thereof:

Non-resident aliens and corporations prohibited from owning real estate under certain conditions.

SEC. 2. Non-resident aliens, or corporations incorporated under the laws of any foreign country, or corporations organized in this country, one-half of the stock of which is owned or controlled by non-resident aliens, are prohibited from acquiring title to or holding any real estate in this state, except as hereinafter provided, save