

prohibited; and no person having so testified shall be liable to any prosecution or punishment for any offense concerning which he was required to give his testimony or produce any documentary evidence.

**SEC. 7. Penalty.** Any person convicted of a violation of any of the provisions of this act shall be punished by imprisonment in the county jail not exceeding six months, or by a fine not exceeding five hundred dollars (\$500.00).

Approved April 5, A. D. 1903.

## CHAPTER 91.

### OF THE MILITIA.

S. F. 279.

AN ACT additional to and amendatory of chapter one (1) of title eleven (XI) of the code, and the law as it appears in chapter one (1) title eleven (XI) of the supplement to the code and chapter seventy-seven (77) of the acts of the Thirtieth General Assembly, relative to the state military force and Iowa national guard. [Amending sections twenty-one hundred and ninety-two (2192) and twenty-two hundred and one (2201) of the code, amending the law as it appears in section twenty-two hundred and eleven (2211) of the supplement to the code, and sections one (1), two (2), three (3), nine (9), eleven (11) and thirteen (13) of chapter seventy-seven (77) of the acts of the Thirtieth General Assembly, repealing sections twenty-one hundred and ninety (2190) and twenty-one hundred and ninety-one (2191) of the code, and enacting substitutes therefor, repealing the law as it appears in sections twenty-one hundred and seventy-four (2174), twenty-two hundred and three (2203) and twenty-two hundred and four (2204) of the supplement to the code, and sections four (4) and five (5) of chapter seventy-seven (77) of the acts of the Thirtieth General Assembly, and enacting substitutes therefor, and repealing section twenty-one hundred and eighty-nine (2189) of the code, and the law as it appears in section seven (7) of chapter seventy-seven (77) of the acts of the Thirtieth General Assembly.]

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

**SECTION 1. Governor to call out national guard.** That the law as it appears in section one (1) of chapter 77, of the laws of the Thirtieth General Assembly, be and the same is hereby amended by adding the following after the "." following the word "state" in the third line thereof: "as organized and officered unless otherwise directed in such requisition".

**SEC. 2. Enlistments.** That the law as it appears in section two (2) of chapter 77 of the laws of the Thirtieth General Assembly, be and the same is hereby amended by striking therefrom all of said section preceding and including the word "service" in the third line thereof, and substituting the following therefor: "All enlistments shall be for three years except that enlistments made within ninety days from date of discharge from the guard, United States army, or the organized and disciplined militia of any state, shall be considered continuous service in the guard,".

**SEC. 3. Repealed—staff of commander-in-chief.** That the law as it appears in section twenty one hundred and seventy-four (2174) of the supplement to the code, be and the same is hereby repealed and re-enacted to read as follows:

"The staff of the commander-in-chief shall consist of an adjutant general who shall be chief of staff and acting quarter-master general, an assistant adjutant general, a quarter-master general who shall also act as commissary general, a surgeon general a judge-advocate general a general inspector of small arms practice, a chief of engineers, a chief signal officer, and seven aids; all of whom shall have served honorably in the regular or volunteer service of the United States, or for not less than one year in the guard. The adjutant general and assistant adjutant general shall be appointed and commissioned by the commander-in-chief, and shall hold office until their successors are appointed and commissioned. The assistant adjutant general shall be appointed upon the recommendation of the adjutant general. The

other officers above enumerated may at the discretion of the commander-in-chief be appointed and commissioned by him or detailed for such service from the active membership of the guard, or their duties may be performed by United States army officers regularly or specially detailed, for service with the guard or in the state, by the war department. The adjutant general shall have the rank of brigadier general, and the assistant adjutant general that of colonel. All other officers above enumerated, if appointed and commissioned to such offices, shall have the rank of colonel, and if detailed from the active membership of the guard, shall retain their rank in the guard and shall not be relieved from their regular duties by reason of such detail. United States army officers regularly or specially detailed for service with the guard or in the state, may be assigned positions on the staff with their rank in the United States service or such higher rank, not above that of colonel, as the commander-in-chief may designate.

**SEC. 4. Assistant adjutant general—duties.** That the law as it appears in section three (3) of chapter 77 of the acts of the Thirtieth General Assembly, be and the same is hereby amended by adding thereto, the following:

“The assistant adjutant general shall be on duty with the adjutant general, and shall perform such duties under the direction of the adjutant general as the commander-in-chief may prescribe, and in the absence of the adjutant general, shall perform the duties of that officer as acting adjutant general.”

**SEC. 5. Repealed—adjutant general—compensation.** That the law as it appears in section four (4) of chapter 77, of the acts of the Thirtieth General Assembly, be and the same is hereby repealed and re enacted to read as follows:

“When requisition shall be made on the governor of Iowa by the president of the United States for troops, and during the time the Iowa troops are in the service of the United States under call of the president, the salary of the adjutant general shall be increased so that he shall receive in full compensation for his services, pay and allowances equal to that of a brigadier general of the United States army.”

**SEC. 6. Repealed—regimental staff—band.** That the law as it appears in section five (5) of chapter 77, of the acts of the Thirtieth General Assembly, be and the same is hereby repealed and re-enacted to read as follows:

“The regimental staff shall be appointed and commissioned by the governor upon recommendation of the regimental commander, and shall consist of one major surgeon and two assistant surgeons or as many as may be required for volunteer regiments in the United States army, who shall receive the approval of the surgeon general as to their professional qualifications before being commissioned, an adjutant, a quarter-master, a commissary, a chaplain, and also for each battalion one adjutant and one quartermaster commissary officer, each of which officers shall have the same rank as corresponding officers in the United States army. The chaplains shall have the right of promotion as provided for in the regulations of the United States army. One inspector of small arms practice may be detailed by the commanding officer of each regiment from the officers of his command. The commander of each regiment shall appoint by warrant from the enlisted men of his regiment, a non-commissioned staff, consisting of a regimental sergeant major, a sergeant major for each battalion, a quartermaster sergeant, a commissary sergeant, two color sergeants, two mounted orderlies with rank of sergeant and four orderlies not mounted, with rank of corporal, the state to furnish mounts. The commissions of regimental 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. Each regimental commander, subject to the

approval of the commander-in-chief, may cause to be enlisted and organized a band, composed of one chief musician, one principal musician, one drum major, four sergeants, eight corporals, one cook and not more than sixteen privates. The enlisted men of the medical department for each regiment shall consist of a first class sergeant, two sergeants, one cook and twelve to fifteen privates, two-thirds of whom may be privates of the first class. The members of such bands and hospital detachments except as otherwise provided, shall be subject to the same regulations and receive the same compensation as other enlisted men of like grade. The regimental commander shall appoint the non-commissioned officers of the band, and upon the recommendation of the company commanders and surgeons, shall appoint the non-commissioned officers of each company and hospital detachments and issue warrants to the persons so appointed."

**SEC. 7. Encampments.** That the law as it appears in section nine (9) of chapter 77, of the acts of the Thirtieth General Assembly, be and the same is hereby amended by striking therefrom the words "not less than three nor more than ten days" after the word "drill" in the fourth line thereof, and by further striking out the words "not exceeding ten days in any one year for any member, except members of the general staff and those detailed upon staff duty, or such other duties as the exigencies of the service require" after the word "order" in the ninth line thereof.

**SEC. 8. Repealed.** That section twenty-one hundred eighty-nine (2189) of the code be and the same is hereby repealed. The law as it appears in section 7 of chapter 77 of the acts of the Thirtieth General Assembly be and the same is hereby repealed.

**SEC. 9. Repealed—arms, equipment, uniforms and other property-bond.** That section twenty-one hundred and ninety (2190) of the code, be and the same is hereby repealed and re-enacted to read as follows:

"All officers to whom shall be issued, or who shall be accountable for, arms, equipment, uniforms and any other state or United States property for military uses, or who shall have the control, custody or disbursement of funds as provided for in this chapter, shall before the delivery to them of such arms, equipment, uniforms and other state or United States property, and the receipt of such funds, be required to execute and deliver to the adjutant general a bond therefor, with sureties to be approved by the governor and payable to the state, in such amount as may be fixed by the commander-in-chief, conditioned according to law, for the proper care, use and return in good order, wear, use and unavoidable loss and damage excepted, of all such state and United States property, and the proper and faithful disbursement and accounting of all funds coming into the hands of such officer; upon the violation of any of the conditions of such bond, action thereon shall be brought by the adjutant general upon behalf of the state of Iowa, and any recovery thereon shall be credited to the guard funds of the state. It shall be the duty of the attorney general of the state to prosecute all actions upon such bonds."

**SEC. 10. Repealed—inspection—schools of instruction.** That section twenty-one hundred and ninety-one (2191) of the code, be and the same is hereby repealed and re-enacted to read as follows:

"The commander-in chief shall require such inspections of the different organizations of the guard, and such schools of instruction for officers and enlisted men, as he may deem proper and necessary. The inspection shall be made by United States army officers, either on regular or special detail with the guard or in the state, where such officers are available for that purpose, and if made by other officers, the commander-in-chief shall fix their compensation therefor in the orders for such inspectors. Schools of instruc-

tion may be ordered when sufficient funds are available beyond other requirements of this chapter."

**SEC. 11. False certificate of muster.** That section twenty one hundred and ninety-two (2192) of the code be and the same is hereby amended by striking out the word "or" after the word "certificate" in the second line and inserting in lieu thereof the word "of".

**SEC. 12. Service badges.** That section twenty-two hundred and one (2201) of the code be and the same is hereby amended by adding thereto the following:

"The adjutant general shall procure from the available funds at his disposal, service badges for members of the guard, as follows: For five years' honorable service, a 'silver badge' suspended from a silver bar, and for each additional five years of honorable service including twenty years, a 'silver bar' with number of years' service enameled thereon; said bars to be attached, in their order, to the lower edge of the badge. For twenty-five years or more honorable service, a 'gold badge' suspended from a gold bar, the design and selection of the badges and bars as above provided for, to be made by a committee of officers designated by the commander-in-chief. Service badges shall be the absolute property of those to whom they are awarded."

**SEC. 13. Allowance for rifle ranges.** The commander-in-chief may designate the location of four regimental rifle ranges, and the expenditure of the sum of two thousand dollars, or so much thereof as may be necessary, is hereby allowed for the acquisition and construction thereof, such sums to be expended under the direction of such officer or board of officers as the commander-in-chief may direct, and the sum of two hundred dollars (\$200.00), or so much thereof as may be necessary, shall be allowed annually for expenditure in like manner for the rental and maintenance of each of said ranges, and the sum of one hundred dollars (\$100.00) annually, for each, company, or so much thereof as may be necessary, shall be allowed upon such conditions as the commander-in-chief may prescribe for the procurement, construction and maintenance of company rifle ranges. These payments to be made when sufficient funds are available beyond other requirements of this chapter.

**SEC. 14. Repealed—allowance for headquarters.** That the law as it appears in section twenty-two hundred and three (2203) of the supplement to the code, be repealed and re-enacted to read as follows:

"There shall be allowed annually for postage, stationery, clerk hire, to each regimental headquarters, each company commander, and each regimental band, the sum of one hundred dollars (\$100.00); or so much thereof as shall be necessary, the same to be paid upon itemized and detailed statements under oath being filed with and approved by commander-in-chief; and for like purposes to the following staff officers, surgeon general, general inspector of small arms practice, and regimental inspector of small arms practice, ten dollars (\$10.00); to be paid in semi-annual payments. These payments to be made when sufficient funds are available beyond other requirements of this chapter."

**SEC. 15. Repealed—company and band allowance—hospital allowance.** That the law as it appears in section twenty-two hundred and four (2204) of the supplement to the code, be and the same is hereby repealed and re-enacted to read as follows:

"There shall be allowed annually to each company and band for armory rent, lights, fuel and janitor service and like necessary expenses, not to exceed the sum of six hundred dollars (\$600.00), to be paid in such amounts, either in part or whole and under such regulations as a board of officers appointed by the commander-in-chief shall prescribe, and approved by him. There shall be allowed annually to each regimental hospital detachment for

armory rent, fuel, lights and like necessary expenses, the sum of one hundred dollars (\$100 00), or so much thereof as may be necessary to be paid under such regulations as the commander-in-chief may prescribe, provided that said sum shall be paid only when a majority of the detachment is located at one station under the command of a medical officer, who shall, at least twice a month, conduct drills of the detachment."

**SEC. 16. Compensation of assistant adjutant general.** That the law as it appears in section twenty-two hundred eleven (2211) of the supplement to the code be and the same is hereby amended by inserting the words "the assistant adjutant general shall receive an annual salary of one thousand five hundred dollars" after the word "peace" in the fourth line thereof.

**SEC. 17. Compensation of officers.** That the law as it appears in section eleven (11) of chapter 77 of the laws of the Thirtieth General Assembly, be and the same is hereby amended by inserting the word "forage" after the word "subsistence" in line eleven thereof; and by adding to said section, the following: "When on duty on rifle practice, range competition, or schools of instruction, officers shall receive such compensation or allowances as the commander-in-chief shall designate in orders with reference thereto."

**SEC. 18. Appropriation.** That the law as it appears in section thirteen (13) of chapter 77 of the acts of the Thirtieth General Assembly, be and the same is hereby amended by striking therefrom the word "seventy" in the fifth line thereof and inserting in lieu thereof, the words "eighty-two"; and by striking therefrom, the figures "\$70,000.00" from the brackets in the fifth line thereof, and inserting in lieu thereof, the figures "\$82,000.00".

**SEC. 19. In effect.** This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Daily Capital, newspapers published in the city of Des Moines, Iowa.

Approved April 5, A. D. 1906.

I hereby certify that the foregoing act was published in the Des Moines Daily Capital, April 10, 1906, and the Register and Leader, April 12, 1906.

W. B. MARTIN,  
Secretary of State.

## CHAPTER 92.

### CARE AND REMOVAL OF NON-RESIDENT INSANE TO THEIR PLACE OF LEGAL SETTLEMENT

S. F. 247.

AN ACT to provide for the care and removal to their place of legal settlement of non-resident insane and for the payment of the expenses thereof and repealing the law as it appears in section twenty seven hundred and twenty-seven-a28 (2727-a28) of the supplement to the code and all acts and parts of acts in conflict with this act, [and amending section twenty-two hundred and eighty-three (2283) of the code.]

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

**SECTION 1. Non resident insane—care and removal.** That when the commissioners of insanity of any county shall find to be insane a person who is a non-resident of this state, or whose residence is found by the commissioners to be unknown, they shall at once report the case to the board of control of state institutions and furnish it with a copy of the evidence taken on the question of the legal settlement of the insane person. The board shall investigate the case and if the legal settlement can not be ascertained the board shall cause him to be taken to a state hospital for the insane as a charge of the state, and if the legal settlement of the patient is found thereafter to be in any county of this state the cost of maintaining him shall be charged to that county and collected as provided by