

A BILL

FOR AN ACT TO PROVIDE FOR THE ORGANIZATION OF THE STATE MILITIA, AND
ENTITLED THE "MILITARY CODE OF IOWA," AND TO REPEAL CHAPTER 125,
LAWS OF SEVENTEENTH GENERAL ASSEMBLY.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That all able-bodied
2 male citizens of the state, between the ages of eighteen and forty-five years, who are not ex-
3 empted from military duty according to the laws of the United States, shall constitute the mili-
4 tary force of this state: *provided,* that all persons who have served in the United States ser-
5 vice for the period of one year, and have been honorably discharged therefrom, are exempt
6 from duty under the military laws of the state; but nothing herein contained shall be con-
7 strued to prohibit any person from becoming a member of any military organization, or hold-
8 ing any office in the militia of this state.

SEC. 2. Assessors in each township are required to make and return to the county aud-
2 itor of their respective counties, at the time of making the annual assessment, a correct list
3 of persons subject to military duty, which list may be revised and corrected by the board of
4 supervisors, and the county auditor shall, in the month of June in each even numbered year,
5 or at such other time as the governor may direct, certify to the adjutant-general a true copy
6 of said list, and in each odd numbered year he shall certify to the number of names on said
7 list.

SEC. 3. When a requisition shall be made by the president of the United States for troops,
2 the governor, as commander-in-chief, shall, by his proclamation, order out for active service
3 the militia of the state, or such portion thereof as may be necessary, designating the same
4 by draft, if a sufficient number shall not volunteer, and may organize the same, and commis-
5 sion officers therefor: and when so ordered out for service, the militia shall be subject to like
6 regulations, and receive from the state like compensation and subsistence, as are prescribed
7 by law for the army of the United States.

SEC. 4. The commander-in-chief shall have power, in case of insurrection, invasion, or
2 breaches of the peace, or imminent danger thereof, to order into the service of the state such

3 of its military force as he may deem proper, and under the command of such officers as he
4 shall designate.

SEC. 5. In case of any breach of the peace, tumult, riot, or resistance to process of this
2 state, or imminent danger thereof, it shall be lawful for the sheriff of any county to call for
3 aid upon the commandant of any military force within his county, immediately notifying
4 the governor of such action: and it shall be the duty of the commandant upon whom such
5 call is made, to order out in aid of the civil authorities the military force, or any part thereof,
6 under his command.

SEC. 6. The command of any force called into service under sections 4 and 5, shall devolve
2 upon the senior officer of such force, unless otherwise specially ordered by the commander-
3 in-chief.

SEC. 7. The military forces of this state, when in the actual service of the state in time
2 of insurrection, invasion, or immediate danger thereof, shall, during their time of service, be
3 paid, by an appropriation especially made therefor, the following sums each for every day
4 actually on duty:

5	To each general, field and staff officer.	\$4.00
6	To every other commissioned officer	2.50
7	To every non-commissioned staff officer	2.00
8	To every other enlisted man	1.50

SEC. 8. All officers and soldiers, while on duty or assembled therefor pursuant to the
2 order of any sheriff of any county in cases of riot, tumult, breach of peace, or whenever
3 called upon to aid the civil authorities, shall receive the same compensation as provided for
4 in section 7, and such compensation shall be audited, allowed and paid by the supervisors of
5 the county where such service is rendered, and shall be a portion of the county charges of
6 said county, to be levied and raised as other county charges are levied and raised.

SEC. 9. The active militia shall be designated "the Iowa national guard," and shall con-
2 sist of nine (9) regiments of infantry, and one (1) regiment of cavalry, and one (1) regiment
3 of artillery, and shall be recruited by volunteer enlistments.

SEC. 10. The entire state shall be composed of not more than two brigades, to be com-
2 manded by two brigadier generals. The commander-in-chief shall assign all regiments, bat-
3 talions and companies to such brigades as he shall think proper. All enlistments therein
4 shall be for five years, and made by signing enlistment papers prescribed by the adjutant-
5 general, and taking the following oath or affirmation, which may be administered by the
6 enlisting officer, to-wit:

7 “ You do solemnly swear (or affirm) that you will bear true allegiance to, and that you will
 8 support the constitution of, the United States and the state of Iowa, and that you will serve
 9 the state of Iowa faithfully in its military service for the term of five years, unless sooner
 10 discharged or you cease to become a citizen thereof; that you will obey the orders of the
 11 commander-in-chief and such officers as may be placed over you, and the laws governing the
 12 military forces of Iowa— so help you God.”

SEC. 11. The staff of commander-in-chief shall consist of an adjutant-general, an inspec-
 2 tor-general, a quartermaster-general, a commissary-general, and a surgeon-general, and such
 3 other officers as he may think proper to appoint. The adjutant-general shall rank as a ma-
 4 jor-general. He shall issue and transmit all orders of the commander-in-chief, with reference
 5 to the militia or military organizations of the state, and shall keep a record of all officers
 6 commissioned by the governor, and of all general and special orders and regulations, and of
 7 all such matters as pertain to the organization of the state militia and the duties of an adju-
 8 tant-general, and except in times of war or public danger, he shall perform the duties of
 9 quartermaster-general, as required by law, without additional compensation therefor. He
 10 shall have charge of the state arsenal and grounds and shall receive and issue all ordnance
 11 stores and camp equipage on order of the commander-in-chief. He may appoint, with the
 12 approval of the governor, an ordnance-sergeant, at a salary of not more than \$500 per year,
 13 who shall, under the direction of the adjutant-general, take charge of the state arsenal and
 14 grounds, and shall aid and assist him in the discharge of his duties. He shall furnish,
 15 at the expense of the state, such blanks and forms as shall be approved by the com-
 16 mander-in-chief. He shall also, on or before the first day of October next preceding the reg-
 17 ular session of the general assembly, and at such other times as the governor shall require,
 18 make out a full and detailed account of all the transactions of his office, with the expense of
 19 the same for the preceding two years, and such other matters as shall be required by the gov-
 20 ernor. He shall reside at the state capital and shall hold his office during the pleasure of the
 21 governor, and shall receive for his services \$1,500 per year, except in time of war or public
 22 danger, when he shall receive like pay as a brigadier-general in the United States army.

SEC. 12. The generals of brigades shall be elected and shall hold their office for five years,
 2 or until removed by court-martial or resignation. On recommendation of brigade command-
 3 ers, the governor shall appoint and commission the brigade staff, as follows: Assistant-adju-
 4 tant-general, with rank of lieutenant-colonel: assistant-inspector-general, with rank of major:
 5 surgeon, with rank of major: quartermaster, with rank of captain; commissary, with rank of
 6 captain; and two aids-de-camp, with rank of first lieutenant: judge advocate, with rank of
 7 major.

SEC. 13. A regiment shall consist of not less than eight nor more than ten companies.
 2 The colonel and lieutenant-colonel and major of all regiments shall be elected as hereinafter
 3 provided. The regimental staff shall consist of a surgeon, with rank of major: assistant-
 4 surgeon, with rank of captain: chaplain, with rank of captain: adjutant, with rank of first
 5 lieutenant: quartermaster, with rank of first lieutenant: who shall be appointed and com-
 6 missioned by the governor, on recommendation of the regimental commander. The colonel
 7 of each regiment shall appoint by warrant, countersigned by the adjutant, a sergeant-major,
 8 quartermaster-sergeant, commissary-sergeant, hospital steward, color-sergeant, ordnance-
 9 sergeant, drum-major, fife-major, and one bugler, who shall constitute the non-commissioned
 10 staff. All field officers shall hold their offices for five (5) years. The commissions of all staff
 11 officers shall expire when the officer nominating them or his successor shall make new nom-
 12 inations to their respective office, and such nominations shall be confirmed by the com-
 13 mander-in-chief.

SEC. 14. The generals of brigades, and regimental commanders, may cause to be organ-
 2 ized and enlisted a band, under the leadership of the principal musician of his command,
 3 not to exceed sixteen (16) in number, who shall be subject to the orders of such leader, and
 4 shall be under the command of such brigade, or regimental commander, and shall be subject
 5 to the same regulations as are prescribed for other enlisted men.

SEC. 15. A company shall consist of a captain, a first lieutenant, a second lieutenant, five
 2 sergeants, four corporals, two musicians, and not less than forty or more than sixty-four pri-
 3 vates and non-commissioned officers. Company officers shall be elected by members of the
 4 company, and shall hold their offices for five (5) years. All non-commissioned officers of com-
 5 panies, on recommendation of their captains, shall be appointed by the warrant of the reg-
 6 imental commander, countersigned by the adjutant. All elections of line officers shall be or-
 7 dered by the regimental commander. All elections of field and general officers shall be or-
 8 dered by the commander-in-chief. The orders for such election shall be sent to the command-
 9 ing officer of the company in which said election is ordered, who shall in turn issue his special
 10 order for such election, giving at least six days' notice thereof, posting said order in three
 11 public places accessible to the members of his command, and where practicable, the same
 12 shall be published in one or more newspapers in the county where said company is located.
 13 All voting shall be by ballot, and no voting by proxy shall be legal: and a majority of all votes
 14 cast shall be necessary to elect. The senior officer present at such election shall preside.
 15 The returns of election, properly attested, shall be made promptly within five days from the
 16 date of election, to the commanding officer of the regiment, who shall promptly forward the

result of said election to the brigade commander, who shall report the same to the adjutant-general of the state, by whose approval the commander-in-chief will issue commissions accordingly: *provided*, that at the organization of a new company the election shall be conducted under such regulations as the adjutant-general shall prescribe.

SEC. 16. Every company and regiment may make by-laws for its own government not in conflict with this act or general orders or regulations, which shall be binding upon the members.

SEC. 17. Every officer and soldier of the Iowa national guard shall be held to duty for the full term of five (5) years, unless regularly discharged for good and sufficient cause by the commandant of his regiment, approved by the commander-in-chief: *provided*, that said term of five (5) years shall in all cases commence from the time such officer or soldier shall have become an active member of any band, company, regiment or brigade organized, or commissioned under the laws of this state, and now belonging thereto. All persons serving five (5) years consecutively in the national guard shall, on application, be entitled to an honorable discharge, exempting them from military duty except in time of war or public danger.

SEC. 18. The organization, equipment, discipline and military regulations of the Iowa national guard shall strictly conform to the regulations for the government of the army of the United States, in all cases, except as herein otherwise provided, and all orders and regulations governing troops, not in conflict with the constitution of this state and the provisions of this act, shall be binding upon all members of the Iowa national guard.

SEC. 19. Every officer and soldier of the Iowa national guard shall be exempt from jury duty, from head or poll-tax of every description, during the term he shall perform military duty. The uniforms, arms and equipments of every member of the state guard shall be exempted from all suits, distresses, executions or sales for debt or payment of taxes. That no property of any kind or nature whatsoever shall be exempt from executions issued for fines lawfully assessed by any officer, company, regiment or court-martial against any member of the Iowa national guard. The Iowa national guard shall, in all cases except treason, felony or breach of the peace, be privileged from arrest during their attendance at drills, parades, encampments, and the election of officers, and in going to and returning from the same.

SEC. 20. The commandant of each regiment shall order monthly or semi-monthly, day or evening drills, by the companies of his command, and the members thereof shall receive no compensation for their services while attending such drills.

SEC. 21. The Iowa national guard may parade for drill not less than three or more than five days annually, by company, regiment, or brigade, as ordered by the commander-in-chief.

3 The quartermaster-general shall provide transportation to and from all such parades or en-
 4 campments. The commissary-general, under the direction of the commander-in-chief, shall
 5 provide the subsistence for all forces so encamped, such subsistence to conform as near as
 6 practicable to the ration prescribed by the general regulations of the army of the United
 7 States, and to be issued in kind.

SEC. 22. The commanding officer of any encampment may cause those under his com-
 2 mand to perform any field or camp duty he shall require, and may put under arrest during
 3 such encampment, or parade, any member of his command who shall disobey a superior offi-
 4 cer, or be guilty of disorderly or unmilitary conduct, and any other person who shall trespass
 5 on the parade or encampment grounds, or in any way interrupt or molest the orderly dis-
 6 charge of duty by members of his command; and he may prohibit the sale of all spirituous
 7 or malt liquors within one mile of such encampment, and enforce such prohibition by force,
 8 if necessary: *provided, however,* that nothing herein contained shall be construed to interfere
 9 with the regular business of any liquor dealer whose place of business shall be situated with-
 10 in said limits.

SEC. 23. For the use of the Iowa national guard in target practice, the adjutant-general
 2 shall issue to each infantry or cavalry company, on the requisition of the commanding officer
 3 thereof, an amount not exceeding one thousand rounds of fixed ammunition in each year:
 4 and for the use of the artillery he shall issue in each year not exceeding fifty pounds of pow-
 5 der to each company.

SEC. 24. Upon the organization of any company or regiment of the national guard, on
 2 the requisition of its commanding officer and the approval of the governor, the adjutant-gen-
 3 eral shall issue all necessary ordnance and ordnance stores: *provided, however,* that when any
 4 arms or munitions are delivered to any commander, he shall execute and deliver to the adju-
 5 tant-general a bond, payable to the people of the state of Iowa, in sufficient amount, and
 6 with sufficient sureties, to be approved by the governor, conditioned for the proper use of such
 7 arms and munitions, and return of the same, when requested by the proper officers, in good
 8 order, wear, use, and unavoidable loss and damage excepted. All arms shall be kept at the
 9 company or regimental armory.

SEC. 25. Such inspection of the Iowa national guard shall be made as the commander-in-
 2 chief may from time to time direct.

SEC. 26. Any officer or soldier of the Iowa national guard knowingly making any false
 2 certificate, or false return of state property in his hands, or neglecting or refusing to apply
 3 all money drawn from the state treasurer for the purpose named in the requisition therefor,

4 shall be guilty of embezzlement and fraud, and shall be punished in the manner as provided
5 for like offenses in the criminal Code of this state.

SEC. 27. The several regiments of the Iowa national guard shall adopt the dress uniform
2 of the army of the United States.

SEC. 28. The field, staff, and line officers of the Iowa national guard shall provide them-
2 selves with the uniform prescribed for officers of the same rank in the United States army
3 within ninety days from the date of commission.

SEC. 29. Every officer or soldier who shall neglect to return to the armory of the company,
2 or place in charge of the commanding officer of the company to which he belongs, any arms,
3 uniform or equipment, or portion thereof, belonging to the state, within six days after being
4 notified by said commanding officer to make such return, or to place the same in his charge,
5 shall be fined not more than fifty dollars, or imprisoned not more than two months, or both.

SEC. 30. Every person who shall willfully or wantonly injure or destroy any uniform, arm,
2 equipment, or other military property of the state, and refuse to make good such injury or
3 loss, or who shall sell, dispose of, secrete, or remove the same, with intent to sell or dispose
4 thereof, shall be fined not more than two hundred dollars, or imprisoned not more than six
5 months, or both.

SEC. 31. Every soldier absent without leave or excuse satisfactory to his commanding
2 officer from any parade, drill or encampment shall be fined two dollars (\$2) for each day of
3 absence; and for any unsoldierly conduct at drill, parade or encampment he may be fined not
4 more than ten dollars (\$10), such fines to be collected by civil suit, without right of stay or
5 exemption; all fines shall be assessed in the name of the state, and all suits for the collection
6 of fines brought in the name of the state of Iowa for the use of the company to which the
7 soldier fined belongs; but in no case shall the state pay any costs of such suits. Nothing
8 herein shall be construed to prevent any company or band imposing such fines upon its mem-
9 bers as it may think proper in its by-laws, which fines may be enforced in the same manner
10 as hereinbefore provided for the collection of fines for absence from drill, parade or encamp-
11 ment.

SEC. 32. A judge advōcate, with the rank of major, shall be appointed for each brigade,
2 and hold office during the pleasure of the commander-in-chief, who shall perform the duties
3 of such office in the court-martial held in his district; and no other person shall prosecute or
4 defend in such courts; but when he shall be unable to attend, from any cause, or shall be dis-
5 qualified by interest or relationship, the commander-in-chief may designate the judge advo-
6 cate of another brigade to act in his place.

SEC. 33. Commissioned officers, for neglect of duty, disobedience of orders or unsoldierly
 2 or ungentlemanly conduct, may be tried by court-martial: *provided*, that no sentence of any
 3 court-martial shall affect the life, liberty or property of any citizen of Iowa, according to the
 4 regulations provided in like cases in the army of the United States. The commander-in-
 5 chief, by order, shall designate the time and place of holding such courts, and the names of
 6 officers composing it, consisting of not less than three nor more than six. The senior officer
 7 named shall preside, and shall be of superior rank to the officer on trial, when practicable.
 8 Witnesses for the prosecution and defense may be summoned to attend by subpoena signed
 9 by the judge advocate. Any witness, duly summoned, who shall fail to appear and testify
 10 may be, by warrant of the president of the court, directed to the sheriff or any constable,
 11 arrested and treated as in like cases before civil courts. The fees of all witnesses shall be the
 12 same as allowed in civil cases, to be taxed, with the necessary expenses of the judge advocate
 13 and the court, by the president of the court, and paid by the state treasurer, on the auditor's
 14 warrant, to the judge advocate, who shall pay all expenses of the trial, when received by him.

SEC. 34. The sentences of courts-martial shall be approved or disapproved by the com-
 2 mander-in-Chief, who may mitigate or remit any punishment awarded by sentence of court-
 3 martial, when such sentence shall have been approved by the brigade commander. The
 4 record of all the proceedings and the sentence of a court-martial in every case, with the
 5 order approving or disapproving it, shall be deposited in the office of the adjutant-general.

SEC. 35. Every brigade and regimental commander in the Iowa national guard is hereby
 2 authorized to appoint a military board or commission, of not less than three nor more than
 3 five officers, whose duty it shall be to examine the capacity, qualifications, propriety of con-
 4 duct and efficiency of any commissioned officer in his command, who may be reported to the
 5 board of commission: and upon the report of said board, if adverse to such officer, and if ap-
 6 proved by the commander-in-chief, the commission of such officer shall be vacated: *provided*,
 7 *always*, that no officer shall be eligible to sit on such board whose rank or promotion would
 8 in any way be affected by the proceedings: and two members, at least, shall be of equal or
 9 superior rank with the officer examined: and if any officer shall refuse to report himself,
 10 when directed, before such board, the commander-in-chief may, upon the report of such re-
 11 fusal by his commander, declare his commission vacated.

SEC. 36. It shall not be lawful for any body of men whatever, other than the regularly
 2 organized volunteer militia of this state and the troops of the United States, to associate
 3 themselves together as a military company or organization, or to drill or parade within the
 4 limits of this state without the license of the governor thereof, which license may at any

5 time be revoked: *provided*, that nothing herein contained shall be so construed as to prevent
6 social or benevolent organizations from wearing swords.

SEC. 37. Every soldier of the Iowa national guard shall provide and keep himself provided
2 with a uniform, according to the rules and regulations prescribed by law, and subject to such
3 restrictions, limitations and alterations as the commander-in-chief may direct.

SEC. 38. In lieu of uniforms being furnished in kind by the state, there shall annually be
2 paid to each soldier having complied with section 37, the sum of four dollars, to be paid un-
3 der such provisions as the commander-in-chief may direct.

SEC. 39. All uniforms and other military property shall belong to the state and be used
2 for military purposes only, and each soldier, upon receiving a discharge or otherwise leaving
3 the military service of the state, or upon demand of his commanding officer, shall forthwith
4 surrender the said uniform, together with all other articles of military property that may be
5 in his possession, to said commanding officer.

SEC. 40. There shall be allowed annually, for postage, stationery and office incidentals to
2 each brigade headquarters, the sum of \$25; to each regimental headquarters the sum of \$25,
3 and to each company headquarters the sum of \$10.

SEC. 41. There shall be allowed annually to each company for armory rent, fuel, lights,
2 and like necessary expenses, the sum of \$50.

SEC. 42. Such clerical assistance shall be employed in the adjutant-general's office as shall,
2 in the opinion of the governor, be actually necessary, and any person so employed shall re-
3 ceive, for the time they may be actually necessarily on duty, such compensation as the gov-
4 ernor may prescribe.

SEC. 43. The commander-in-chief is authorized to make and publish regulations for the
2 government of the Iowa national guard, in accordance with existing laws.

SEC. 44. Any soldier guilty of a military offense may be put and kept under guard by the
2 commander of a company, regiment, or brigade, for a time not extending beyond the term of
3 service for which he is then ordered.

SEC. 45. The commander-in-chief shall have full power, at any time to disband any com-
2 pany of the Iowa national guard when it shall fall below a proper standard of efficiency, and
3 he may order special inspections with a view to disbandment.

SEC. 46. In this chapter the word "soldier" shall include musicians, and all persons in
2 the volunteer or enrolled militia, except commissioned officers, and the word "company"
3 shall include battery.

SEC. 47. The medical staff of the Iowa national guard shall have charge of that branch
2 of the service, under the supervision of the surgeon-general.

SEC. 48. A surgeon in charge in the field or at a camp of instruction, may draw, on requisition, such medical stores and supplies as in his judgment may be needed, and for which he shall account, on forms provided by the quartermaster-general.

SEC. 49. The surgeon-general may prescribe the necessary forms and blanks for the work of his department: and all subordinate surgeons of the Iowa national guard will obey his orders, and report, as often as he may prescribe, the transactions of their department.

SEC. 50. Nothing in this act shall be construed to extend the time of any officer beyond the time for which he was elected, or that of any soldier beyond the time for which he was enlisted.

SEC. 51. There shall be levied and collected annually in each county within this state, at the time and in the same manner that all state and county taxes are levied and collected, one-tenth ($\frac{1}{10}$) of a mill on each dollar of taxable property in this state, situate in said county, and to be set apart as a military fund of this state, and paid into the state treasury as such; and the fund so collected is hereby annually appropriated to carry out the provisions of this act not otherwise provided for, and all warrants against said military fund shall be drawn by the auditor upon the state treasurer upon the certificate of the adjutant-general, approved by the governor.

SEC. 52. Inasmuch as the appropriation provided for in section 51 cannot be realized until the year 1880, there is hereby appropriated and set apart as a military fund, until that time, the sum of twenty thousand dollars, out of any money in the treasury not otherwise appropriated, which sum shall be used and applied for the purpose, and in the manner, specified in section 51 of this act.

SEC. 53. Chapter 125, acts of the seventeenth general assembly, and all other acts or portions of acts in conflict herewith, are hereby repealed.

SEC. 54. This act, being deemed of immediate importance, shall take effect from and after its publication in the *Iowa State Register* and *Iowa State Leader*, newspapers published at Des Moines, Iowa.

A BILL

FOR AN ACT TO PROVIDE A MILITARY CODE, AND FOR THE ORGANIZATION, GOVERNMENT AND SUPPORT OF THE STATE MILITIA, AND TO REPEAL CHAPTER 125, LAWS OF SEVENTEENTH GENERAL ASSEMBLY.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That all able-bodied
2 male citizens of the state, between the ages of eighteen and forty-five years, who are not ex-
3 empted from military duty according to the laws of the United States, shall constitute the mili-
4 tary force of this state: *provided,* that all persons who have served in the United States ser-
5 vice for the period of one year, and have been honorably discharged therefrom, are exempt
6 from duty under the military laws of the state; but nothing herein contained shall be con-
7 strued to prohibit any person from becoming a member of any military organization, or hold-
8 ing any office in the militia of this state.

SEC. 2. Assessors in each township are required to make and return to the county audi-
2 tor of their respective counties, at the time of making the annual assessment, a correct list
3 of persons subject to military duty, which list may be revised and corrected by the board of
4 supervisors, and the county auditor shall, in the month of June in each even numbered year,
5 or at such other time as the governor may direct, certify to the adjutant-general a true copy
6 of said list, and in each odd numbered year he shall certify to the number of names on said
7 list.

SEC. 3. When a requisition shall be made by the president of the United States for troops,
2 the governor, as commander-in-chief, shall, by his proclamation, order out for active service
3 the militia of the state, or such portion thereof as may be necessary, designating the same
4 by draft, if a sufficient number shall not volunteer, and may organize the same, and commis-
5 sion officers therefor; and when so ordered out for service, the militia shall be subject to like
6 regulations, and receive from the state like compensation and subsistence, as are prescribed
7 by law for the army of the United States.

SEC. 4. The commander-in-chief shall have power, in case of insurrection, invasion or
2 breaches of the peace, or imminent danger thereof, to order into the service of the state such

31 of its military force as he may deem proper, and under the command of such officers as he
 4 shall designate.

SEC. 5. In case of any breach of the peace, tumult, riot, or resistance to process of this
 2 state, or imminent danger thereof, it shall be lawful for the sheriff of any county to call for
 3 aid upon the commandant of any military force within his county, immediately notifying
 4 the governor of such action; and it shall be the duty of the commandant upon whom such
 5 call is made, to order out in aid of the civil authorities the military force, or any part thereof,
 6 under his command.

SEC. 6. The command of any force called into service under sections 4 and 5 shall devolve
 2 upon the senior officer of such force, unless otherwise specially ordered by the commander-
 3 in-chief.

SEC. 7. The military forces of this state, when in the actual service of the state in time
 2 of insurrection, invasion, or immediate danger thereof, shall, during their time of service, be
 3 paid, by an appropriation especially made therefor, the following sums each for every day
 4 actually on duty:

5	To each general, field and staff officer	-	-	-	-	\$4.00
6	To every other commissioned officer	-	-	-	-	2.50
7	To every non-commissioned staff officer	-	-	-	-	2.00
8	To every other enlisted man	-	-	-	-	1.50

SEC. 8. All officers and soldiers, while on duty or assembled therefor pursuant to the
 2 order of any sheriff of any county in cases of riot, tumult, breach of peace, or whenever
 3 called upon to aid the civil authorities, shall receive the same compensation as provided for
 4 in section 7, and such compensation shall be audited, allowed and paid by the supervisors of
 5 the county where such service is rendered, and shall be a portion of the county charges of
 6 said county, to be levied and raised as other county charges are levied and raised.

SEC. 9. The active militia shall be designated "the Iowa national guard," and shall con-
 2 sist of nine (9) regiments of infantry, and one (1) regiment of cavalry, and one (1) regiment
 3 of artillery, and shall be recruited by volunteer enlistments.

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 2 manded by two brigadier generals. The commander-in-chief shall assign all regiments, bat-
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 4 shall be for five years; and made by signing enlistment papers prescribed by the adjutant-
 5 general, and taking the following oath or affirmation, which may be administered by the
 6 enlisting officer, to-wit:

7 "You do solemnly swear (or affirm) that you will bear true allegiance to, and that you will
 8 support the constitution of the United States and the state of Iowa, and that you will serve
 9 the state of Iowa faithfully in its military service for the term of five years, unless sooner
 10 discharged or you cease to become a citizen thereof; that you will obey the orders of the
 11 commander-in-chief and such officers as may be placed over you, and the laws governing the
 12 military forces of Iowa—so help you God."

SEC. 11. The staff of commander-in-chief shall consist of an adjutant-general, an inspec-
 2 tor-general, a quartermaster-general, a commissary-general, and a surgeon-general, and such
 3 other officers as he may think proper to appoint. The adjutant-general shall rank as a ma-
 4 jor-general. He shall issue and transmit all orders of the commander-in-chief, with referencé
 5 to the militia or military organizations of the state, and shall keep a record of all officers
 6 commissioned by the governor, and of all general and special orders and regulations, and of
 7 all such matters as pertain to the organization of the state militia and the duties of an adju-
 8 tant-general, and, except in times of war or public danger, he shall perform the duties of
 9 quartermaster-general, as required by law, without additional compensation therefor. He
 10 shall have charge of the state arsenal and grounds, and shall receive and issue all ordnance
 11 stores and camp equipage on order of the commander-in-chief. He may appoint, with the
 12 approval of the governor, an ordnance-sergeant, at a salary of not more than \$500 per year,
 13 who shall, under the direction of the adjutant general, take charge of the state arsenal and
 14 grounds, and shall aid and assist him in the discharge of his duties. He shall furnish,
 15 at the expense of the state, such blanks and forms as shall be approved by the com-
 16 mander-in-chief. He shall also, on or before the first day of October next preceding the reg-
 17 ular session of the general assembly, and at such other times as the governor shall require,
 18 make out a full and detailed account of all the transactions of his office, with the expense of
 19 the same for the preceding two years, and such other matters as shall be required by the gov-
 20 ernor. He shall reside at the state capital and shall hold his office during the pleasure of the
 21 governor, and shall receive for his services \$1,500 per year.

SEC. 12. The generals of brigades shall be elected by the officers and enlisted men of each
 2 brigade respectively, and shall hold their office for five years, or until removed by court-mar-
 3 tial or resignation. On recommendation of brigade commanders, the governor shall appoint
 4 and commission the brigade staff, as follows: Assistant-adjutant-general, with rank of lieu-
 5 tenant-colonel; assistant-inspector-general, with rank of major; surgeon, with rank of major;
 6 quartermaster, with rank of captain; commissary, with rank of captain; and to aids-de-camp,
 7 with rank of first lieutenant; judge advocate, with rank of major.

SEC. 13. A regiment shall consist of not less than eight nor more than ten companies. The colonel and lieutenant-colonel and major of all regiments shall be elected as hereinafter provided. The regimental staff shall consist of a surgeon, with rank of major; assistant-surgeon, with rank of captain; chaplain, with rank of captain; adjutant, with rank of first lieutenant; quartermaster, with rank of first lieutenant; who shall be appointed and commissioned by the governor, on recommendation of the regimental commander. The colonel of each regiment shall appoint by warrant, countersigned by the adjutant, a sergeant-major, quartermaster-sergeant, commissary-sergeant, hospital steward, color-sergeant, ordnance-sergeant, drum-major, fife-major, and one bugler, who shall constitute the non-commissioned staff. All field officers shall hold their offices for five (5) years. The commissions of all staff officers shall expire when the officer nominating them or his successor shall make new nominations to their respective offices, and such nominations shall be confirmed by the commander-in-chief.

SEC. 14. The generals of brigades, and regimental commanders, may cause to be organized and enlisted a band, under the leadership of the principal musician of his command, not to exceed sixteen (16) in number, who shall be subject to the orders of such leader, and shall be under the command of such brigade, or regimental commander, and shall be subject to the same regulations as are prescribed for other enlisted men.

SEC. 15. 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. Company officers shall be elected by members of the company, and shall hold their offices for five (5) years. All non-commissioned officers of companies, on recommendation of their captains, shall be appointed by the warrant of the regimental commander, countersigned by the adjutant. 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. The orders for such election shall be sent to the commanding officer of the company in which said election is ordered, who shall in turn issue his special order for such election, giving at least six days' notice thereof, posting said order 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 by ballot, and no voting by proxy shall be legal; and a majority of all votes cast shall be necessary to elect. The senior officer present at such election shall preside. The returns of election, properly attested, shall be made promptly within five days from the date of election, to the commanding officer of the regiment, who shall promptly forward the

result of said election to the brigade commander, who shall report the same to the adjutant general of the state, by whose approval the commander-in-chief will issue commissions accordingly: *provided*, that at the organization of a new company the election shall be conducted under such regulations as the adjutant-general shall prescribe.

SEC. 16. Every company and regiment may make by-laws for its own government not in conflict with this act or general orders or regulations, which shall be binding upon the members.

SEC. 17. Every officer and soldier of the Iowa national guard shall be held to duty for the full term of five (5) years, unless regularly discharged for good and sufficient cause by the commandant of his regiment, approved by the commander-in-chief: *provided*, that said term of five (5) years shall in all cases commence from the time such officer or soldier shall have become an active member of any band, company, regiment or brigade organized or commissioned under the laws of this state, and now belonging thereto. All persons serving five (5) years consecutively in the national guard shall, on application, be entitled to an honorable discharge, exempting them from military duty except in time of war or public danger.

SEC. 18. The organization, equipment, discipline and military regulations of the Iowa national guard shall strictly conform to the regulations for the government of the army of the United States, in all cases except as herein otherwise provided, and all orders and regulations governing troops, not in conflict with the constitution of this state and the provisions of this act, shall be binding upon all members of the Iowa national guard.

SEC. 19. Every officer and soldier of the Iowa national guard shall be exempt from jury duty, from head or poll tax of every description, during the term he shall perform military duty. The uniforms, arms and equipments of every member of the state guard shall be exempted from all suits, distresses, executions or sales for debt or payment of taxes. The Iowa national guard shall, in all cases except treason, felony or breach of the peace, be privileged from arrest during their attendance at drills, parades, encampments, and the election of officers, and in going to and returning from the same.

SEC. 20. The commandant of each regiment shall order monthly or semi-monthly, day or evening drills, by the companies of his command, and the members thereof shall receive no compensation for their services while attending such drills.

SEC. 21. The Iowa national guard may parade for drill not less than three nor more than five days annually, by company, regiment or brigade, as ordered by the commander-in-chief. The quartermaster-general shall provide transportation to and from all such parades or encampments. The commissary-general, under the direction of the commander-in-chief, shall provide the subsistence for all forces so encamped, such subsistence to conform as near as

6 practicable to the ration prescribed by the general regulations of the army of the United
 7 States, and to be issued in kind.

SEC. 22. The commanding officer of any encampment may cause those under his com-
 2 mand to perform any field or camp duty he shall require, and may put under arrest during
 3 such encampment or parade any member of his command who shall disobey a superior offi-
 4 cer, or be guilty of disorderly or unmilitary conduct, and any other person who shall trespass
 5 on the parade or encampment grounds, or in any way interrupt or molest the orderly dis-
 6 charge of duty by members of his command; and he may prohibit the sale of all spirituous
 7 or malt liquors within one mile of such encampment, and enforce such prohibition by force,
 8 if necessary: *provided, however,* that nothing herein contained shall be construed to interfere
 9 with the regular business of any liquor dealer whose place of business shall be situated with-
 10 in said limits.

SEC. 23. For the use of the Iowa national guard in target practice, the adjutant-general
 2 shall issue to each infantry or cavalry company, on the requisition of the commanding officer
 3 thereof, an amount not exceeding one thousand rounds of fixed ammunition in each year,
 4 and for the use of the artillery he shall issue in each year not exceeding fifty pounds of pow-
 5 der to each company.

SEC. 24. Upon the organization of any company or regiment of the national guard, on
 2 the requisition of its commanding officer and the approval of the governor, the adjutant-gen-
 3 eral shall issue all necessary ordnance and ordnance stores: *provided, however,* that when any
 4 arms or munitions are delivered to any commander, he shall execute and deliver to the adju-
 5 tant-general a bond, payable to the people of the state of Iowa, in sufficient amount, and
 6 with sufficient sureties, to be approved by the governor, conditioned for the proper use of such
 7 arms and munitions, and return of the same, when requested by the proper officers, in good
 8 order, wear, use and unavoidable loss and damage excepted. All arms shall be kept at the
 9 company or regimental armory.

SEC. 25. Such inspection of the Iowa national guard shall be made as the commander-in-
 2 chief may from time to time direct.

SEC. 26. Any officer or soldier of the Iowa national guard knowingly making any false
 2 certificate, or false return of state property in his hands, or willfully neglecting or refusing
 3 to apply all money drawn from the state treasury for the purpose named in the requisition
 4 therefor, shall be guilty of embezzlement and fraud, and shall be punished in the manner as
 5 provided for like offenses in the criminal code of this state.

SEC. 27. The several regiments of the Iowa national guard shall adopt the present dress
 2 uniform of the army of the United States.

SEC. 28. The field, staff and line officers of the Iowa national guard 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.

SEC. 29. Every officer or soldier who shall willfully 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 make such return, or to place the same in his charge, shall be fined not more than fifty dollars, or imprisoned not more than thirty days.

SEC. 30. Every person who shall willfully or wantonly injure or destroy any uniform, arm, 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 thereof, shall be fined not more than two hundred dollars, or imprisoned not more than six months, or both.

SEC. 31. Every soldier absent without leave or sufficient excuse from any parade, drill or encampment, shall be fined two dollars (\$2) for each day of absence; and for any unsoldierly conduct at drill, parade or encampment he may be fined not more than ten dollars (\$10), such fines to be collected by civil suit; and all suits for the collection of fines shall be brought in the name of the state of Iowa, for the use of the company to which the soldier fined belongs; but in no case shall the state pay any costs of such suits. Nothing herein shall be construed to prevent any company or band imposing such fines upon its members as it may think proper in its by-laws, which fines may be enforced in the same manner as hereinbefore provided for the collection of fines for absence from drill, parade or encampment.

SEC. 32. A judge advocate, with the rank of major, shall be appointed for each brigade, and hold office during the pleasure of the commander-in-chief, who shall perform the duties of such office in the court-martial held in his district; and no other person shall prosecute or defend in such courts; but when he shall be unable to attend, from any cause, 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.

SEC. 33. Commissioned officers, for neglect of duty, disobedience of orders or unsoldierly or ungentlemanly conduct, may be tried by court-martial, provided that no sentence of any court-martial shall affect the life, liberty or property of any citizen of Iowa, according to the regulations provided in like cases in the army of the United States. The commander-in-chief, by order, shall designate the time and place of holding such courts, and the names of officers composing it, consisting of not less than three nor more than six. The senior officer named shall preside, and shall be of superior rank to the officer on trial, when practicable.

8 Witnesses for the prosecution and defense may be summoned to attend by subpoena signed
 9 by the judge advocate. Any witness, duly summoned, who shall fail to appear and testify
 10 may be, by warrant of the president of the court, directed to the sheriff or any constable,
 11 arrested and treated as in like cases before civil courts. The fees of all witnesses shall be the
 12 same as allowed in civil cases, to be taxed, with the necessary expenses of the judge advocate
 13 and the court, by the president of the court, and paid by the state treasurer, on the auditor's
 14 warrant, to the judge advocate, who shall pay all expenses of the trial, when received by him.

SEC. 34. The sentences of courts-martial shall be approved or disapproved by the com-
 2 mander-in-chief, who may mitigate or remit any punishment awarded by sentence of court-
 3 martial, when such sentence shall have been approved by the brigade commander. The
 4 record of all the proceedings and the sentence of a court-martial in every case, with the
 5 order approving or disapproving it, shall be deposited in the office of the adjutant-general.

SEC. 35. Every brigade and regimental commander in the Iowa national guard is hereby
 2 authorized to appoint a military board or commission, of not less than three nor more than
 3 five officers, whose duty it shall be to examine the capacity, qualifications, propriety of con-
 4 duct and efficiency of any commissioned officer in his command, who may be reported to the
 5 board of commission; and upon the report of said board, if adverse to such officer, and if ap-
 6 proved by the commander-in-chief, the commission of such officer shall be vacated: *provided*,
 7 *always*, that no officer shall be eligible to sit on such board whose rank or promotion would
 8 in any way be affected by the proceedings: and two members, at least, shall be of equal or
 9 superior rank with the officer examined; and if any officer shall refuse to report himself,
 10 when directed, before such board, the commander-in-chief may, upon the report of such re-
 11 fusal by his commander, declare his commission vacated.

SEC. 36. It shall not be lawful for any body of men whatever, other than the regularly
 2 organized volunteer militia of this state and the troops of the United States, to associate
 3 themselves together as a military company or organization, or to drill or parade within the
 4 limits of this state without the license of the governor thereof, which license may at any
 5 time be revoked: *provided*, that nothing herein contained shall be so construed as to prevent
 6 social or benevolent organizations from wearing swords.

SEC. 37. Every soldier of the Iowa national guard shall provide and keep himself provided
 2 with a uniform, according to the rules and regulations prescribed by law, and subject to such
 3 restrictions, limitations and alterations as the commander-in-chief may direct.

SEC. 38. In lieu of uniforms being furnished in kind by the state, there shall annually be
 2 paid to each soldier having complied with section 37, the sum of four dollars, to be paid
 3 under such provisions as the commander-in-chief may direct, unless a majority of the mem-

4 bers of a company prefer to own their uniforms, in which case there shall be no payment to
5 the members of said company, as herein contemplated, but the said uniforms shall be the
6 property of the members of said company respectively furnishing the same.

SEC. 39. In all other cases except those provided for in the preceding section, all uniforms
2 and other military property shall belong to the state and be used for military purposes only,
3 and each soldier, upon receiving a discharge or otherwise leaving the military service of the
4 state, or upon demand of his commanding officer, shall forthwith surrender the said uniform,
5 together with all other articles of military property that may be in his possession, to said
6 commanding officer.

SEC. 40. There shall be allowed annually, for postage, stationery and office incidentals to
2 each brigade headquarters, the sum of \$25; to each regimental headquarters the sum of \$25,
3 and to each company headquarters the sum of \$10.

SEC. 41. There shall be allowed annually to each company for armory rent, fuel, lights,
2 and like necessary expenses, the sum of \$50.

SEC. 42. Such clerical assistance shall be employed in the adjutant-general's office as shall
2 in the opinion of the governor, be actually necessary, and any person so employed, shall re-
3 ceive, for the time they may be actually necessarily on duty, such compensation as the gov-
4 ernor may prescribe.

SEC. 43. The commander-in-chief is authorized to make and publish regulations for the
2 government of the Iowa national guard, in accordance with existing laws.

SEC. 44. Any soldier guilty of a military offense may be put and kept under guard by the
2 commander of a company, regiment, or brigade, for a time not extending beyond the term of
3 service for which he is then ordered.

SEC. 45. The commander-in-chief shall have full power, at any time, to disband any com-
2 pany of the Iowa national guard when it shall fall below a proper standard of efficiency, and
3 he may order special inspections with a view to disbandment. When any company shall be
4 disbanded under the provisions of this section, its place in its regiment shall not be supplied
5 by the acceptance of another company, nor shall any new company be accepted into the na-
6 tional guard until the first day of May, 1882, nor until authority for this purpose shall be
7 given by the general assembly.

SEC. 46. In this chapter the word "soldier" shall include musicians, and all persons in
2 the volunteer or enrolled militia, except commissioned officers, and the word "company"
3 shall include battery.

SEC. 47. The medical staff of the Iowa national guard shall have charge of that branch
2 of the service, under the supervision of the surgeon-general.

SEC. 48. A surgeon in charge in the field or at a camp of instruction may draw, on requisition, such medical stores and supplies as in his judgment may be needed, and for which he shall account, on forms provided by the quartermaster-general.

SEC. 49. The surgeon-general may prescribe the necessary forms and blanks for the work of his department; and all subordinate surgeons of the Iowa national guard will obey his orders, and report, as often as he may prescribe, the transactions of their department.

SEC. 50. Nothing in this act shall be construed to extend the time of any officer beyond the time for which he was elected, or that of any soldier beyond the time for which he was enlisted.

SEC. 51. There is hereby appropriated the sum of twenty thousand dollars per annum, or so much thereof as may be necessary, out of the state treasury, not otherwise appropriated for the purposes named in this act.

SEC. 52. Chapter 135, acts of the seventeenth general assembly, and all other acts or portions of acts in conflict herewith, are hereby repealed.

SEC. 53. This act being deemed of immediate importance shall take effect from and after its publication in the *Iowa State Register* and the *Iowa State Leader*, newspapers published at Des Moines, Iowa.

AMENDMENT TO SENATE FILE NO. 117.

Amend line 5, section 1, by striking out the words "for the period of one year."

Amend section 45 by inserting after the word "disbandment," in the third line, the following: "All companies not acceptably uniformed within four months after the passage of this act shall be considered below the proper standard of efficiency within the meaning of this section, and shall be disbanded."

Amend section 45 by striking out the words "have full power at any time to," after the word "shall," in the first line.

Amend section 51 by adding after the word "act," in the sixth line, the following: "And all warrants against said appropriation necessary to carry out the provisions of this act shall be drawn by the auditor of state upon the state treasurer, upon the certificate of the adjutant-general, approved by the governor. And no indebtedness shall be created under the provisions of this act not covered by the appropriation herein made."