

rights, made by the board of railroad commissioners as provided herein, may, in its discretion, be extended, and said extension of time may be granted for the purpose of testing the legality thereof, upon application by any such aggrieved railroad, showing reasonable grounds therefor, and that said application is made in good faith and not for the purpose of delay. When any railroad shall fail upon appeal to secure a vacation of the order from which it has appealed, it may apply to the court in which said appeal is finally adjudicated for an order remitting the penalty which has accrued during the pendency of the appeal and upon a satisfactory showing that the order appealed from was unreasonable or unjust, or that the power of the board to make the same was doubtful and that said appeal has been prosecuted in good faith and not for the purposes of delay, such court may remit the penalty that has accrued during the pendency of the appeal."

Approved April 16, A. D. 1909.

CHAPTER 130.

FREE PASSES BY COMMON CARRIERS.

S. F. 218.

AN ACT to amend the law as it appears in section twenty-one hundred fifty-seven-g (2157-g) of the supplement to the code, 1907, relating to free passes by common carriers.

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

SECTION 1. **What permitted.** That the law as it appears in section twenty-one hundred fifty-seven-g (2157-g) of the supplement to the code, 1907, is hereby amended by striking out the words "such members", in subdivision j thereof and substituting therefor the words "employees who die while in the service of such common carriers".

Approved March 25, A. D. 1909.

CHAPTER 131.

THE MILITARY CODE OF IOWA.

H. F. 250.

AN ACT to repeal title eleven (XI) of the code and the law as it appears in title eleven (XI) of the supplement to the code, 1907, relating to the militia and enacting a substitute therefor to be known as "The Military Code of Iowa."

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

SECTION 1. **Repeal and re-enactment of military code.** That title eleven of the code of Iowa and the law as it appears in title eleven of the supplement to the code, 1907, is hereby repealed and the following enacted in lieu thereof to be officially designated and known as, "The Military Code of Iowa."

SEC. 2. **Militia, who constitutes—enumeration—exemption.** The military force of the state of Iowa shall consist of every able-bodied male citizen, and every able-bodied male of foreign birth, who has declared his intention to become a citizen, who is between the ages of 18 and 45 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 assessor 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. But no person having conscientious scruples against bearing arms shall be compelled to do military duty in time of peace.

SEC. 3. The guard—soldier and company defined. The organized militia shall be designated as the "Iowa National Guard," hereinafter referred to as "the guard," and it shall be recruited by volunteer enlistments, from persons of the state eligible to military duty. In this act 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, troop, band, signal corps and hospital corps except as herein otherwise provided.

SEC. 4. Guard to conform to federal requirements. The organization, armament, equipment and discipline of the guard, except as hereinafter specifically provided, shall be the same as that which is now or may be hereafter prescribed under the provisions of the act of congress approved January 21, 1903, as amended May 27, 1908, relating to the militia or any subsequent amendments thereto or substitutes therefor; and as to those requirements which are mandatory therein as may be prescribed by the regulations of the war department published in pursuance therewith, and so far as the governor may prescribe as to these things which are optional therein; and any change hereafter made shall become effective as to the guard when an order or regulation to that effect shall have been promulgated by the governor.

SEC. 5. Organization of the guard. The guard shall consist of at least four regiments of infantry, with such necessary complement of machine gun companies as may at any time be prescribed, one medical department consisting of a medical corps, and a hospital corps, and, at the discretion of the governor, two signal companies, one regiment of cavalry, four batteries, and such other staff corps or departments as may be prescribed by the governor; and to further conform to the national militia laws, the governor shall, from time to time, prescribe in regulations and orders the organization of the guard in such manner as to make the said organization conform to the requirements for the organized militia under the laws of the United States.

SEC. 6. Other military organization prohibited. It shall be unlawful for any body of men, other than the guard of this state and the troops of the United States, to associate themselves together as a military company or organization 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 civic, social or benevolent organizations from wearing uniforms and swords not in conflict with the other provisions of this act.

SEC. 7. Governor to make and publish regulations and orders. The governor is authorized to make and publish regulations and orders for the government and discipline and uniforming of the guard not in conflict with existing laws.

SEC. 8. Laws and regulations governing guard. The guard shall be subject to the military code of Iowa and all regulations and orders made and published in pursuance therewith, and in all matters not specifically covered thereby it shall be subject to the regulations of the war department governing the organized militia, the articles of war, the army regulations, and such regulations and orders as may be made and published in pursuance therewith.

SEC. 9. Incorporation of companies. Companies may incorporate under chapter two, title nine of the code of Iowa. The articles of incorporation may

provide for the methods of administration of civil business, and may provide for such officers as may be deemed necessary. The articles of incorporation shall be approved by the regimental commander and the adjutant general, and such approval endorsed thereon, before the same are recorded. They must provide among other things, that the name of the corporation shall be identical with the military designation of the organization, and that the officers of the company shall be officers of the corporation.

SEC. 10. Company rules and by-laws—capacity to sue. Each company may make rules and by-laws for its own government, not in conflict with existing laws and regulations and orders, subject to the approval of the regimental commander. Any person who is by such rules and by-laws made the custodian of any funds, whether originally derived from federal, state or other sources, shall have legal capacity to sue for the collection thereof or an accounting therefor.

SEC. 11. Officers terms—who elect—conduct of elections. Every general, field and line officer of the guard shall be elected for a term of eight years, and each officer shall be held to service for the full term commissioned, unless he shall sooner resign and his resignation be accepted, or he be discharged or dismissed by sentence of court-martial; provided, that the term of any officer commissioned and serving at the time of the passage of this act shall not be extended by its enactment. It is hereby made the duty of any officer removing from the state, and of any company officer upon permanently removing his place of residence from the station of such company, to resign his commission, and upon failure to do so, his commission shall be revoked by the governor. All company officers shall be elected by a majority vote of the enlisted men of the organization for which said officer is to be elected and commissioned, and all field officers of a regiment shall be elected by the majority vote of the line officers of such regiment; and all general officers shall be elected by the majority vote of all the line officers of the organizations composing the brigade or division, for the command of which such general officer is to be elected. Only those officers or enlisted men who belong to their respective organizations at the time when the order for any election is issued shall be eligible to vote at such elections; and all voting shall be in person, by ballot and by signing duplicate tally sheets, and under such further regulations as may be promulgated by the governor.

SEC. 12. Examining boards. An examining board of three or more competent officers, appointed by the governor, 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 of the rank of lieutenant, captain or major or any person who shall have been elected or appointed as lieutenant, captain or major, who shall be ordered before it, provided, however, that any person elected or appointed to an office superior to the rank of major must pass or have passed the examination provided for major, and, upon the report of said board, if adverse to such officer and approved by the governor, the commission of such officer shall be vacated, or the commission withheld. 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 governor shall, upon the report of such refusal by such board, vacate his commission.

SEC. 13. Officers bonds. 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 act, 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 governor, 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. 14. Enlistments—continuous service—oath. All enlistments shall be for three years, except that enlistments made within ninety days from date of discharge from the guard or the United States army, by reason of expiration of term, shall be considered continuous service in the guard, and such re-enlistments may be for one, two or three years, as the soldier may elect. Each person enlisting must sign the enlistment paper prescribed by the adjutant general and take the following oath or affirmation which shall 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 national guard, serve the United States and the state of Iowa faithfully through your term of service, unless sooner discharged, and that you will obey the orders of the commander-in-chief and such officers as may be placed over you, and the laws and regulations governing the military forces."

SEC. 15. Governor's staff. The staff of the governor shall consist of an adjutant general, who shall be chief of staff, an assistant adjutant general, both 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 and twelve aids. The adjutant general and assistant adjutant general shall be appointed and commissioned by the governor, 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 aids may, at the discretion of the governor, 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 by the war department for service with the guard. The adjutant general shall have the rank of brigadier general and the assistant adjutant general that of colonel. The aids shall have the rank of lieutenant colonel except that any person so appointed, who has held a higher rank for a period of one year or more in the guard, may be appointed with the rank of the highest grade so held by him, and those 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 stationed 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 lieutenant colonel, as the governor may designate.

SEC. 16. Adjutant general—duties—report—assistant. The adjutant general shall issue and transmit all orders of the governor, and shall keep a record of appointments, of all officers commissioned by the governor, of all the general and special orders and regulations, and of such matters as pertain to the organization of the military force and his duties. He shall reside at the capital and hold his office at the pleasure of the governor. He shall have charge of the state arsenal and grounds and all other property of the state

kept or used for military purposes, and receive and issue all quarter-master and ordnance stores and camp equipage upon the order of the governor. The adjutant general shall furnish, at the expense of the state, such blanks and forms as shall be approved by the governor. He shall, in each year preceding a regular session of the general assembly, make out a detailed report of the transactions of his office, the expenses thereof and such other matters as shall be required by the governor for the period since the last preceding report, and the governor may, at any time, require a similar report. The assistant adjutant general shall be on duty with the adjutant general and shall perform such duties, under his direction as may be prescribed, and in the absence of the adjutant general shall perform the duties of that officer as acting adjutant general.

SEC. 17. Compensation of adjutant general and assistants. The adjutant general shall receive an annual salary of two thousand two hundred dollars in time of peace, and the assistant adjutant general shall receive an annual salary of one thousand five hundred dollars, and there shall be appointed a record clerk in the adjutant general's office who shall have charge of the war records under direction of the adjutant general, who shall receive a salary of twelve hundred dollars per annum, and such assistance shall be employed in the adjutant general's and quartermaster's departments 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. 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. 18. Staff officers—company non-commissioned officers—staff departments. The division staff shall be appointed and commissioned by the governor, upon the recommendation of the division commander. The brigade staff shall be appointed and commissioned by the governor, upon the recommendation of the brigade commander. The regimental staff shall be appointed and commissioned by the governor, upon recommendation of the regimental commander. The commissions of such division, brigade and regimental staff officers shall expire when the officer nominating them, or his successor, shall make new nominations for their respective offices, and when such persons shall have been appointed and commissioned. The commander of each regiment shall appoint by warrant from the enlisted men of his regiment, the non-commissioned staff, and upon recommendation of the company commanders he shall appoint the non-commissioned officers of each company and issue warrants to the persons thus appointed. When staff corps or departments are authorized by the governor as contemplated in section 5 of this act, the governor shall appoint and commission the chief of the staff corps or department, and shall appoint and commission such officers for such staff corps or department as may be authorized by orders and regulations, upon the recommendation of the chief of the staff corps or department.

SEC. 19. President may call—term of service—other troops. That whenever the United States is invaded or in danger of invasion from any foreign nation, or of rebellion against the authority of the government of the United States, or the president is unable, with the regular forces at his command, to execute the laws of the Union, it shall be lawful for the president to call forth such number of the national guard of Iowa as he may deem necessary to assist in repelling such invasion, suppressing such rebellion or to assist in enabling him to execute such laws, and to issue his orders for that purpose, through the governor, to such officers of the national guard of Iowa, as he

may think proper; and the president may specify, in his call, the period for which such service is required, and the guard so called forth shall continue to serve during the term so specified, either within or without the territory of the United States, unless sooner relieved by order of the president, provided that no commissioned officer or enlisted man of the guard shall be held to service beyond the term of his existing commission or enlistment. And whenever the president shall require, in any of the designated instances, more troops than can be supplied by the guard of the state, the governor shall, in his discretion, organize forthwith such other national guard forces as he may deem necessary, or order into the service of the United States so many of the unorganized militia of the state as is required, designating the same by draft if a sufficient number do not volunteer, and shall commission officers therefor.

SEC. 20. Governor may order out. The governor shall have the 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 forces as he may think proper, under the command of the senior officer thereof.

SEC. 21. Sheriff may call out. 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 authority.

SEC. 22. Parade, encampment, maneuver, target practice and school of instruction—transportation furnished. The guard may parade for encampment or drill annually, by division, brigade, regiment, battalion or company, as ordered by the governor, and the members thereof or assignments of details therefrom, at the discretion of the governor, may be called out or detailed for target practice, school of instruction or other practice or instruction. In lieu of the encampments provided herein, the governor may, in his discretion, order part or all of the guard to participate in field maneuvers or other exercises for instruction in conjunction with troops of the United States army. Transportation shall be furnished for all military purposes.

SEC. 23. Inspections—schools of instruction. The governor 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 governor shall fix their compensation therefor in the orders for such inspections. The governor 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 of determining such efficiency. Schools of instruction may be ordered when sufficient funds are available beyond other requirements of this act.

SEC. 24. Compensation and allowances for officers and men—stoppage of pay. The military force, when in active service of the state upon the call of the governor or sheriff of any county, and the guard when paraded for drill, encampment, target practice, school of instruction, or other duty under orders of the governor, shall be paid the following compensation for time actually on duty; each commissioned officer shall receive for such service the pay of his rank in the United States army, without allowances, increase or additions on account of length of service, and without subsistence or other allowances other than transportation and quarters, except as herein otherwise provided. Enlisted men shall be furnished transportation, subsistence and quarters, and in addition thereto shall receive the following per diem: Chief musician, three dollars (\$3.00); principal musician, drum major, first class

sergeant, regimental sergeant major, commissary sergeant, quartermaster sergeant, color sergeant, first sergeant, two dollars (\$2.00); battalion sergeant major, company quartermaster sergeant, sergeant and cook, one dollar and seventy-five cents (\$1.75); corporal, farrier, saddler, blacksmith, one dollar and fifty cents (\$1.50); private, one dollar and twenty-five cents (\$1.25). Enlisted men who have served continuously for three years and not more than five years, shall receive an added amount of fifteen per cent of the above per diem, and those who have served continuously five years or more, an added amount of twenty-five per cent of the above per diem. When in actual service of the state, pursuant to the order of the governor, the compensation of the military force shall be paid out of the state treasury, and when such service is rendered upon the call of a sheriff of a county, such compensation shall be paid from the treasury of the county whose sheriff called for such military force. The claims for such services shall be audited and allowed in the former case by the governor and in the latter by the board of supervisors, upon presentment of proper claims therefor, at its next session. Should any part of the compensation above provided be paid by the United States, there shall be paid from the state or county treasury only that part thereof not paid by the United States. When on duty on rifle practice, range competition, or schools of instruction, officers shall receive such compensation or allowances as the governor shall designate in orders with reference thereto. Compensation, subject to payment by the state of Iowa, to the officers and enlisted men of the guard for military service, shall be subject to stoppage of payment for loss or damage to public property issued them for military uses.

SEC. 25. Allowance for office expenses. There shall be allowed annually to each division or brigade commander the sum of one hundred dollars and to each regimental commander the sum of three hundred dollars, which shall be paid in full in lieu of office rent, clerk hire, and for postage, stationery, issuing orders, making official records and all other papers or clerical work of such headquarters; and there shall be allowed annually to each company commander the sum of one hundred dollars, to each inspector of small arms practice, to the chief surgeon, to each major surgeon, and to each chief musician of bands, the sum of fifty dollars, for postage, stationery, issuing orders, making official returns, copying official records, and all other paper work required by regulations, which sum shall be payment in full for such services. All payments shall be made semi-annually and in the amounts as herein provided.

SEC. 26. Armory rent—how apportioned. There shall be allowed annually to each company for armory rent, lights, fuel and janitor service and like necessary expenses, not to exceed the sum of eight hundred dollars (\$800.00); to each band not to exceed the sum of five hundred dollars (\$500.00), and to each detachment of the hospital corps not to exceed the sum of three hundred dollars (\$300.00), or so much thereof as may be necessary, to be paid in such amounts, either in part or in whole, and under such regulations as a board of officers appointed by the governor shall prescribe, and approved by him.

SEC. 27. Rifle ranges—annual allowance. The governor 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 governor 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 governor 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 act.

SEC. 28. Drill allowance for miscellaneous uses. There shall be allowed annually to each company for miscellaneous military uses not otherwise provided for by the state, not to exceed the sum of five hundred dollars (\$500.00), the same to be paid semi-annually; companies showing full attendance and actual drill of those present of two hours each week shall be entitled to the full sum of five hundred dollars (\$500.00), and companies showing lesser attendance at drill shall be paid proportionately, provided that when a company's attendance at drill falls below fifty per cent it shall be deemed inefficient and forfeit its right to any allowance under this section. And for like purpose and under like requirements to each regimental band the sum of two hundred fifty dollars (\$250.00), and to each detachment of the hospital corps under like requirements the sum of one hundred twenty-five dollars (\$125.00). The same to be paid under such regulations as the governor shall prescribe.

SEC. 29. Stoppage of payments. No further payments shall be made under any provision of this act to the accountable officer of any organization, who does not fully and satisfactorily account to the adjutant general for all moneys theretofore paid to him under any provision of this act.

SEC. 30. Penalties for trespass, sale of liquors, etc. Any person who shall trespass upon the encampment grounds or the camp grounds of the military force of the state in active service or of the guard called out for encampment, drill, target practice or other duty, or interrupt, molest or interfere with any member of the guard in the discharge of his duty, or sell any malt or spiritous or other intoxicating liquor within one mile of such encampment, camp or station, except a person engaged in the business prior to the establishment of such encampment, camp or station under permit issued by lawful authority, shall be guilty of a misdemeanor and punishable therefor, 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.

SEC. 31. Penalty for false return—misappropriation of funds. Any officer or soldier of the guard knowingly making any false certificate of muster or false return of state property or funds 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 money not so applied, or both such fine and imprisonment, and all costs of prosecution.

SEC. 32. Military stores property of the state—accountability. All arms, uniforms, equipments and other military property furnished or issued by the state, or for which an allowance has been made, shall belong to the state, and shall be used 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 such state military property in his possession to said commanding officer. 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, uniforms, equipments or other military property, 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.

SEC. 33. Injury to or destruction of military property. Every person who shall wilfully or wantonly injure or destroy any article of uniform, arms, equipment or other military property furnished or issued by 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, shall be punished by a fine [of] not less than one hundred dollars (\$100.00), nor more than five hundred dollars (\$500.00), or be imprisoned in the county jail for not more than four months or by both such fine and imprisonment.

SEC. 34. Exemptions. Every officer and soldier of the guard shall be exempt from jury duty, and labor on the road on account of 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 drill, parades, encampments, active service, election of officers, and in going to and 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. Every member of the guard who has served the full term of his commission or enlistment, shall, upon application, be entitled to an honorable discharge, exempting him from military duty, except in time of war or public danger.

SEC. 35. Service badges. The adjutant general from the available funds at his disposal, shall procure and issue to the officers and men of the guard, entitled thereto, service badges according to the design and pattern thereof as may be determined upon by the adjutant general and kept on file at the office of the adjutant general.

SEC. 36. Who may wear uniform—penalty. Every person who at any time wears a uniform of the United States army, navy, marine corps or the guard, or any part of such uniform or a uniform, or a part of a uniform similar thereto, within the bounds of the state of Iowa, is guilty of a misdemeanor, and if found guilty of such offense, he shall be punished by a fine of not less than fifty dollars (\$50.00) and not more than one hundred dollars (\$100.00), or by imprisonment in the county jail not exceeding thirty days, or by both such fine and imprisonment; provided, that nothing in this act shall be construed as prohibiting officers or enlisted men of the guard of the state of Iowa, or any other state, or of the United States army, navy, marine corps or revenue service, or forest service, or cadets at any university, college or school, from wearing such uniform or parts of uniform, while on military duty or duty connected therewith; and provided further that nothing in this act shall be construed as prohibiting inmates of any veterans' or soldiers' home, or any member of any war veterans' or sons of veterans' associations from wearing their uniform; and provided further that nothing in this act shall be construed as prohibiting persons of the theatrical profession from wearing such uniforms in any play house or theatre while actually engaged in following their profession; and provided further that nothing in this act shall be construed as prohibiting the uniformed ranks of civic societies parading or traveling in a body or being in encampments, or going to or from their place of meeting or when assembled in a lodge room in their adopted uniform.

SEC. 37. Fines—how collected—what admissable in civil suit. Every soldier absent from any tour of active service, parade, drill, encampment or inspection without leave or sufficient excuse, shall be fined two dollars (\$2.00) for each day of absence; and for any unsoldierly conduct during any such service he may be fined not more than ten dollars (\$10.00). 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 action. Any company may impose such other fines upon its members as it may think proper in its by-laws, which may be enforced in the manner above provided. The findings of the court martial provided in section 39 of this act for the trial of soldiers charged with such offenses shall be conclusive evidence on the question of whether or not the soldier was absent without

sufficient excuse or whether he was guilty of unsoldierly conduct or whether he was guilty of an infraction of the by-laws of the company. Upon the trial of the civil action above provided for, no evidence shall be competent on the part of the defendant except that he may show in defense that the court-martial that determined his guilt did not comply with the provisions of the law or was for any reason without jurisdiction to determine the question of his guilt.

SEC. 38. **General courts-martial.** Any member of the guard charged with an offense as defined in this act or in the articles of war or general regulations governing the organized militia and the army of the United States or any regulations promulgated by the governor under authority of this act, may be tried by a general court-martial ordered and appointed by the governor. The organization of the court and the forms of procedure shall, as far as practicable, be those prescribed in the articles of war and regulations for the army and organized militia, except that it shall not be necessary for the continuance or conclusion of the proceedings of any court-martial to have the minutes of its proceedings, which may be taken in shorthand, transcribed into longhand before the completion of such proceedings, but such transcript shall be filed within a reasonable time after the conclusion of the proceedings of such court. The punishment fixed by the sentence shall not be other than dismissal or dishonorable discharge from the service, or reduction to the ranks if a non-commissioned officer, and 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; except when the offense shall have been committed while in the active service of the state, when the punishment may be as prescribed in the articles of war, and a trial under this section shall be a trial within the provisions of section twelve of article one of the constitution of Iowa. Witnesses duly served with subpoena, signed by the judge advocate, shall appear and testify as if duly served with subpoena 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.

SEC. 39. **Inferior and home station courts-martial.** 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 provided for in similar courts by the United States army regulations. A home station courts-martial is hereby authorized for the trial of offenses referred to in section thirty-seven hereof. The governor shall provide regulations governing the same and the procedure connected therewith, provided that such regulations must prescribe at least five days' notice of the time of hearing of the charge, and shall provide that the hearing before such court-martial shall be public.

SEC. 40. **Approval of findings of courts-martial—record.** The proceedings of all general courts-martial shall be submitted to the governor, 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, who may in like manner mitigate or remit the punishment fixed in the sentence. In all cases the record of the proceedings of the court-martial, with the order of the governor or commanding officer accompanied therewith, shall be preserved as a permanent record in the office of the adjutant general.

SEC. 41. Exemption from taxation—use of public utilities. It shall be lawful for the boards of supervisors of the several counties and for the city councils of the several cities and towns of the state to exempt from taxation, all personal and real property, held and used for armory or military purposes; and it shall be lawful for any county or city or town which owns public utilities to grant to any organization of the guard which is stationed in such place, the free use of such public utilities.

SEC. 42. Governor may improve camp grounds and rifle ranges. The governor is authorized to expend from the funds appropriated for the support and maintenance of the guard such amounts as may be necessary in the erection of buildings and other improvements on the permanent camp grounds and rifle ranges purchased by the state for the use of the guard, or purchased by the United States for the use of the guard of this state, when in his judgment such buildings and improvements will be for the permanent good of the guard.

SEC. 43. Appropriation. There is appropriated out of any moneys in the treasury not otherwise appropriated, the sum of one hundred forty thousand (\$140,000) dollars per annum or so much thereof as may be necessary, for the support of the guard under the provisions of this act not applying to active service, which shall be drawn by a warrant, drawn by the auditor of state on the state treasurer, upon the certificate 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.

SEC. 44. Present commission, enlistments, contracts and organizations not affected—exceptions. The term of service and the rank of all officers and grades of all enlisted men in the guard at the time of the taking effect of this act shall not be affected thereby, unless especially mentioned herein, but each of said officers and enlisted men shall be held to service for the full period of the commission or enlistment under which he is then serving; neither shall the provisions of this act be construed to affect the continuity of the various organizations of the guard, nor of any contracts made by it, or by any of its organizations; provided, however, that upon the issuance of regulations and orders by the governor for the re-organization of the guard as herein contemplated or provided for, the governor may, if necessary in order to conform to such plan of re-organization, change the rank of any such officers or the grade of any such enlisted men.

Approved April 6, A. D. 1909.

CHAPTER 132.

LEVY OF TAX FOR THE POOR.

H. F. 230.

AN ACT to amend section two thousand two hundred and forty-seven (2247) of the code in relation to the levy of a poor tax.

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

SECTION 1. Amount of levy. That section two thousand two hundred and forty-seven (2247) of the code be amended by striking out the word "one" in the fifth line, and inserting in lieu thereof the word "two".

Approved April 8, A. D. 1909.