

MILITIA.

CHAPTER 135.

[H. B. No. 88—Purden.]

NATIONAL GUARD.

AN ACT Providing for the Retirement of Officers in the National Guard of the State of North Dakota, Who Have Rendered Faithful Service Therein for a Period of Ten Years or More.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. WHO MAY BE RETIRED.] Any commissioned officer in the national guard of the state of North Dakota, who has become disabled and incapable of longer performing the act of his office may, upon his own application to the governor of the state be placed upon the retired list.

§ 2. LENGTH OF SERVICE REQUIRED.] Any commissioned officer who has served faithfully for a period of ten years or more in the national guard of this state may upon his own application be placed upon the retired list with the next higher rank, and withdrawn from active service and command upon being officially notified by the regimental commander, attested by the adjutant general of the state. The commander in chief shall cause orders to be issued promoting and retiring the officer who makes application therefor in accordance with the provisions of this section.

§ 3. PROCEDURE.] Any officer desiring to be placed upon the retired list, either because of disability, or because of continuous service, shall make application to the adjutant general of the state, and upon approval of such application by the adjutant general, the governor of the state shall issue orders promoting and retiring such officer.

§ 4. OFFICERS ON RETIRED LIST SUBJECT TO ORDERS OF COMMANDER IN CHIEF ONLY.] The officers on the retired list shall only be subject to detail for duty by orders from the commander in chief, and he shall cause to be issued such orders as he may deem necessary detailing them for duty upon boards of officers for military purposes, courts martial, and courts of inquiry, and for such other military duties as in his judgment may be advisable. When, however, officers on the retired list are detailed for active duty, other than upon boards of officers, courts martial, and courts of inquiry, they shall only be entitled to the rank which properly belongs to the office the duties of which they are detailed to perform. When the

duty ends, or the detail is cancelled, the officer shall again return to the retired list, with his former retired rank. A roster of all officers on the retired list shall be kept in the adjutant general's office.

§ 5. PERMITTED TO WEAR UNIFORMS.] Officers on the retired list shall, on all occasions of duty, and on all occasions of ceremony, be permitted to wear the uniform of their respective rank.

§ 6. EMERGENCY.] An emergency exists in this that there is no provision of law for retiring officers of the national guard, therefore this act shall take effect and be in full force from and after its passage and approval.

Approved February 23, 1905.

CHAPTER 136.

[H. B. No. 109—Purden.]

NATIONAL GUARD.

AN ACT Providing That All Appointments to the Various Departments of the National Guard of the State of North Dakota Shall Be Made From Officers of the Field or Line.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. APPOINTMENTS TO BE MADE FROM OFFICERS OF THE FIELD OR LINE.] Whenever a vacancy shall occur in any of the departments of the national guard of the state of North Dakota, towit: The adjutant general's department, the supply department, the engineer and ordinance department, or judge advocate and inspector general's department, an officer shall be appointed and promoted thereto from the officers of the field or line of the national guard of the state of North Dakota.

§ 2. TERM OF OFFICE.] No appointment to any department of office shall be for a longer period than two years.

§ 3. OFFICERS AT THE END OF TERM OF OFFICE TO BE PLACED UPON RETIRED LIST OF NATIONAL GUARD.] Any commissioned officer either of the field or line who has been promoted to any one of the departments of the national guard of this state shall, at the end of his tour [term] of duty, towit, two years, be placed upon the retired list of the national guard of this state.

§ 4. EMERGENCY.] An emergency existing, in that there is no provision for the appointment of officers for the various departments of the National Guard of this state, either from the field or line of officers, therefore this act shall take effect and be in force from and after its passage and approval as provided by law.

Approved February 23, 1905.