

# ADJUTANT GENERAL

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## CHAPTER 4.

(H. B. No. 104—Committee Military Affairs.)

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### SALARY AND EXPENSES OF ADJUTANT GENERAL.

**An Act to Amend and Re-enact Sections 2360 and 2360a of the Compiled Laws of North Dakota for the Year 1913, Relating to the Salary and Expenses of the Adjutant-General.**

*Be it Enacted by the Legislative Assembly of the State of North Dakota:*

Sec. 1. That Section 2360 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted so as to read as follows:

Sec. 2360. AMENDMENT.) The Adjutant-General shall be in control of the military department of the state. He will perform such duties as pertain to the Adjutant-General and other chiefs of staff departments, under the regulations and customs of the United States Army. He will superintend the preparation of all returns and reports required by the United States from the state and will perform all the duties prescribed for him in this military code.

1. He shall keep a register of all the officers of the militia of the state, and keep in his office all records and papers required to be kept and filed therein, and make a report on or before the thirty-first day of December in each year to the Governor, including a detailed statement of all the expenditures for military purposes during that year.

2. He shall, at the expense of the state, when necessary, cause the military law, the general regulations of the state, and Articles of War of the United States, to be printed, indexed and bound in proper and compact form and distributed to the commissioned officers of this state at the rate of one copy to each, and to each commissioned officer and headquarters he shall issue one copy of the necessary text books and of such annual reports concerning the militia as the Governor may direct.

3. He shall cause to be prepared and issued all necessary blank books, blanks, forms and notices required to carry into full effect the provisions of this Chapter. All such books and blanks shall be and remain the property of the state.

4. The seal now used in the office of the Adjutant-General shall be the seal of his office, and shall be delivered by him to his successor.

5. The Adjutant General may have the necessary clerks and

employees and as many laborers as may be required from time to time.

6. In order that the National Guard of the State may receive the benefit of the funds provided by Congress, it shall be the duty of the Adjutant-General of the State to submit a plan of proposed field or camp service of instruction prepared by the commanding officer of the National Guard for the ensuing year, with an estimate of funds required for payment, subsistence and transportation of the portion of the National Guard participating therein, said estimate to furnish the details and to be made out in the form required by instructions from the Secretary of War.

7. He shall make such regulations relating to the preparation of reports and returns, and to the care and preservation of property for military purposes, whether belonging to the State or to the United States, as in his opinion the conditions demand, such regulations to be operative and in force when promulgated in the form of general orders, circulars or letters of instruction.

8. The Adjutant-General shall, in addition to other duties, organize and conduct a bureau of pensions, for the purpose of assisting ex-soldiers or sailors, residents of the state, who may apply for pensions on account of wounds or disability incurred in the service of the United States, establishing their claims, without fee or commission.

9. All military property of the state which, after a proper inspection, shall be found unsuitable for the use of the state, shall, under the direction of the Governor, be disposed of by the Adjutant-General at public auction after suitable advertisement of the sale, daily for ten days, in at least one newspaper published in the English language in the city or county where the sale is to take place; or the same may be sold at private sale when so ordered by the Governor. He shall bid in the property or suspend the sale whenever, in his opinion, better prices may or should be obtained. He shall from time to time, render to the Governor a just and true account of the sales made by him, and shall expend the proceeds of the same in the purchase of other military property, as the Governor may direct. He shall be responsible for all the arms, ordnance, accoutrements, equipments, and other military property which may be issued to the state by the Secretary of War in compliance with law; and it shall thereafter be his duty to prepare return of said arms and other property of the United States at the times and in the manner requested by the Secretary of War. He shall, upon the order of the Governor, turn into the Ordnance Department of the United States Army the rifles, carbines, bayonets, bayonet scabbards, gun slings, belts and such other necessary accoutrements and equipments, the property of the United States and now in possession of the state, which may be replaced from time to time, by new arms, equipments, etc., sent by the United States in substitution therefor, and cause the same to be shipped under the instructions from the Secretary

of War, to the designated arsenal or depot at the expense of the United States, and when the National Guard of the State shall be fully armed and equipped with standard service magazine arms, and the standard equipment and accoutrement of the United States Army, he shall cause all the remaining arms, equipments, etc., the property of the United States and in possession of the state, to be transferred and shipped as above directed.

10. He shall issue and cause to be issued all military property and make purchase for that purpose. No military property shall be issued to persons or organizations other than those belonging to the active militia, except to such portions of the reserve militia as may be called out by the Governor. Purchases of property not exceeding one hundred dollars in value shall be made in such manner as the Adjutant-General shall direct. If such purchase requires an expenditure exceeding one hundred dollars, and not exceeding five hundred dollars, he shall procure written proposals to furnish such property from at least two parties, and shall purchase such property from the lowest responsible bidder. If such purchase shall require the expenditure of a sum exceeding five hundred dollars he shall publicly advertise, for not less than ten days, for sealed proposals for the furnishing of such property. Such proposals shall be publicly opened by the Adjutant-General at the place, day and hour designated in such advertisement. The Adjutant-General shall, if the Governor approve, make contract with the lowest responsible bidder to furnish such property. All proposals and contracts made under the authority hereby conferred shall be filed in the office of the Adjutant-General. The Adjutant-General is authorized and directed whenever, in his opinion, it shall be to the interest of the state, to require a party who shall agree or contract to furnish such property, to give bond to the people of the state in such sum and with such surety as he shall direct, conditioned for the faithful performance of such agreement or contract. In case default is made, such bond shall be prosecuted by the Attorney-General and all moneys recovered shall be applied by the Adjutant-General to the benefit of the National Guard. All property purchased under the authority hereby granted shall be inspected by an inspector or an officer detailed for that purpose by the commanding officers of the National Guard, and no payment shall be made therefor until it shall appear by the certificate of such officer that such property is of the kind and quality specified in such agreement or contract. In case of insurrection, invasion, tumult, riot, breaches of the peace or imminent danger, or other exigency, the Governor may, upon the certificate of the commanding officer of the National Guard, temporarily suspend the operation of this paragraph and direct the Adjutant-General to purchase such military property as may be required in open market. He shall report such action, with the reason therefor, and a statement of the property pur-

chased and the prices paid therefor, to the Legislature at its next session.

11. He shall render annually to the Governor a statement in detail showing the acquisition and disposition of all clothing, ordnance, arms, ammunition and other military property on hand or issued.

12. He shall keep in his office a list of the retired officers of the organized militia, showing their age, military experience and training. He shall annually request the commandant of cadets of the agricultural college and state university to furnish him with the names of two graduates qualified to act as officer, and shall request from any other state educational institution that maintains an efficient military department, the name of one graduate similarly qualified. The names of the persons so reported to him, together with any others designated by the War Department of the United States, shall be added to the list of persons eligible for appointment as officers. In case of a call upon the Governor of North Dakota by the President of the United States for volunteers, all regiments organized in addition to the then organized militia of North Dakota, shall be officered above the rank of second lieutenant by officers selected and commissioned by the Governor by and with the advice of the Adjutant-General, from the persons whose names are listed in the Adjutant-General's office under this section, or from the officers and non-commissioned officers of the organized militia; provided, that no person shall be commissioned colonel of a volunteer regiment who has not served at least two years as a field officer in either the organized militia or volunteers or as a captain or field officer in the regular army of the United States, and that no person shall be commissioned major in volunteer regiment who has not served at least two years as either captain or first lieutenant in either the organized militia, volunteers or regular army of the United States.

Sec. 2. That Section 2360a of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted so as to read as follows:

Sec. 2360a. AMENDMENT.) The Adjutant-General shall, in addition to his other duties, organize and conduct a bureau of pensions, for the purpose of assisting ex-soldiers or sailors, residents of the state, who may apply for pensions on account of wounds or disability incurred in the service of the United States, in establishing their claims without fee or commissions. The salary of the Adjutant-General shall be \$2,700 per annum, which, with the necessary expenses incurred in conducting the bureau of pensions, office and clerk hire, furniture, light, fuel, postage and other office expenses, shall be paid from the general fund by warrants drawn by the State Auditor on the State Treasurer, on the order of the Governor.

Sec. 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 5, 1919.

## CHAPTER 5.

(H. B. No. 98—Committee Military Affairs.)

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QUALIFICATIONS OF ADJUTANT GENERAL.

An Act Amending Section 2373, Compiled Laws of North Dakota for 1913, Relating to the Qualifications of the Adjutant General; Providing for His Appointment by the Commander-in-Chief and Providing for the Appointment of Colonels, and Majors of Battalions and the Election of Commissioned Officers of Lower Rank.

*Be it Enacted by the Legislative Assembly of the State of North Dakota:*

That Section 2373, Compiled Laws of North Dakota for 1913, be amended and re-enacted to read as follows:

Sec. 1. That the Adjutant-General shall have personal charge of his office at the State Capitol and shall be appointed by the Commander-in-Chief from the commissioned officers of the National Guard of this state and such Generals shall have been a commissioned officer in active service in the Guard of this state for a period of at least three years immediately preceding his appointment, and the Judge Advocate and Pay Master shall be appointed from the commissioned officers of the National Guard of this state, each of whom shall have been a commissioned officer of the National Guard for a period of at least three years immediately preceding the appointment. Colonels and Majors of battalions shall be appointed according to seniority and Captains and Lieutenants of batteries or companies shall be elected by members of those organizations who shall have performed during the period of not more than twelve months immediately preceding the election, if such organization has been in existence for such period, at least sixty per cent of the duties required of them. Provided, that if an organization shall not have been in service for a period of twelve months immediately preceding the date of election, then those voting shall be required to have performed sixty per cent of duty for the time organized.

Sec. 2. EMERGENCY.) This Act is hereby declared to be an emergency and shall be in full force and effect from an after its passage and approval.

Approved March 5th, 1919.