

state any expenditures made upon said portion of said primary highway shall be under the direction of the state highway commissioner.

Routes.

SEC. 7. In determining the question of whether or not any particular route is the most feasible, no attention need be paid to routes heretofore selected for state highways.

Width of highway.

SEC. 8. All primary highways when graded shall be graded so that they shall have a running surface of not less than sixteen (16) feet in width.

Passed the Senate February 24, 1913.

Passed the House March 5, 1913.

Approved by the Governor March 12, 1913.

CHAPTER 66

[S. B. 68.]

RELATING TO THE STATE MILITIA.

AN ACT relating to the state militia, amending sections 7179, 7182, 7193, 7194, 7198, 7205, 7221, 7222, 7224, 7225, 7228 and repealing section 7195 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

Be it enacted by the Legislature of the State of Washington:

[Amends Rem.-Bal., § 7179; Pierce's Code, 1912, 337 §23.]

SECTION 1. That section 7179, Remington & Ballinger's Annotated Codes and Statutes of Washington, be and the same is hereby amended to read as follows:

Minimum strength of National Guard.

Section 7179. *Composition and Strength of the National Guard.* The National Guard of Washington shall include at all times an adjutant general's department, an infantry branch of not less than twelve companies, a coast artillery branch of not less than four companies and a cavalry branch of not less than one troop. The commander-in-chief may authorize and cause to be organized within the National Guard of Washington such additional departments, corps, branches, arms and organizations as he shall deem necessary, but in times of peace the total strength of the land forces shall not be in excess of four thousand officers and men. The strength and

Maximum.

composition of departments excepting the adjutant general's department, corps, branches, arms and tactical and administrative subdivisions shall be prescribed from time to time in orders or regulations by the commander-in-chief, in the cases of tactical and administrative subdivisions at all times conforming as nearly as practicable to the laws and regulations of the United States pertaining to the militia. Subject to the limitations imposed by law the commander-in-chief shall have power at will to alter, divide, consolidate, disband, muster out or reorganize departments, excepting the adjutant general's department, corps, branches, arms and tactical or administrative subdivisions either now existing or hereafter created. Nothing in this section shall be construed as affecting the present status of now existing organizations.

Organization may be changed by commander-in-chief.

SEC. 2. That section 7182 of Remington & Ballinger's Annotated Codes and Statutes of Washington be and the same is hereby amended to read as follows:

[Amends Rem.-Bal., § 7182; Pierce's Code, 1912, 337 § 29.]

Section 7182. In event of war, insurrection, rebellion, invasion, tumult, riot, mob or body of men acting together by force with intent to commit a felony or to offer violence to persons or property, or by force and violence to break and resist the laws of this state, or the United States, or in case of imminent danger of the occurrence of any of said events, or in event of public disaster resulting from flood, conflagration, tempest or cataclysm, the governor shall have power to order the National Guard of Washington or any part thereof into the active service of the state, and to cause them to perform such duty as he shall deem proper. The governor shall also have power to order out the National Guard or any part thereof to preserve order and keep people within bounds at any large public assemblage, provided that such action shall be taken only upon written request of the mayor of the city and the sheriff of the county within which said assemblage is to occur.

Reasons for calling out militia.

Assistance to mayor and sheriff when requested.

[Amends
Rem.-Bal.,
§ 7193;
Pierce's
Code, 1912,
337 § 51.]

SEC. 3. That section 7193 of Remington & Ballinger's Annotated Codes and Statutes of Washington be and the same is hereby amended to read as follows:

Adjutant
General's
department.

Section 7193. The adjutant general's department shall consist of the adjutant general, one assistant adjutant general who shall be designated as adjutant general, one chief clerk, one stenographer, one storekeeper and such other civilian employes as shall be authorized by the commander-in-chief. The salary of the adjutant general shall be twenty-five hundred (\$2500.00) dollars per year.

[Amends
Rem.-Bal.,
§ 7194;
Pierce's
Code, 1912,
337 § 53.]

SEC. 4. That section 7194 of Remington & Ballinger's Annotated Codes and Statutes of Washington be and the same is hereby amended to read as follows:

Chief of staff.

Section 7194. The adjutant general shall be *ex-officio* chief of staff, and in the absence of orders from the commander-in-chief to the contrary, he shall be the acting chief of all staffs, corps, and departments not otherwise provided for in this act. He shall hold office until his successor is detailed and qualified. He shall appoint the chief clerk, stenographer and storekeeper and may remove any of them in his discretion.

Adjutant
General to
appoint
assistants.

The expenses of the adjutant general's department, necessary to the military service, shall be audited, allowed and paid as other military expenditures are audited, allowed and paid. Before entering upon his official duties, the adjutant general must execute an official bond running to the State of Washington in the penal sum of twenty thousand (\$20,000.00) dollars conditioned upon the faithful performance of his duties, said bond to be submitted to the attorney general for approval, and when approved to be filed in the office of the secretary of state, the cost of said bond to be paid from the military fund of the state.

Bond of
Adjutant
General.

Bonds of
other officers.

The adjutant general shall obtain and pay for, from the military fund, a surety company bond or bonds running to the State of Washington covering all of the officers of the National Guard of Washington responsible to the state for money or military property, such bond or bonds

to be approved and filed in the same manner as the adjutant general's bond.

1. The adjutant general shall keep rosters of all active and retired officers of the militia of the state, and keep in his office all records and papers required to be kept and filed therein, and shall submit to the commander-in-chief during October of each even numbered year a printed biennial report of the operations and condition of the National Guard of Washington. Roster.

1½. On the first day of January, of each year, he shall make a statement of the condition of the military fund, showing the amount thereof and setting forth in detail all receipts from whatsoever source and all expenditures of whatsoever nature and the unexpended balance thereof. A copy of said statement shall be furnished to each commissioned officer of the active list. Financial report.

2. He shall cause the military law, the regulations of the National Guard and the articles of war of the United States, and such other military publications as may be necessary for the military service to be printed, indexed and bound at the expense of the state and distributed to the commissioned officers of the National Guard. Laws and orders to be printed.

3. He shall keep and preserve the books, arms, accoutrements, ammunition and other military property belonging to the state, not properly issued. Property.

4. He shall keep just and true accounts of all monies [moneys] received and disbursed by him. Accounts.

5. He shall attest all commissions issued to military officers of this state. Commissions.

6. He shall make out and transmit all militia reports, returns and communications prescribed by acts of congress or by direction of the secretary of war. Reports to Secretary of War.

7. He shall have a seal, and all copies, orders, records and papers in his office, duly certified and authenticated under said seal, shall be evidence in all cases in like manner as if the originals were produced. 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. All Seal.

orders issued from his office shall be authenticated with said seal.

Regulations for caring of property.

8. He shall make such regulations pertaining to the preparation of reports and returns and to the care and preservation of property, in possession of the state for military purposes, whether belonging to the state or to the United States, as in his opinion the conditions demand.

Care of arms and ordnance.

9. He shall attend to the care, preservation, safekeeping and repairing of the arms, ordnance, accoutrements, equipment and all other military property belonging to the state, or issued to the state by the government of the United States for military purposes, and keep accurate accounts thereof. All military property of the state, which after proper inspection, shall be found unsuitable for use of the state shall be disposed of in such manner as the commander-in-chief shall direct and the proceeds thereof paid into the military fund of the state.

Sale of useless property.

10. He shall issue such military property as the necessity of the service requires and make purchases for that purpose. No military property shall be issued or loaned except upon an emergency to persons or organizations other than those belonging to the National Guard, except to such portions of the reserve militia as may be called out by the governor.

Military property not to be loaned.

11. He shall keep on file in his office the reports and returns of troops and heads of military departments, and all other writings and papers required to be transmitted to and preserved at the general headquarters of the state militia.

Files.

12. He shall keep all records of Washington volunteers commissioned or enlisted for the war of the rebellion, Indian wars, Spanish-American war, and all other wars or insurrections, and of individual claims of citizens of Washington for service rendered in these wars or insurrections.

Roster of veterans.

13. He shall establish and maintain as part of his office a bureau of records of the services of the Washington troops during said wars, and he shall be the custodian of

Bureau of records.

all records, relics, trophies, colors and histories relating to such wars now in possession of, or which may be acquired by the State of Washington, and such records, relics, trophies, colors and histories shall be catalogued and arranged or filed for general reference or protection in the office of the adjutant general.

14. The duties of the assistant adjutant general, chief clerk, stenographer and storekeeper shall be prescribed by the adjutant general and in the absence or incapacity of the adjutant general, the assistant adjutant general shall perform the duties prescribed for the adjutant general.

Duties of assistants.

SEC. 5. That section 7195 of Remington & Ballinger's Annotated Codes and Statutes of Washington be and the same is hereby repealed.

[Repeals Rem.-Bal., § 7195; Pierce's Code, 1912, 337 § 55.]

SEC. 6. That section 7198 of Remington & Ballinger's Annotated Codes and Statutes of Washington be and the same is hereby amended to read as follows:

[Amends Rem.-Bal., § 7198; Pierce's Code, 1912, 337 § 61.]

Section 7198. All commissioned officers of the National Guard of Washington shall be appointed and commissioned by the commander-in-chief, and, except as otherwise provided in this act, they shall be chosen as follows: Whenever a vacancy shall occur in the office of the adjutant general of the state, the commander-in-chief shall detail for that position from the active list of the National Guard of Washington some officer not below the rank of captain, who shall during the continuance of such detail hold the rank of brigadier-general. No person shall be eligible for detail as adjutant general who shall have served as an officer less than three years in the aggregate in the National Guard of Washington or the regular army of the United States. The assistant adjutant general shall be an officer of the active list of the National Guard of Washington detailed for that purpose.

Commissions.

Detail of Adjutant General.

Vacancies created by detail of officers to the adjutant general's department, or any other staff, corps or department, shall be promptly filled precisely as though created through resignation or promotion, but officers on such de-

Details not to interfere with promotion.

tails shall not lose their places in lineal rank in the branches from which they shall have been detailed. Whenever a vacancy occurs in the organization from which an officer on detail with the adjutant general's department, or any other staff, corps, or department, shall have been detailed, for which vacancy such officer would have been eligible in the absence of such detail, such officer shall, although continuing on such detail, be promoted to the grade of such vacancy, or, if holding an increased rank and grade by virtue of such detail, shall be deemed to have received such promotion to take effect upon termination of such detail, with rank from the date of the occurrence of such vacancy.

Reassign-
ment.

Whenever an officer shall be relieved from duty with the adjutant general's department, or any other staff, corps or department, he shall be reassigned to the organization from which he was detailed upon the occurrence of the first vacancy therein of his rank and grade.

Vacancies
filled by
promotion.

Whenever a vacancy occurs in the captaincy or first lieutenantcy of a company, the officer next in rank in such company shall be ordered before an examining board, and upon passing the required examination, shall be appointed, commissioned and assigned to fill such vacancy: *Provided*, That any officer of appropriate rank and grade originally on duty with such company and serving on detail with any staff, department or corps or on waiting orders may be relieved of duty with such staff, department or corps and assigned to duty with such company, or assigned to duty with such company from the list of waiting orders; and thereupon the senior officer in such company, if there be a vacancy, shall be ordered before an examining board and upon passing the required examination shall be appointed, commissioned and assigned to fill such vacancy.

Enlisted men
eligible for
second
lieutenancy.

Whenever a vacancy occurs in the office of second lieutenant of any company, the commander-in-chief, except as hereinbefore provided, shall order a competitive examination for which every enlisted man in such organization shall be eligible, and the successful candidate recommended by

the examining board shall be appointed, commissioned and assigned to fill such vacancy. Any non-commissioned staff officer shall be eligible to take a competitive examination for second lieutenantcy in the company of which he was originally a member.

Whenever a vacancy shall occur among the field officers of a regiment, the senior officer of the next lower grade in the regiment shall, upon passing a proper examination, be appointed, commissioned and assigned to fill the same.

Vacancy in field office filled by promotion.

Vacancies in staff offices of the grade of second lieutenant shall be filled by assignment, or by examination, promotion and assignment of a non-commissioned staff officer, and any vacancy in a staff office of a grade higher than second lieutenant shall be filled either by assignment of an officer of the proper grade or by examination, promotion and assignment of an officer of the next lower grade, as the commander-in-chief shall direct.

Vacancies in staff officers.

No person shall be commissioned as an officer in the National Guard of Washington unless he is a citizen of the United States and of this state, twenty-one years of age or more.

Requisites for commission.

Whenever a commissioned officer shall have been examined for promotion under this act and shall fail to be recommended for promotion by the examining board, he shall be honorably discharged, and the vacancy so created shall be filled in the manner prescribed by law.

Honorable discharge for failure in examination.

For the purpose of this act the word company or companies shall apply to and include the cavalry, infantry, coast artillery reserve and signal corps.

SEC. 7. That section 7205 of Remington & Ballinger's Annotated Codes and Statutes of Washington be and the same is hereby amended to read as follows:

[Amends Rem. Bal., § 205; Pierce's Code, 1912, 337 § 75.]

Section 7205. New companies and organizations of the National Guard of Washington not in excess of the limits prescribed by law, may be organized and mustered in at such times and in such manners as the commander-in-chief shall direct.

New companies.

SEC. 8. That section 7221 of Remington & Ballinger's Annotated Codes and Statutes of Washington be and the same is hereby amended to read as follows:

[Amends
Rem.-Bal.,
§ 7221;
Pierce's
Code, 1912,
337 § 107.]

Pay of
officers.

Section 7221. Each commanding officer shall be entitled to receive an allowance for the incidental expenses of his command payable quarterly in advance according to the following schedule: companies, troops, batteries and like units not to exceed twenty-five (\$25.00) dollars per month; bands not to exceed fifteen (\$15.00) dollars per month; battalions and like units not to exceed ten (\$10.00) dollars per month; regiments and like units not to exceed twenty-five (\$25.00) dollars per month.

Quarterly
allowance
paid in
advance.

For the first quarter of each biennial period each officer entitled to a quarterly allowance under this section shall be entitled to receive in advance the maximum allowance in full, but with his claim therefor he shall make remittance of the balance, if any, remaining unexpended from the last previous quarter, such remittance to be transmitted by the adjutant general to the state treasurer, and for each succeeding quarter of each biennial period, each such officer shall be entitled to receive such sum, not more than the maximum allowance above prescribed, as he shall have expended for authorized expenses of his command during the next preceding quarter. Each claim for quarterly allowance shall include an account current showing the items of expenditure and shall be accompanied by subvouchers for all items, each voucher stating definitely the nature and amount of the expenditure evidenced thereby.

SEC. 9. That section 7222 of Remington & Ballinger's Annotated Codes and Statutes of Washington be and the same is hereby amended to read as follows:

[Amends
Rem.-Bal.,
§ 7222;
Pierce's
Code, 1912,
337 § 109.]

Military
auditors.

Section 7222. The board of military auditors shall consist of the adjutant general and two officers of the active list of the National Guard of Washington to be selected by the state auditor and detailed by the commander-in-chief, which board shall audit and pass upon all claims against the military appropriation. The board shall meet at the call of the adjutant general.

SEC. 10. That section 7224 of Remington & Ballinger's Annotated Codes and Statutes of Washington be and the same is hereby amended to read as follows:

[Amends Rem.-Bal., § 7224; Pierce's Code, 1912, 337 § 113.]

Section 7224. Commissioned officers while on duty requiring pay shall receive the same pay and allowance as commissioned officers of the United States of the same grades and terms of service: *Provided*, That for travel only actual necessary expenses shall be allowed.

Pay to be same as U. S. officers.

For the purpose of pay and allowance as an officer of the National Guard, service with the First Washington Volunteer Infantry, as an officer or enlisted man until muster out of that organization shall be considered equivalent to three years' service in the National Guard of Washington. For the purpose of pay and allowance of an officer in the National Guard, service as an enlisted man in the National Guard of Washington shall be considered equivalent to service as an officer, provided that said service as an enlisted man and officer be continuous.

Service, how computed.

For all duty requiring pay enlisted men in the National Guard of Washington shall receive pay at rates equivalent to twice those allowed for corresponding grades in the regular services of the United States: *Provided*, That the pay of cooks and bandsmen shall be three (\$3.00) dollars per day. For each reenlistment, after serving a full term of three years, there shall be added ten per cent. For the purpose of pay and allowance, service for a full term of enlistment in the regular or volunteer army of the United States, or in the First Washington Volunteer Infantry until muster out of that organization shall be equivalent to a full enlistment. Enlisted men proving such service shall be allowed ten per cent additional on their pay.

Per diem of enlisted men.

Additional pay on reenlistment.

This schedule of pay shall apply only to the first thirty days of any tour of duty and after the thirtieth day of any such tour, officers and men shall receive the pay allowed officers and men in the regular services of the United States of corresponding organizations, grades, and terms of service.

Limited pay for thirty days.

Additional
pay
prohibited.

No additional pay shall be allowed for service in the National Guard of Washington unless such service shall have been continuous.

Extra duty
pay.

Extra duty pay to men detailed as clerks and on similar duty may be allowed by the commanding officers of troops on duty, but in no case shall pay and extra pay exceed two and 50-100 (\$2.50) dollars per day.

Bonus on
discharge.

Upon completion of his enlistment, or upon discharge by proper authority, each enlisted man shall receive in addition to the pay above mentioned, the sum of fifty cents for each day of state paid service not exceeding fifty days, less all proper deductions for fines or lost property.

[Amends
Rem.-Bal.,
§ 7225;
Pierce's
Code, 1912,
337 § 115.]

SEC. 11. That section 7225 of Remington & Ballinger's Annotated Codes and Statutes of Washington be and the same is hereby amended to read as follows:

Transportation.

Section 7225. There shall be provided by the state transportation for all officers and transportation and subsistence for all enlisted men who shall be ordered out for encampment, field duty, or stated parades, or assembled for duty in case of riot, tumult, breach of the peace, war, insurrection, invasion or imminent danger thereof. Necessary transportation, quartermasters' stores and subsistence for troops when ordered on duty shall be contracted for by the proper officers and paid for as other military bills. There shall be allowed from the military fund for each day's service the sum of two (\$2.00) dollars per man for each horse for every mounted officer, and mounted orderly, and all members of such other organizations of the National Guard of Washington as are required to be mounted. Horses not furnished by officers or men shall be rented by the state at a cost not exceeding two (\$2.00) dollars per day for each horse. For mounted organizations the adjutant general may in his discretion cause horses to be purchased and maintained from the appropriation for maintenance.

Horse pay.

[Amends
Rem.-Bal.,
§ 7228;
Pierce's
Code, 1912,
337 § 121.]

SEC. 12. That section 7228 of Remington & Ballinger's Annotated Codes and Statutes of Washington be and the same is hereby amended to read as follows:

Section 7228. At each station each company and

similar unit of the National Guard shall meet at least twice in each month for drill and instruction and the commanding officer of any organization may require the officers and enlisted men of his organization to meet for drill and instruction at such times and places as he may appoint: *Provided*, That no pay shall be allowed for such duty.

Companies
must meet
bi-weekly.

Passed the Senate February 4, 1913.

Passed the House March 3, 1913.

Approved by the Governor March 13, 1913.

CHAPTER 67.

[H. B. 251.]

AUTHORIZING THE CONSTRUCTION OF AN ARMORY AT NORTH YAKIMA.

AN ACT relating to the construction, equipment and furnishing of an armory for the use of the National Guard of Washington, at North Yakima, appropriating money from the military fund therefor, creating a commission to superintend the construction, equipment and furnishing of said armory, and authorizing the promulgation of rules and regulations for the government thereof.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. That for the purpose of constructing, equipping and furnishing an armory for the use of such organization or organizations of the National Guard of Washington as may be stationed there, the sum of seventy-five thousand dollars (\$75,000.00) is hereby appropriated from the military fund for the construction, equipment and furnishing of an armory in the city of North Yakima: *Provided*, That a suitable site for such armory be furnished without cost to the State of Washington therefor, and that title to such site shall be deeded to the State of Washington.

Appropriation
\$75,000.00.

SEC. 2. That for the purpose of erecting, completing, furnishing and equipping said armory, there is hereby created a commission to be known as the North Yakima Armory Commission, which said commission shall consist of four members, comprised as follows: The adjutant

Building
commission.