

9. In case of incurable chronic mania or dementia of either party, having existed for ten years or more, the court may, at its discretion, grant a divorce.

Passed the Senate March 2, 1917.

Passed the House March 6, 1917.

Approved by the Governor March 13, 1917.

CHAPTER 107.

[H. B. 66.]

MILITARY CODE.

AN ACT relating to the militia, defining certain offenses and prescribing certain penalties, repealing Chapter 102 of the Laws of 1911, amending certain sections and repealing certain sections of the military code of the State of Washington, and declaring an emergency.

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

SECTION 1. The militia of the State of Washington shall consist of all able-bodied male citizens of the United States and all other able-bodied males who have or shall have declared their intention to become citizens of the United States, residing within this state, who shall be more than eighteen years of age and, except as hereinafter provided, not more than forty-five years of age, and said militia shall be divided into three classes, the National Guard of Washington, the Naval Militia of Washington, and the Unorganized Militia. The National Guard and Naval Militia of Washington shall be known collectively as the Organized Militia of Washington.

SEC. 2. The militia of the state not in the service of the United States shall be governed and its affairs administered pursuant to law by the Governor, as commander-in-Chief, through The Adjutant General's Department, which shall consist of The Adjutant General as its executive head, and such other officers and such enlisted men and civilian employees as the Governor shall from time to

Classes of
militia.

Governing
officers.

time prescribe. The salary of The Adjutant General shall be Three Thousand Dollars per year.

Salary of
adjutant.

SEC. 3. The Organized Militia of Washington shall consist of the commissioned officers, warrant officers, enlisted men, organizations, staffs, corps and departments of the regularly commissioned, warranted and enlisted militia of the state, organized and maintained pursuant to law. Its numerical strength, composition, distribution, organization, arms, uniforms, equipment, training and discipline shall be prescribed by the Governor in conformity with the laws and regulations of the United States and the laws of this state. In the absence of any federal law or regulation to the contrary, its minimum enlisted strength shall be fifteen hundred and it shall include at all times The Adjutant General's Department, at least one regiment of infantry, at least eight companies of coast artillery, at least two hundred naval militia, and at least one troop of cavalry. The Governor may authorize and cause to be organized from time to time within the Organized Militia of Washington, such additional staffs, corps, departments, branches, arms and organizations as he shall deem necessary, and he shall have power at will to alter, divide, consolidate, disband, muster out or reorganize any staff, corps, department, branch, arm or tactical or administrative subdivision either now existing or hereafter created within the Organized Militia of Washington, subject to the limitations imposed by the laws and regulations of the United States and the laws of this state.

Composition
of organized
militia.

Minimum
strength.

Power to
organize or
disband.

SEC. 4. The duty of maintaining and governing the Organized Militia not in the service of the United States rests upon the states respectively, subject to the constitutional authority of congress, but the prime object of the force is the national defense. Its efficiency as an agent for national defense necessarily depends upon systematic uniformity in the organization, composition, arms, equipment, training and discipline of its component parts. Its attainment of such uniformity and efficiency requires on the part of each state a rigid adherence to federal laws

Conformity
to federal
laws.

and regulations relating to the militia. Therefore, the Governor shall cause the Organized Militia of this state always to conform to all such federal laws and regulations as are now or may hereafter from time to time become operative and applicable, notwithstanding anything in the laws of this state to the contrary. The Organized Militia of Washington or any part thereof shall be subject to call for United States service at such times, in such manner, and in such numbers as may from time to time be prescribed by the United States.

Subject to call of United States.

SEC. 5. The National Guard of Washington shall consist of the commissioned officers, enlisted men, staffs, corps, departments, and organizations of the Organized Militia of Washington regularly organized and maintained pursuant to law for land service, and the Naval Militia of Washington shall consist of the commissioned officers, warrant officers, enlisted men, staffs, corps, departments and organizations of the Organized Militia of Washington regularly organized and maintained for naval service.

National Guard.

Naval Militia.

SEC. 6. That Section 7181 of Remington and Ballinger's Annotated Codes and Statutes of Washington be and the same is hereby amended to read as follows:

Section 7181. Whenever the Governor shall desire the attendance of a personal staff upon any ceremonial occasion, he shall detail therefor such officers as he may choose from the active list of the Organized Militia of Washington, resident in or nearest to the place where such ceremonies are to be held, and the officers detailed shall attend in uniform at the time and place designated and shall constitute the personal staff of the Governor for that occasion, reverting upon completion of such duty to their regular assignments.

Personal staff for governor.

SEC. 7. That Section 7182 of Remington & Ballinger's Annotated Codes and Statutes of Washington be and the same is hereby amended to read as follows:

Section 7182. In event of war, insurrection, rebellion, invasion, tumult, riot, mob or body of men acting together

Causes for ordering militia into service by governor.

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 the imminent danger of the occurrence of any of said events, or in event of public disaster the Governor shall have power to order the Organized Militia 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 Organized Militia 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.

SEC. 8. That Section 7183 of Remington & Ballinger's Annotated Codes and Statutes of Washington be and the same is hereby amended to read as follows:

Section 7183. In event of insurrection, rebellion, invasion, tumult, riot, resistance to law or process or breach of the peace, occurring in the vicinity of the station of any organization or organizations of the Organized Militia of Washington, whenever the exigencies of the situation are such as to render it impracticable first to communicate with the Governor, the senior commanding officer of that station, upon request in writing signed by a superior court judge, sheriff or mayor, stating the facts and the nature of the service desired, may order out the organization or organizations at that station, or such portion thereof as he shall deem necessary, and cause them to perform such duty as the circumstances shall require, and such commanding officer shall immediately report what he has done and all of the circumstances of the case to the Governor.

When commanding officer of station may call to service.

SEC. 9. That Section 7184 of Remington & Ballinger's Annotated Codes and Statutes of Washington be and the same is hereby amended to read as follows:

Section 7184. In event of, or imminent danger of, war, insurrection, rebellion, invasion, tumult, riot, resist-

Calling out unorganized militia.

ance to law or process or breach of the peace, if the Governor shall have ordered into active service all of the available forces of the Organized Militia of Washington and shall consider them insufficient in numbers to properly accomplish the purpose, he may then in addition order out the Unorganized Militia or such portion thereof as he may deem necessary, and cause them to perform such military duty as the circumstances may require.

Failure to respond on order for service.

SEC. 10. Every member of the militia who shall have been ordered out for either state or federal service under the provisions of Section 7, 8 or 9 of this act, and who shall refuse or wilfully or negligently fail to report at the time and place and to the officer designated in the order or to the representative or successor of such officer shall be deemed guilty of desertion, and shall suffer such penalty as a general court-martial may direct, unless he shall produce a sworn certificate from a licensed physician of good standing that he was physically unable to appear at the time and place designated: *Provided*, That any person chargeable with desertion under this section may be taken by force and compelled to serve.

SEC. 11. 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. He shall hold office until his successor is detailed and qualified. He shall appoint the civilian employees of his department and may remove any of them in his discretion.

Expenses of adjutant's department.

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

Bond of adjutant general.

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. 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 Organized Militia 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, reserve 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 Governor during October of each even numbered year a printed biennial report of the operations and conditions of the Organized Militia of Washington.

Rosters and biennial reports.

2. 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.

Annual statement of condition of military fund.

3. He shall cause the military law, the regulations of the Organized Militia of Washington 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 Organized Militia of Washington.

Publication of militia laws and regulations.

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

Other duties.

5. He shall keep just and true accounts of all monies received and disbursed by him.

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

Militia reports.

7. He shall make out and transmit all militia reports, returns and communications prescribed by acts of congress or by direction of the War or Navy Department.

Seal of office.

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

Regulations as to reports and care of property.

9. 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.

Arms and equipment.

10. He shall attend to the care, preservation, safe-keeping 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 Governor shall direct and the proceeds thereof paid into the military fund of the state.

Purchase and issuance of military property.

11. 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 Organized Militia of Washington except to such portions of the Unorganized militia as may be called out by the Governor.

Reports of troops to be kept on file.

12. 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.

13. 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.

War records
and claims.

14. 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 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.

Custodian
of records
and trophies.

SEC. 12. All commissioned and warrant officers of the organized militia of Washington shall be appointed and commissioned or warranted by the Governor. No person shall be so appointed and commissioned or warranted unless he shall be a citizen of the United States and of this state more than twenty-one years of age. Every commissioned and warrant officer shall hold office under his commission or warrant until he shall have been regularly appointed and commissioned or warranted to another grade or office, or until he shall have been regularly retired, discharged, dismissed or placed in the reserve.

Appoint-
ment of com-
missioned
and warrant
officers.

SEC. 13. No person shall be appointed and commissioned or warranted to any office in the organized militia of Washington unless he shall have been examined and adjudged qualified therefor by an examining board whose report shall have been approved by the authority appointing the board. The composition, appointment and procedure of examining boards and the nature and scope of examinations shall be as prescribed by the laws or regulations of the United States or those of this state. Whenever a commissioned officer shall have been examined for promotion pursuant to this section and shall have been adjudged not qualified therefor, upon approval by the

Examination
prior to ap-
pointment.

authority appointing the board of its report to that effect such officer shall be honorably discharged, retired or placed in the reserve as the Governor shall direct.

Examination of naval militia officers.

Any officer of the naval militia of Washington who holds either a probationary or a permanent commission therein and who has not been certified as fully qualified for his grade after examination under United States authority may be retained as an officer and required to take the next succeeding United States examination for his grade. If he is not certified after such second examination he shall be immediately retired, placed in reserve or honorably discharged, as the Governor may direct.

Probationary period for naval militia officers.

Every appointment of any person as a commissioned or warrant officer in the naval militia of Washington shall be probationary and revocable by the Governor at will for the period of one year next after such appointment and at the expiration of such period shall be revoked or made permanent by the Governor: *Provided*, That if the appointee shall have qualified in compliance with United States law or regulations during said probationary period, his commission or warrant shall, upon such qualification, be no longer probationary or revocable in that grade.

Filling vacancy in adjutant's office.

SEC. 14. Whenever a vacancy shall have occurred or shall be about to occur in the office of The Adjutant General of this state, the Governor shall detail for that position from the active list of the organized militia of Washington some officer not below the grade of captain of the National Guard or senior lieutenant of the naval militia, who shall have had at least three years' service as an officer on the active list of the organized militia of Washington continuously next prior to such detail, and the officer so detailed shall be subject to relief therefrom by the Governor at will, and shall during the continuance of his service as The Adjutant General hold the rank and grade of brigadier general.

Filling vacancies in commissioned grades.

SEC. 15. Vacancies in commissioned grades in administrative staff, corps and departments shall be filled by detail or by appointment and commission as the governor

shall have prescribed in regulations conforming as nearly as practicable with federal laws and regulations governing the filling of similar vacancies in the federal service: *Provided*, That no officer shall be detailed or appointed and commissioned to any such staff, corps or department without his written consent. The detail of an officer to a staff, corps or department shall not affect his grade, relative seniority, or right to promotion in the branch or arm of the service from which he shall have been so detailed, and whenever during the continuance of such detail a vacancy shall occur in the branch or arm of the service from which such officer shall have been detailed for which vacancy he would have been eligible in the absence of such detail, he shall upon the termination of such detail and passing the required examination be appointed and commissioned to the grade of such vacancy with rank from the date of the occurrence thereof. When an officer shall be relieved from detail as the Adjutant General or from detail with any staff, corps or department he shall be returned to the branch or arm of the service from which he was detailed and shall be assigned to fill the next vacancy therein of his rank and grade, and if there be no vacancy immediately available he shall be carried in the meantime upon the active list as "Unassigned."

Detail to staff not to affect grade.

Position of officers relieved from detail.

SEC. 16. Staff officer of the National Guard of Washington, including officers of the Pay, Inspection, Subsistence and Medical Departments, hereafter appointed shall have had previous military experience and shall hold their positions until they shall have reached the age of sixty-four years, unless retired prior to that time by reason of resignation, disability, or for cause to be determined by a court-martial legally convened for that purpose, and vacancies among said officers shall be filled by appointment from the officers of the militia of this state. This section shall cease to be effective whenever its provisions shall not be required by federal law as a condition to participation by the state in federal appropriations.

Tenure of staff officers.

Competitive
examina-
tions for
junior office
commissions.

SEC. 17. Whenever a vacancy shall have occurred in the junior commissioned office of any company or similar unit of the national guard of Washington, the person to be appointed and commissioned to fill such vacancy shall be selected by competitive examination in which all enlisted men of the branch or arm of the service wherein such vacancy shall have occurred, on duty at the station where it shall have occurred, shall be eligible to participate. Whenever a vacancy shall have occurred in the junior commissioned office in a division or marine company of the naval militia of Washington, such vacancy shall be filled by competitive examination in which all warrant officers and enlisted men on duty at the station where it shall have occurred, who shall have been designated as so qualified as to be eligible to receive compensation from the United States for services during periods other than those for which they may become lawfully entitled to the same pay as a person belonging to the United States Navy or Marine Corps of corresponding grade and length of service, shall be eligible to participate: *Provided*, That whenever the United States shall not have a standard of qualification for the compensation aforesaid, all such warrant officers and enlisted men shall be eligible.

Vacancies in
commiss-
ioned
office other
than junior.

SEC. 18. Whenever a vacancy shall have occurred in any commissioned office of a company or similar unit of the organized militia of Washington other than the junior commissioned office thereof, the same shall be filled by the assignment thereto of an officer of the same grade and branch or arm of the service resident at the station of said company or similar unit, or by the promotion of the senior officer of the next lower grade of the same branch or arm of the service resident at that station.

Filling
vacancies in
commiss-
ioned staff.

SEC. 19. Whenever a vacancy shall have occurred in the commissioned staff of any regiment, battalion, squadron, coast defense command, fort command, or similar unit of the organized militia of Washington, the same shall be filled by the assignment thereto of an officer of the same grade and branch or arm of the service, or by the pro-

motion of the senior officer of the next lower grade of the same unit.

SEC. 20. Whenever a vacancy shall have occurred in the grade of major in the line of the National Guard of Washington, the same shall be filled as follows:

Vacancies
in grade of
major.

1. In any battalion, squadron, fort command or similar unit whose elements are all at one station, by the assignment of the senior major of the line of the same branch or arm of the service resident at that station who shall have no command wholly located within said station, or, if there be no such major, by the promotion of the senior captain of the same branch or arm of the service resident at said station.

2. In any battalion, squadron, fort command or similar unit whose elements are not all at one station, by the promotion of the senior among the captains of the same branch or arm of the service resident at the various stations of such command.

SEC. 21. Whenever a vacancy shall have occurred in the grade of colonel or lieutenant colonel in any regiment, coast defense command or similar unit of the National Guard of Washington, it shall be filled by promotion of the next senior officer of such command, except in those cases where the law provides for the assignment thereto of officers relieved from detail with staff corps and departments.

Vacancy in
grade of
colonel or
lieutenant
colonel.

SEC. 22. Whenever a vacancy shall have occurred in the grade of brigadier general of the line of the National Guard of Washington, it shall be filled by the promotion of an officer of the line of the National Guard of Washington of the next lower grade of the same branch or arm of the service.

Vacancy in
grade of
brigadier
general.

SEC. 23. Whenever a vacancy shall have occurred in any commissioned grade, other than the lowest commissioned grade, of any regiment, coast defense command, separate battalion or squadron, separate fort command, separate company or similar separate unit of the Na-

Filling
vacancies
while in U.
S. service.

tional Guard of Washington while in the service of the United States, such vacancy shall be filled by the promotion of the senior officer of the next lower grade on duty with such command who shall not in writing have waived such promotion. Every vacancy in the lowest commissioned grade in any such command while in such service shall be filled by the promotion of an enlisted man of such command upon the written recommendation of its commanding officer: *Provided*, That any vacancy in any such command while in such service in any commissioned grade below that of major may be filled, upon the written recommendation of the commanding officer of such command, by the transfer, assignment or appointment of any officer of the National Guard, or National Guard Reserve, of this state.

Promotion
in naval
militia.

SEC. 24. Whenever a vacancy shall have occurred in the senior commissioned office of the Naval Militia of Washington or of a battalion thereof, it shall be filled by the promotion or assignment thereto of the senior line officer whether for line duties only or for engineering duties only.

Waiver of
promotion.

SEC. 25. Any officer of the Organized Militia of Washington may, in writing, waive his right to any promotion to which his seniority shall entitle him, in which event the next senior officer who shall not in writing have waived such promotion shall be entitled thereto.

Failure to
take oath or
file bond.

SEC. 26. Every officer, duly commissioned or warranted shall within such time as may be provided by law or by regulations, take the oath of office prescribed by law, and give bond, if required. In case of neglect or refusal so to do, he shall be considered to have resigned such office and a new appointment may be made as provided by law.

Oath of
office.

SEC. 27. The oath of office for commissioned and warrant officers in the Organized Militia of Washington shall be substantially as follows: "I,, do solemnly swear that I will support and defend the Consti-

tution of the United States and the Constitution of the State of Washington, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will obey the orders of the President of the United States and of the Governor of the State of Washington; that I make this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office of in the National Guard of the United States and of the State of Washington (or in the Naval Militia of Washington) upon which I am about to enter, so help me God."

SEC. 28. That Section 7206 of Remington & Ballinger's Annotated Codes and Statutes of Washington be, and the same is hereby amended to read as follows:

Section 7206. The Governor may dismiss any commissioned or warrant officer of the Organized Militia of Washington for any of the following reasons:

Dismissal of officers.

- (1) Conviction of an infamous crime.
- (2) Absence from his command for more than thirty days without proper leave.
- (3) Sentence of dismissal by court-martial, duly approved.

And the Governor may discharge any commissioned or warrant officer of the Organized Militia of Washington for any of the following reasons:

Discharge of officers.

- (1) Upon muster out of the organization to which such officer is then assigned.
- (2) Acceptance of resignation of such officer: *Provided*, That no officer shall be discharged or his resignation accepted while under arrest or against whom military charges have been preferred, or until he shall have turned over to his successor or satisfactorily accounted for all state and federal monies, and military property for which he shall be accountable or responsible.
- (3) Removal of his actual residence to such distance from the station of his command as to render it impracticable for him to perform the duties of his office.

(4) Incompetence or unfitness for military service as determined by the duly approved findings of an efficiency board appointed for that purpose.

SEC. 29. The National Guard Reserve and Naval Militia Reserve of this state shall respectively be organized by the Governor in regulations conforming with the laws, rules and regulations of the United States. It shall consist of such organizations, officers and enlisted men as the Governor shall prescribe. No commissioned officer shall be transferred or furloughed to the National Guard Reserve without his written consent, except as otherwise expressly provided by law. The Officers Reserve Corps is abolished and the officers thereof are hereby transferred to the National Guard Reserve and the Naval Militia Reserve. Officers of the retired list of the Organized Militia of Washington may be transferred to the National Guard Reserve or the Naval Militia Reserve under such regulations as the Governor may prescribe. Any officer of the National Guard Reserve or Naval Militia Reserve may be restored to the active list by order of the Governor, subject to the same examination as in the case of an original appointment to his grade, and in such event his service in reserve shall not be counted in computing total length of service for relative seniority.

SEC. 30. Hereafter the period of enlistment in the National Guard of Washington shall be for six years; the first three years of which shall be in an active organization, and the remaining three years in the National Guard Reserve. The period of enlistment in the Naval Militia of Washington shall be three years. An enlisted man of the Naval Militia who has served honorably for the full term of his enlistment may re-enlist for a term of one, two, or three years, as he may elect. Qualifications for enlistment or re-enlistment and the forms of oaths and contracts of enlistment or re-enlistment shall be as prescribed by the Governor in accordance with federal laws and regulations. In the National Guard, the privilege of continuing in active service during the whole of an enlistment period,

National guard and naval militia reserves.

Officers reserve corps abolished.

Restoration of reserve officers to active list.

Period of enlistment.

Re-enlistments.

Continuance in service.

and of re-enlisting in said service shall not be denied by reason of anything contained in this act. In the Naval Militia enlisted men may continue in service after the age of forty-five years, and until the age of sixty-two years (Naval Branch), or sixty-four years (Marine Corps Branch): *Provided*, The service is continuous. When a man re-enlists in the Organized Militia of Washington within thirty days from the date of the expiration of his prior enlistment, or within thirty days from the date of his discharge, his term of service shall be considered as continuous, and shall be so dated.

SEC. 31. An enlisted man discharged from service in the Organized Militia of Washington shall receive a discharge in writing in such form and of such classification as is or shall be prescribed by law or regulations, and in time of peace discharges may be given prior to the expiration of terms of enlistment under such regulations as may be prescribed by competent authority.

Discharge
from service.

SEC. 32. That Section 7216 of Remington & Ballinger's Annotated Codes and Statutes of Washington be and the same is hereby amended to read as follows:

Section 7216. Every commissioned officer of the Organized Militia of Washington shall within sixty days from the date of the order whereby he shall have been appointed, provide himself at his own expense, with the arms, uniforms and equipments prescribed by the Governor for his rank and assignment.

Arms and
equipment
of commis-
sioned
officers.

There shall be audited and paid annually on the first day of April in each year, to each properly armed, uniformed and equipped officer of the active list of the organized militia of Washington, a uniform allowance of seventy-five (\$75.00) dollars for dismounted officers, and one hundred (\$100.00) dollars for mounted officers.

Uniform
allowance.

SEC. 33. That Section 7218 of Remington & Ballinger's Annotated Codes and Statutes of Washington be and the same is hereby amended to read as follows:

Section 7218. All property issued to organizations and members of the Organized Militia of Washington shall be and remain public property.

Militia
property re-
mains public.

SEC. 34. That Section 7220 of Remington & Ballinger's Annotated Codes and Statutes of Washington be and the same is hereby amended to read as follows:

Exemptions
of uniforms
and equip-
ment.

Section 7220. The military uniforms, arms, equipment and mounts of members of the Organized Militia of Washington shall be exempt from execution and taxation.

SEC. 35. That Section 7222 of Remington & Ballinger's Annotated Codes and Statutes of Washington be and the same is hereby amended to read as follows:

Bond of
military
auditors.

Section 7222. The board of military auditors shall consist of The Adjutant General and two officers of the active list of the Organized Militia of Washington to be selected by the State Auditor and detailed by the Governor, which board shall audit and pass upon all claims against the military appropriations. The board shall meet at the call of The Adjutant General.

SEC. 36. That Section 7223 of Remington & Ballinger's Annotated Codes and Statutes of Washington be and the same is hereby amended to read as follows:

Audit and
payment of
claims from
military
fund.

Section 7223. All bills, claims and demands against the military fund shall be certified or verified in the manner prescribed by regulations promulgated by the Governor and shall be audited by the proper board of military auditors, and, if allowed, shall be paid by the state treasurer upon the warrant of the state auditor from the military fund: *Provided, however,* That in all cases where the Organized Militia or any part thereof is called into the service of the state in case of war, riot, insurrection, invasion, breach of the peace, or in aid of the civil authorities, warrants for allowed pay and expenses for such service shall be drawn upon the general fund of the state treasury and paid out of any monies in said fund not otherwise appropriated. All military warrants shall be the obligations of the state and shall bear interest at the legal rate from the date of their presentation for payment.

Warrants
against gen-
eral fund.

SEC. 37. That Section 7224 of Remington & Ballinger's Annotated Codes and Statutes of Washington, as

amended by section 1 of chapter 47 of the Laws of Washington of 1915, be and the same is hereby amended to read as follows:

Section 7224. Commissioned and warrant officers while on duty pursuant to the orders of the Governor (other than at assemblages for drill or instruction or on examining boards at or in the vicinity of their home stations or when called or ordered out by the President of the United States) and while on duty in aid of the civil authorities pursuant to the lawful orders of a local commander, shall receive the same pay and allowances as officers of the United States of the same grade and term of service: *Provided*, That for travel only actual necessary expenses shall be allowed. Pay of officers on duty.

For the purpose of computing pay and allowances of officers of the Organized Militia, 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 Organized Militia of Washington, and service as an enlisted man in the Organized Militia of Washington shall be counted in the total length of service of an officer if continuous with his service as an officer. Rules for computation of allowances.

While on duty pursuant to the orders of the Governor (other than at assemblages for drill or instruction at or in the vicinity of their home stations or when called or ordered out by the President of the United States) and while on duty in aid of the civil authorities pursuant to the lawful orders of a local commander, enlisted men of the National Guard of Washington shall receive pay at rates equivalent to twice those allowed for corresponding grades in the United States Army: *Provided*, That the pay of cooks and bandsmen shall be three (\$3.00) dollars per day. Enlisted men of the Naval Militia of Washington under like circumstances shall receive pay at rates equivalent to those allowed for corresponding grades in the United States Navy, plus an addition to each respective rate of pay sufficient to make the same equal the next higher of Pay of enlisted men in national guard.
Pay of naval militia men.

the following seven per diem rates of pay, viz.: Three dollars (\$3.00), two dollars and fifty cents (\$2.50), two dollars (\$2.00), one dollar and seventy-five cents (\$1.75), one dollar and fifty cents (\$1.50), one dollar and twenty-five cents (\$1.25), and one dollar (\$1.00).

Increased rates allowed for length of service.

The foregoing rates of pay for enlisted men shall be increased ten per cent for each full term of three years prior service in the Organized Militia of Washington or in the Army, Navy or Marine Corps of the United States, and service with the First Washington Volunteer Infantry until muster out of that organization shall be deemed equivalent to three years' service in the Organized Militia.

State rates of pay apply only to 30 day service.

This schedule of state 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 and allowances officers and men in the regular service of the United States of corresponding organizations, grades and terms of service receive.

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 dollars and fifty cents (\$2.50) per day.

Allowance on honorable discharge.

Upon completion of the first three years of his enlistment, or upon honorable 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 deduction for fines or lost property: *Provided*, That claims for such additional pay shall not be valid unless filed with The Adjutant General within twelve (12) months from the date of discharge.

Federal appropriations for military training.

In addition to the pay herein provided the Governor, or such other official as may be designated by federal authority, is authorized to receive and disburse, in accordance with federal laws and regulations, any moneys which may be appropriated by the congress of the United States and allotted to the State of Washington for the payment of officers and enlisted men of the organized

militia as reimbursement for expenses incurred in, and compensation for, the time devoted to military training during times of peace.

SEC. 38. That section 7227 of Remington & Ballinger's Annotated Codes and Statutes of Washington be and the same is hereby amended to read as follows:

Section 7227. Every member of the Organized Militia of Washington who shall be wounded or disabled while on duty in the service of the state shall be taken care of and provided for at the expense of the state, and if permanently disabled shall receive the like pensions or reward that persons under similar circumstances in the military service of the United States receive from the United States: *Provided*, That no pension shall be granted for any disability received while in the service of the United States, or while proceeding to or returning from such service. Before the name of any person is placed upon the pension roll under this section proof shall be made, under such regulations as the Governor may from time to time prescribe, that the applicant is entitled to such pension.

State pensions for those disabled in service.

SEC. 39. That Section 7230 of Remington & Ballinger's Annotated Codes and Statutes of Washington be and the same is hereby amended to read as follows:

Section 7230. The Governor shall cause the Organized Militia to perform for at least five consecutive days in each year camp or cruise duty, field maneuvers or such other duty as in his judgment will best promote the discipline and efficiency of the force.

Annual camp or cruise duty.

SEC. 40. That Section 7233 of Remington & Ballinger's Annotated Codes and Statutes of Washington be and the same is hereby amended to read as follows:

Section 7233. No person belonging to the military forces of this state shall be arrested under any civil process while going to, remaining at, or returning from any place at which he may be required to attend military duty. Any members of the Organized Militia parading,

Freedom from arrest.

Right-of-way when on duty.

or performing any duty according to the law shall have the right-of-way in any street or highway through which they may pass and while on field duty shall have the right to enter upon, cross or occupy any uninclosed lands, or any inclosed lands where no damage will be caused thereby; any person belonging to the military forces of the state while going to or returning from any parade, encampment, drill or meeting which he may be required by law to attend shall be allowed to pass free through all toll gates and over all toll bridges and ferries: *Provided*, That the carriage of the United States mail and the legitimate functions of the police and the progress and operations of fire departments shall not be interfered with thereby.

Free passage over toll roads, bridges and ferries.

SEC. 41. That Section 7234 of Remington & Balingier's Annotated Codes and Statutes of Washington be and the same is hereby amended to read as follows:

Obstructing enlistment.

Section 7234. A person, who either by himself, or with another, wilfully deprives a member of the Organized Militia of Washington of his employment or prevents, by himself or another such member being employed, or obstructs or annoys said member or his employer in his trade, business or employment, because he is such member or dissuades any person from enlisting in said Organized Militia by threat or injury to him in his employment, trade or business, in case he shall so enlist, shall be guilty of a misdemeanor and on conviction thereof shall be fined in a sum not exceeding one hundred dollars, or imprisoned in the county jail not more than thirty days or shall suffer both such fine and imprisonment.

Penalty.

SEC. 42. That Section 7235 of Remington & Balingier's Annotated Codes and Statutes of Washington be and the same is hereby amended to read as follows:

Discrimination against militia members.

Section 7235. No club, society, association, corporation, or organization shall by any constitution, rule, by-law, resolution, vote or regulation, or otherwise, discriminate against any member of the Organized Militia of Washington because of his membership in said Organized

Militia, in respect to his eligibility to membership in such club, society, association, corporation, or organization, or in respect to his rights to retain and exercise the rights of membership therein. Any person or persons, club, society, association, corporation or organization violating or aiding, abetting or assisting in the violation of any provision of this section shall be guilty of a misdemeanor and on conviction thereof shall be fined in any sum not exceeding one hundred dollars, or imprisoned in the county jail for a period not exceeding thirty days, or shall suffer both such fine and imprisonment.

Penalty.

SEC. 43. That Section 7236 of Remington & Ballinger's Annotated Codes and Statutes of Washington be and the same is hereby amended to read as follows:

Section 7236. No member of the Organized Militia of Washington shall be discharged by his employer by reason of the performance of any military duties upon which he may be ordered. When any member of the Organized Militia of Washington is ordered upon duty which takes him from his employment he may apply upon the termination of such duty to be restored to his position and employment, and if the tour of duty shall have continued for a period not longer than three months, any employer or the officer or manager of any firm or corporation having authority to re-employ such member and failing so to do shall be guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not exceeding three hundred dollars, or imprisoned in the county jail for a period not exceeding ninety days, or shall suffer both such fine and imprisonment.

Discharge by employer prohibited.

Penalty.

SEC. 44. That section 7238 of Remington & Ballinger's Annotated Codes and Statutes of Washington as amended by chapter 19 of the Laws of Washington of 1915, be and the same is hereby amended to read as follows:

Section 7238. The officers, or the officers and enlisted men of any regiment, battalion, company or similar unit of the Organized Militia of Washington are hereby au-

Incorporation of militia as social clubs.

thorized to organize themselves into a corporation for social purposes and for the purpose of holding, acquiring and disposing of such property, real and personal, as such military organizations may possess or acquire. Such corporation shall not engage in business and shall not be required to pay any filing or license fee to the state.

The dissolution or disbandment of any such unit as a military organization shall not operate to terminate the existence of the corporation, but the existence of the same shall continue for the period limited in its articles of incorporation for the benefit of such corporation.

Upon the dissolution or disbandment of any such unit which shall not have incorporated, and which shall at the time of such dissolution or disbandment possess any funds or property, the title to such funds or property shall immediately vest in the State of Washington, and The Adjutant General shall take possession thereof and dispose of the same to the best interest of the Organized Militia of Washington.

Property of
disbanded
units reverts
to state.

SEC. 45. The military tribunals of the State of Washington shall be of two kinds, viz.:

1. Courts-martial for the trial of offenders against the military law, and
2. Courts of inquiry for examining transaction of, or accusations or imputations against, officers or enlisted men of the Organized Militia of Washington.

All such courts shall be composed of commissioned officers only. All commissioned officers of the Organized Militia of Washington, shall be eligible for detail to such courts, but no officer will be detailed for the trial of an officer superior to himself in rank when it can be avoided.

Classes of
courts-
martial.

SEC. 46. The Military Courts of the Organized Militia of the State of Washington, shall be of the following classes:

For the National Guard:

1. General Courts-Martial
2. Special Courts-Martial
3. Summary Courts-Martial

For the Naval Militia:

1. General Courts-Martial
2. Summary Courts-Martial
3. Deck Courts

They shall be respectively constituted like and have cognizance of the same subjects, and possess like powers, except as to punishments, as similar courts provided for by the laws and regulations of the United States, and the proceedings of such courts shall follow the forms and modes of procedure prescribed for similar courts by the law and regulations of the United States. They may be convened by order specifying that they shall sit either for the trial of specified offenses or offenders or for the trial of all offenses or offenders that may be lawfully brought before them either during a specified period of time or until further order of the convening or superior authority.

Regulations
and sittings.

SEC. 47. General courts-martial may be convened by order of the Governor and may consist of any number of officers from five to thirteen inclusive. The decision of the appointing authority as to the number of officers to compose such court shall be conclusive. When from any cause a general court-martial is reduced below the minimum of five officers, the remaining number will direct the Judge Advocate to report the fact to the convening authority and await further orders. Such courts shall have the power and jurisdiction to impose fines not exceeding two hundred (\$200.00) dollars; to sentence to forfeiture of pay and allowances; to a reprimand; to dismissal or dishonorable discharge from the service; to reduction of non-commissioned officers to the ranks; to reduction in rank or rating; or any two or more of such punishments may be combined in the sentence imposed by such courts.

General
courts-
martial,
composition
and juris-
diction.

SEC. 48. In the National Guard of Washington the commanding officer of each garrison, post, camp or other place, brigade, regiment, detachment, battalion or other detached command, may appoint special courts-martial for his command but such special courts-martial may in

Special
courts-
martial in
national
guard, ap-
pointment
and juris-
diction.

any case be appointed by a superior authority when by the latter deemed desirable. Special courts-martial shall have the power to try any person subject to military law, except a commissioned officer, for any crime or offense made punishable by the military laws of the United States or of the State of Washington, and such special courts-martial shall have the same powers of punishment as do general courts-martial, except that fines imposed by such special courts-martial shall not exceed one hundred (\$100.00) dollars. Such special courts-martial shall consist of any number of commissioned officers from three to five, inclusive.

National
guard sum-
mary courts-
martial, ap-
pointment
and juris-
diction.

SEC. 49. The commanding officer of each garrison, fort, post or other place, regiment or corps, detached battalion, company or other detachment of the National Guard of Washington, may appoint for such place of command a summary court to consist of one (1) officer, who shall have power to administer oaths and to try enlisted men of such place or command for breaches of discipline and violations of laws governing such organizations; and said court when satisfied of the guilt of such soldier, may impose fines not exceeding twenty-five (\$25.00) dollars for any single offense, may sentence non-commissioned officers to reduction to the ranks; may sentence to forfeiture of pay and allowances. The proceedings of such court shall be informal, and the minutes thereof shall be the same as prescribed for similar courts of the Regular Army of the United States.

Naval
militia sum-
mary courts-
martial.

SEC. 50. A summary court-martial for the Naval Militia of Washington shall consist of three commissioned officers thereof as members and one commissioned or warrant officer as recorder and may be ordered by the Governor or by the commanding officer of a Naval Militia brigade or battalion. The precept for the court shall specify the personnel of the court and the time and place of the meeting. The precept may authorize such court to sit on board any vessel loaned this state by the United States or on board any vessel upon which said Naval

Militia may have been lawfully assembled or may be serving whether such assemblage or service be for the purpose of the annual or other cruise or for drill and instruction and such court may sit and act wherever said vessel may be. Such courts shall have the power to administer oaths and to try any member of said Naval Militia subject to military law except a commissioned or warrant officer thereof for any crime or offense made punishable by the military laws of the United States or of the State of Washington provided for Naval Militia and shall have the same powers of punishment as do general courts-martial, except that fines imposed by summary courts-martial shall not exceed one hundred (\$100.00) dollars for any single offense.

Members.
venue and
jurisdiction.

SEC. 51. A deck court in the Naval Militia of Washington shall consist of one commissioned officer thereof, of the grade of lieutenant (junior grade) or above if practicable, and may be ordered by the commanding officer of a Naval Militia brigade or battalion or by a Naval Militia officer in command of a Naval Militia force on shore or on any vessel loaned this state by the United States or on any vessel on which the Naval Militia of this state or any part thereof may be serving, and said court may sit and act wherever said vessel may be. Said court shall have power to administer oaths and to try any member or members of the enlisted personnel of the said Naval Militia for breaches of discipline or violations of the laws, articles, regulations, instructions and orders governing said Naval Militia and may impose fines not exceeding fifty (\$50.00) dollars for any single offense, and may sentence enlisted men to reduction in rank or rating, to forfeiture of pay and allowances, to a reprimand, to discharge with other than a dishonorable discharge, or to a fine in addition to any one of the other sentences specified.

Deck courts

Place of
trial and
jurisdiction.

SEC. 52. The amount of any fine imposed under sentence of any Naval Militia court on any member of the Naval Militia of Washington may be collected from him or may be deducted from any amount due said member

Fines
imposed by
naval militia
court.

as pay of any character whatsoever and all such fines so collected or withheld shall be paid to the commanding officer of the Naval Militia battalion or separate unassigned unit of which the person against whom such fine shall have been assessed is a member, to be used by said commanding officer to replace lost or damaged property or for such other purposes of his Naval Militia organization as he may decide, subject to such regulations as may be prescribed by the Governor in conformity with the regulations of the Navy Department thereon. Upon the receipt of a certificate from the authority convening the court as to any fine assessed by it, any disbursing officer concerned shall pay over any funds due said member not exceeding the amount of such fine to said commanding officer upon the sole receipts of said commanding officer.

Collection and disposition.

SEC. 53. All military courts of the Organized Militia of Washington, including summary courts and deck courts, shall have power to sentence to confinement in lieu of fines authorized to be imposed: *Provided*, That such sentence of confinement shall not exceed one day for each dollar of fine authorized.

Sentence to confinement in lieu of fine.

SEC. 54. No sentence of dismissal or dishonorable discharge from the service of the Organized Militia of Washington not in the service of the United States, imposed by any military court, shall be executed until approved by the Governor.

Approval of dismissals and dishonorable discharges.

SEC. 55. Military courts shall have jurisdiction, subject to the limitations imposed by law, at all times and in all places, over officers and enlisted men of the Organized Militia of Washington, and over members of the Unorganized Militia of Washington who shall be under orders for military duty, for all military offenses.

Extent of jurisdiction.

SEC. 56. Presidents of courts-martial, senior members of Naval Militia summary courts-martial and summary and deck court officers shall have power to issue warrants to arrest accused persons and to bring them before the court for trial whenever such persons shall have

Warrants for arrest and compulsory attendance of witnesses.

disobeyed an order in writing from the convening authority to appear before such court, a copy of the charge or charges having been delivered to the accused with such order, and to issue subpoenas and subpoenas *duces tecum*, and to enforce by attachment attendance of witnesses, both civil and military, and to require the production of all books and papers, and to sentence for a refusal to be sworn or to answer as provided in actions before civil courts. All of such courts shall also have power to take or cause to be taken the depositions of witnesses to the same extent as have the superior courts of the State of Washington. Every Judge Advocate of a military court shall have the same power to issue subpoenas and subpoenas *duces tecum* that are possessed by the Attorney of Record for any party to an action pending before the superior court of the State of Washington and such military court shall have the same authority to enforce obedience to such subpoenas as is possessed by the superior courts of the State of Washington.

SEC. 57. That Section 7324 of Remington & Balingier's Annotated Codes and Statutes of Washington be and the same is hereby amended to read as follows:

Section 7324. Every person not belonging to the Organized Militia of Washington who, having been duly subpoenaed to appear as a witness before a military court, shall have wilfully neglected or refused to appear (or refused to appear) or refused to qualify as a witness or to testify or produce documentary evidence which such person shall have been legally subpoenaed to produce, and every sheriff, constable or jailor who shall have received a lawful writ, mandate, subpoena or other process of any military court, and who shall have refused or wilfully or negligently failed to execute or serve the same shall be deemed guilty of a misdemeanor, for which such person shall be punished on information in the superior court of the State of Washington; and it shall be the duty of the prosecuting attorney of any county, on the certification of the facts to him by the president or senior member of

Refusal of witnesses to appear and of civil officers to serve writs.

Penalty. the court, to file an information against and prosecute the person so offending, and the punishment of such person, on conviction, shall be a fine of not more than five hundred dollars or imprisonment not to exceed six months, or both, at the discretion of the court: *Provided*, That no witness shall be compelled to incriminate himself or to answer any questions which may tend to incriminate or degrade him.

Power to issue processes and mandates. SEC. 58. Military courts are empowered to issue all processes and mandates including writs and warrants necessary and proper to carry into full effect the powers vested in said courts. Such writs and mandates may be directed to the sheriff of any county or the constables or marshals of any precinct, city or town, and shall be in such form as may, from time to time, be prescribed in regulations. It shall be the duty of all such officers to whom any such process or mandate may be so directed to forthwith execute the same and make return of their acts thereunder, according to the requirements of such process or mandate. The keepers and wardens of all county and city jails shall receive the bodies of persons committed by the process or mandate of any military court, and shall confine them in the manner prescribed thereby and according to law. Any person may be committed to any county or city jail for failure to pay any fine under this act and when so committed shall be credited upon such fine and assessed costs with the sum of one dollar for each day so confined.

Duty of civil officers to execute. Commitments to jail.

SEC. 59. That Section 7327 of Remington & Balinger's Annotated Codes and Statutes of Washington be and the same is hereby amended to read as follows:

Fees and mileage. Section 7327. Fees and mileage allowed for the service of process and for civilian witnesses shall be the same as in civil actions. All expenditures necessary to carry the provisions of this act into effect are hereby authorized to be incurred, and paid out of the appropriations for the maintenance of the Organized Militia of Washington.

SEC. 60. Wherever used in the military code of the State of Washington and throughout this act the word "officer" shall be understood to designate commissioned and warrant officers, and the words "enlisted men" shall be understood to designate members of the Organized Militia of Washington other than commissioned or warrant officers. The convictions and punishments mentioned in the military code of the State of Washington and in this act, unless otherwise specifically designated, shall be understood to be respectively convictions and punishments by military courts.

Officer, enlisted men, and convictions defined.

The Organized Militia of Washington shall be governed by the following articles:

Governing articles.

SEC. 61. Art. 1. Any officer who knowingly musters as an enlisted man a person who is not an enlisted man shall be deemed guilty of knowingly making a false muster, and punished accordingly.

False muster.

SEC. 62. Art. 2. Every officer who knowingly makes a false return to any of his superior officers authorized to call for such returns, of the state of the organization under his command, or of the arms, ammunition, clothing or other stores for which he shall be responsible or accountable, shall, on conviction thereof before a court-martial, be dismissed.

False returns.

SEC. 63. Art. 3. Every officer shall be charged with the arms, accoutrements, ammunition, clothing and other military stores for which he shall have given his receipt in writing, and shall be responsible in case of their being lost, spoiled or damaged otherwise than by unavoidable accident, or on actual service.

Responsibility for arms, etc.

SEC. 64. Art. 4. Every officer who signs a false certificate relating to the absence or pay of an officer or enlisted man shall be dismissed from the service.

False certificate.

SEC. 65. Art. 5. Any officer who knowingly makes a false muster of man or horse, or who signs, or directs, or allows the signing of any muster roll, knowing the same to contain a false muster, shall, upon proof thereof

False muster roll.

by two witnesses before a court-martial, be dismissed from the service, and shall thereby be disabled to hold any office or employment in the service of the State of Washington.

Negligent
loss of mili-
tary stores.

SEC. 66. Art. 6. Any officer, who wilfully or through neglect, suffers to be lost, spoiled, or damaged, any military stores belonging to the United States or the State of Washington, shall make good the loss or damage, and shall suffer such punishment as a court-martial may direct.

Sale or
waste of
ammunition.

SEC. 67. Art. 7. Any enlisted man who sells, or wilfully or through neglect wastes the ammunition delivered to him shall be punished as a court-martial may direct.

Sale or loss
of military
stores.

SEC. 68. Art. 8. Any enlisted man who sells, or through neglect loses or spoils any military property of the United States or the State of Washington shall be punished as a court-martial may direct.

Disrespect
toward
commanding
officer.

SEC. 69. Art. 9. Any officer or enlisted man who behaves himself with disrespect towards his commanding officer shall be punished as a court-martial may direct.

Striking or
disobeying
superior
officer.

SEC. 70. Art. 10. Any officer or enlisted man who, on any pretense whatsoever, strikes his superior officer, or draws or lifts up any weapon or offers any violence against him, being in the execution of his office, or disobeys any lawful command of his superior officer, shall suffer such punishment as a court-martial may direct.

Mutiny.

SEC. 71. Art. 11. Any officer or enlisted man who begins, excites, causes, or joins in any mutiny or sedition, shall suffer such punishment as a court-martial may direct.

Presence at
or knowl-
edge of
mutiny.

SEC. 72. Art. 12. Any officer or enlisted man who, being present at any mutiny or sedition, does not use his utmost endeavor to suppress the same, or having knowledge of any intended mutiny or sedition does not, without delay, give information thereof to his commanding officer, shall suffer such punishment as a court-martial may direct.

SEC. 73. Art. 13. Every officer shall have power to part and quell all quarrels, frays, and disorders, whether among persons belonging to his own or another organization and to order officers into arrest, and enlisted men into confinement, who take part in the same, until their proper superior officer is acquainted therewith. And whosoever, being so ordered, refuses to obey such officer or draws a weapon upon him, shall be punished as a court-martial may direct.

Suppression
of disorders
among mil-
itia members.

SEC. 74. Art. 14. Any enlisted man who thinks himself wronged by any officer may complain to the immediate commander of said officer, who shall examine into said complaint and take proper measures.

Complaints
of men
against
officers.

SEC. 75. Art. 15. Any enlisted man who absents himself from duty without leave shall be punished as a military court may direct.

Absence
from duty.

SEC. 76. Art. 16. Any officer or enlisted man who fails, except when prevented by sickness or other necessity, to repair at the fixed time to the appointed place of parade, exercise or other rendezvous, or goes from the same without leave, before he is dismissed or relieved, shall be punished as a military court may direct.

Non-attend-
ance or leav-
ing military
exercises.

SEC. 77. Art. 17. No enlisted man shall hire another to do his duty for him, or be excused from duty, except in cases of sickness, disability, or leave of absence. Every enlisted man found guilty of hiring his duty, and the person so hired to do another's duty, shall be punished as a military court may direct.

Hiring
substitute
for discharge
of duties.

SEC. 78. Art. 18. Every non-commissioned or petty officer who connives at such hiring of duty shall be reduced. Every officer who knows and allows such practices shall be punished as a court-martial may direct.

Connivance
of officers.

SEC. 79. Art. 19. Any officer who is found drunk on duty shall be dismissed from the service. Any enlisted man who so offends shall suffer such punishment as a military court may direct.

Drunkenness
on duty.

Sleeping or
abandoning
sentinel
duty.

SEC. 80. Art. 20. Any sentinel who is found sleeping upon his post, or who leaves it before he is regularly relieved, shall suffer such punishment as a court-martial may direct.

False
alarm in
camp.

SEC. 81. Art. 21. Any officer, who by any means whatsoever, occasions false alarms in camp, garrison, or quarters, shall suffer such punishment as a court-martial may direct.

Cowardice
and pillage.

SEC. 82. Art. 22. Any officer or enlisted man who misbehaves himself before the enemy, runs away, or shamefully abandons any fort, post, or guard which he is commanded to defend, or speaks words inducing another to do the like, or casts away his arms or ammunition, or quits his post or colors to plunder or pillage, shall suffer such punishment as a court-martial may direct.

Desertion.

SEC. 83. Art. 23. Every enlisted man who deserts, shall be liable to serve for such period as shall, with the time he may have served previous to his desertion, amount to the full term of his enlistment; and such enlisted man shall be tried by a court-martial and punished, although the term of his enlistment may have elapsed previous to his being apprehended and tried.

Quitting
post prior to
acceptance
of resigna-
tion.

SEC. 84. Art. 24. Any officer who, having tendered his resignation, quits his post, or proper duties, without leave and with intent to remain permanently absent therefrom, prior to due notice of acceptance of the same, shall be deemed and punished as a deserter.

Persuasion
to desert.

SEC. 85. Art. 25. Any officer or enlisted man who advises or persuades any other officer or enlisted man to desert shall suffer such punishment as a court-martial may direct.

Destruction
of property.

SEC. 86. Art. 26. All officers and enlisted men are to behave themselves orderly in quarters and on the march; and whoever commits any waste or spoil, or maliciously destroys any property whatsoever belonging to inhabitants of the United States or of the State of Washington, shall, besides such other penalties as he may be

liable to by law, be punished as a court-martial may direct.

SEC. 87. Art. 27. Any member of the Organized Militia of Washington

(1) Who makes or causes to be made any claim against the United States or the State of Washington, or any officer thereof, knowing such claim to be false or fraudulent; or

Making fraudulent claims.

(2) Who presents or causes to be presented to any person in the civil or military service thereof, for approval or payment, any claim against the United States or the State of Washington, or any officer thereof, knowing such claim to be false or fraudulent; or

Presentation of fraudulent claims.

(3) Who enters into any agreement or conspiracy to defraud the United States or the State of Washington, by obtaining, or aiding others to obtain, the allowance or payment of any false or fraudulent claim; or

Conspiracy to defraud.

(4) Who, for the purpose of obtaining or aiding others to obtain, the approval, allowance, or payment of any claim against the United States or the State of Washington, or against any officer thereof, makes or uses, or procures or advises the making or use of, any writing or other paper; knowing the same to contain any false or fraudulent statement; or

Making or using fraudulent papers.

(5) Who, for the purpose of obtaining or aiding others to obtain, the approval, allowance, or payment of any claim against the United States or the State of Washington or any officer thereof, makes, or procures or advises the making of, any oath to any fact or to any writing or other paper, knowing such oath to be false; or

Making or procuring false oath to claims.

(6) Who, for the purpose of obtaining, or aiding others to obtain, the approval, allowance, or payment of any claim against the United States or the State of Washington, or any officer thereof, forges or counterfeits, or procures or advises the forgery or counterfeiting of, any signature upon any writing or other paper, or uses, or

Forgery or counterfeiting of claims.

procures or advises the use of, any such signature, knowing the same to be forged or counterfeited; or

Taking
excess of
money or
property
delivered.

(7) Who, having charge, possession, custody, or control of any money or other property of the United States or of the State of Washington, furnished or intended for the military service thereof, knowingly delivers, or causes to be delivered to any person having authority to receive the same, any amount thereof less than that for which he receives a certificate or receipt; or

Delivery of
receipt with
intent to
defraud.

(8) Who, being authorized to make or deliver any paper certifying the receipt of any property of the United States or the State of Washington, furnished or intended for the military service thereof, makes or delivers to any person such writing, without having full knowledge of the truth of the statements therein contained, and with intent to defraud the United States or the State of Washington; or

Embezzlement
of
military
property.

(9) Who steals, embezzles, knowingly and wilfully misappropriates, applies to his own use or benefit, or wrongfully or knowingly sells or disposes of any ordnance [ordnance], arms, ammunition, equipments, clothing, subsistence, stores, money, or other property of the United States or of the State of Washington, furnished or intended for the military service thereof; or

Unlawful
purchase of
military
stores.

(10) Who knowingly purchases, or receives in pledge for any obligation or indebtedness, from any enlisted man, officer, or other person who is a part of or employed in said forces or service, any ordnance, arms, equipment, ammunition, clothing, subsistence, stores, or other property of the United States or State of Washington, such enlisted man, officer or other person not having lawful right to sell or pledge the same;

Penalty.

Shall on conviction thereof, be punished by fine or imprisonment, or by such other punishment as a court-martial may direct or by any or all of said penalties.

Liability to
court-mar-
tial after
discharge or
dismissal.

And if any person having committed any of the offenses aforesaid while a member of the Organized Militia of Washington, receives his discharge, or is dismissed

from the service, he shall continue to be liable to be arrested and held for trial and sentence by a court-martial, in the same manner and to the same extent as if he had not received such discharge nor been dismissed.

SEC. 88. Art. 28. Any officer who is convicted of conduct unbecoming an officer and a gentleman shall be dismissed from the service.

Conduct unbecoming an officer.

SEC. 89. Art. 29. All crimes not capital and all disorders and neglects, of which officers and enlisted men may be guilty, to the prejudice of good order and military discipline, though not mentioned in the foregoing articles, may be taken cognizance of by a military court, as provided herein, according to the nature and degree of the offense, and punished at the discretion of such court.

Cognizance of all crimes other than capital.

SEC. 90. Art. 30. When an officer is put in arrest for the purpose of trial, the officer by whose order he is arrested shall see that a copy of the charge on which he is to be tried is served upon him within ten days after his arrest, and that he is brought to trial within twenty days thereafter, unless the necessities of the service prevent such trial; and then he shall be brought to trial within thirty days after the expiration of said twenty days. If a copy of the charges be not served, or the arrested officer be not brought to trial, as herein required, the arrest shall cease. But officers released from arrest, under the provision of this article, may be tried, whenever the exigencies of the service shall permit, within twelve months after such release from arrest.

Arrest of officer.

Service of charges.

Time of trial.

SEC. 91. Art. 31. For each general or special court-martial of the National Guard and for each general or summary court-martial of the Naval Militia, the Governor shall appoint a judge Advocate.

Judge advocates.

SEC. 92. Art. 32. When the requisite number of officers to form a general court-martial is not present at any station or detachment the Governor shall in cases which require the cognizance of such court, thereupon order a court to be assembled at the nearest place where

Procedure where insufficient officers for court.

such trial can be conveniently held, and shall order the accused, with necessary witnesses, to be transported to the place where the said court shall be assembled.

Trial of
officers.

SEC. 93. Art. 33. Officers shall be tried only by general courts-martial.

SEC. 94. Art. 34. The judge advocate of a general or special court-martial shall administer to the members of the court, before they proceed upon any trial, the following oath or affirmation:

Oath of
members of
court-
martial.

“You, A. B., do swear (or affirm) that you will well and truly try and determine, according to the evidence, the matter now before you between the State of Washington and the person to be tried, and that you will duly administer justice, without partiality, favor, or affection, according to the provisions of the rules and articles for the government of the Organized Militia of the State of Washington, and if any doubt should arise, not explained by said articles, then according to your conscience, the best of your understanding, and the custom of war in like cases; and you do further swear (or affirm) that you will not divulge the findings or sentence of the court until they shall be published by the proper authority, except to the judge advocate; neither will you disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof as a witness by a court of justice in due course of law. So help you God.”

SEC. 95. Art. 35. When the oath or affirmation has been administered to the members of a general or special court-martial, the president of the court shall administer to the judge advocate, an oath or affirmation in the following form:

Oath of
judge
advocate.

“You, A. B., do swear (or affirm) that you will not divulge the findings or sentence of the court to any but the proper authority until they shall be duly disclosed by the same. So help you God.”

All persons who give evidence before a court-martial shall be examined on oath or affirmation in the following form:

“You swear (or affirm) that the evidence you shall give in the case now in hearing shall be the truth, the whole truth, and nothing but the truth. So help you God.”

Oath of witnesses.

Every reporter of the proceedings of a court-martial shall, before entering upon his duties, make oath or affirmation in the following form:

“You swear (or affirm) that you will faithfully perform the duties of reporter to this court. So help you God.”

Oath of reporter.

Every interpreter in the trial of any case before a court-martial shall, before entering upon his duties, make oath or affirmation in the following form:

“You swear (or affirm) that you will truly interpret in the case now in hearing. So help you God.”

Oath of interpreter.

In case of affirmation the closing sentence of adjuration will be omitted.

SEC. 96. Art. 36. A military court may punish, at discretion, any person who uses any menacing words, signs, or gestures, in its presence, or who disturbs its proceedings by any riot or disorder.

Punishment for contempt of court.

SEC. 97. Art. 37. All members of a court-martial are to behave with decency and calmness.

Conduct of court members.

SEC. 98. Art. 38. Members of a court-martial may be challenged by a prisoner, but only for cause stated to the court. The court shall determine the relevancy and validity thereof and shall not receive a challenge to more than one member at a time.

Challenges to members of court.

SEC. 99. Art. 39. When a prisoner, arraigned before a military court, from obstinacy and deliberate design, stands mute or answers foreign to the purpose, the court may proceed to trial and judgment as if the prisoner had pleaded not guilty.

Prisoner standing mute.

SEC. 100. Art. 40. The Judge Advocate shall prosecute in the name of the State of Washington, but when

Protection of rights of prisoner.

the prisoner has made his plea, he shall so far consider himself counsel for the prisoner as to object to any leading question to any witness, and to any question to the prisoner the answer to which might tend to incriminate himself.

Oath of witnesses.

SEC. 101. Art. 41. All persons who give evidence before a military court shall be examined on oath, or affirmation, in the following form: "You swear (or affirm) that the evidence you shall give, in the case now in hearing, shall be the truth, the whole truth, and nothing but the truth. So help you God."

Continuances.

SEC. 102. Art. 42. A court-martial shall, for reasonable cause, grant a continuance to either party, for such time, and as often as may appear to be just.

Voting by court members.

SEC. 103. Art. 43. Members of a court-martial, in giving their votes, shall begin with the youngest in commission.

Suspension of pay.

SEC. 104. Art. 44. When a court-martial suspends an officer from command it may also suspend his pay and emoluments for the same time, according to the nature of his offense.

Twice in jeopardy.

SEC. 105. Art. 45. No person shall be tried a second time for the same offense.

Period of limitation against trial.

SEC. 106. Art. 46. No person shall be liable to be tried and punished by a military court for any offense which appears to have been committed more than two years before the issuing of the order for such trial, unless by reason of having absented himself, or of some other manifest impediment, he shall not have been amenable to justice within that period.

Execution of sentences.

SEC. 107. Art. 47. No sentence of a general court-martial shall be carried into execution until the same shall have been approved by the Governor.

Judge advocate's report to adjutant general.

SEC. 108. Art. 48. Every Judge Advocate, or person acting as such, at any general court-martial, shall, with as much expedition as the opportunity of time and distance of place may admit, forward the original pro-

ceedings and sentence of such court to The Adjutant General.

SEC. 109. Art. 49. Every person tried by a general court-martial shall, upon proper demand therefor be entitled to a copy of the proceedings and sentence of such court.

Copy of proceedings and sentence to person tried.

SEC. 110. Art. 50. A court of inquiry to examine into the nature of any transaction of, or accusation or imputation against, any officer or enlisted man may be ordered by the Governor or by the Commanding officer of a Naval Militia Brigade or Battalion.

Court of inquiry.

SEC. 111. Art. 51. The recorder or judge advocate of a court of inquiry shall administer to the members the following oath:

“You shall well and truly examine and inquire, according to the evidence, into the matter now before you, without partiality, favor, affection, prejudice, or hope of reward. So help you God.”

Oath of members of court.

After which the president of the court shall administer to the recorder or judge advocate the following oath:

Oath of recorder.

“You, A. B., do swear that you will, according to your best abilities, accurately and impartially record the proceedings of the court and the evidence to be given in the case in hearing. So help you God.”

SEC. 112. Art. 52. A court of inquiry, and the recorder or judge advocate thereof, shall have the same power to summon and examine witnesses as is given to general courts-martial and the judge advocates thereof. Such witnesses shall take the same oath which is taken by witnesses before general courts-martial, and the party accused shall be permitted to examine and cross-examine them, so as fully to investigate the circumstances in question.

Powers of court and recorder.

SEC. 113. Art. 53. A court of inquiry shall not give an opinion on the merits of the case inquired of unless specially ordered to do so.

Opinion on merits of case.

SEC. 114. Art. 54. The proceedings of a court of inquiry must be authenticated by the signatures of the

Authentication of proceedings.

recorder or judge advocate and the president thereof and delivered to The Adjutant General or convening authority.

Admission of proceedings as evidence in military court.

SEC. 115. Art. 55. The proceedings of a court of inquiry may be admitted as evidence by a military court, in cases not extending to the dismissal of an officer: *Provided*, That the circumstances are such that oral testimony can not be obtained.

Highest officer in combined units to command.

SEC. 116. Art. 56. If, upon marches, guards, or in quarters, different organizations of the National Guard of Washington, happen to join or do duty together, the officer highest in rank of the line by commission, there on duty or in quarters, shall command the whole, and give orders for what is needful in the service, unless otherwise specially directed by the Governor, according to the nature of the case.

Inventory of effects of deceased militiaman.

SEC. 117. Art. 57. In case of death of any enlisted man, his commanding officer shall immediately secure all his effects then in camp or quarters, and shall, in the presence of two other officers, make an inventory thereof, which he shall transmit to the office of the Adjutant General.

Power of punishment in naval militia.

SEC. 118. Art. 58. The commanding officer of a Naval Militia brigade or battalion and the Naval Militia officer in command of Naval Militia forces on shore or on any vessel of the Navy loaned to the State of Washington or on any vessel on which such forces are training shall have power, without trial by courts-martial, to impose upon members of the Naval Militia of Washington the punishments which the commanding officer of a vessel of the Navy is authorized by law to impose.

Naval militia allowances for incidental expenses.

SEC. 119. Each commanding officer of the Naval Militia of Washington shall be entitled to receive an allowance for the incidental expenses of his command, payable quarterly in advance, in like manner and at the same times as similar allowance is made to commanding officers of the National Guard of Washington, according to the following schedule: Divisions, Marine Corps companies

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 twenty five (\$25.00) dollars per month; brigades and like units, not to exceed twenty-five (\$25.00) dollars per month.

Such allowance for incidental expenses shall be accounted for, and expenditures therefrom evidenced, in the same manner as is provided for similar allowances to commanding officers of organizations of the National Guard of Washington.

SEC. 120. That Section 7328 of Remington & Ballinger's Annotated Codes and Statutes of Washington be and the same is hereby amended to read as follows:

Section 7328. Under the direction of the Governor The Adjutant General shall, at the expense and in the name of the state, buy or lease, establish, equip, maintain and control such rifle ranges and issue such ammunition, transportation and supplies as may be necessary to provide each organization of the Organized Militia of Washington with adequate means and opportunity for thorough instruction in rifle practice.

Rifle ranges.

SEC. 121. That Section 7329 of Remington & Ballinger's Annotated Codes and Statutes of Washington be and the same is hereby amended to read as follows:

Section 7329. The Adjutant General is authorized to expend from the appropriations for the maintenance of the Organized Militia of Washington the sum of five hundred dollars per annum for prizes for marksmanship under such regulations as may be prescribed by the Governor.

Prizes for marksmanship.

SEC. 122. That Section 7330 of Remington & Ballinger's Annotated Codes and Statutes of Washington be and the same is hereby amended to read as follows:

Section 7330. Whenever any portion of the militia of the state shall be on duty under or pursuant to orders of the Governor, or whenever any part of the militia shall be ordered to assemble for duty in time of war, insurrection, invasion or imminent danger thereof, breach of the peace, tumult, riot, public danger or resistance to process,

U. S. articles of war to govern militia on duty, if unmodified by state regulations.

the Articles of War and Regulations for the government of the Army of the United States, so far as applicable and not in conflict with any rule or regulation herein prescribed, and with such modifications as the Governor may prescribe, shall be considered in force and regarded as a part of this act until such forces shall be duly relieved from such duty: *Provided*, That organizations of the Naval Militia of Washington under such circumstances shall be similarly subject to the articles for the government of the Navy of the United States and to navy regulations, naval instructions, and general orders of the United States Navy. No punishment under this section, extending to the taking of life, shall in any case be inflicted except in time of actual war, invasion or insurrection declared to exist by proclamation of the President of the United States or by the Governor of this state, and then only after the approval of such sentence by the Governor.

Naval militia governed by U. S. navy regulations.

Punishment by death only on approval of governor.

SEC. 123. That Section 7331 of Remington & Balinger's Annotated Codes and Statutes of Washington be and the same is hereby amended to read as follows:

Section 7331. The Governor shall promulgate in general orders such rules and regulations and amendments thereto not inconsistent with law as he may deem necessary. Such rules and regulations, when so promulgated, shall have the same force and effect as though herein enacted.

Promulgation by governor of general orders.

SEC. 124. That Section 7332 of Remington & Balinger's Annotated Codes and Statutes of Washington be and the same is hereby amended to read as follows:

Section 7332. Every officer and enlisted man of the Organized Militia of Washington shall be exempt from all jury duty and from the payment of poll tax during the term of his service therein. Every person employing an enlisted man of the Organized Militia of Washington having not less than six months' continuous service therein, and having so continuously employed him for a period of not less than six months prior to the time of claiming

Exemptions of militiamen.

Exemption of employer from jury duty.

such exemption, shall be exempt from jury duty: *Provided*, That if such member of the Organized Militia is employed by a firm or corporation, one member only of such firm or officer of such corporation shall be exempt from jury duty for each member of the Organized Militia so employed: *And provided further*, That this exemption shall extend only to members of firms and to officers of corporations actively engaged in conducting the business of such corporations, and shall not extend to directors and stockholders in such corporations merely as such.

SEC. 125. Whenever any land, real estate, premises or other property owned by the State of Washington and used for military purposes shall be involved in or affected by any eminent domain, condemnation, local improvement or other special assessment proceeding whatsoever, in addition to the notices elsewhere provided by law, the officer or board required by law to give notice of such proceedings shall cause to be served upon The Adjutant General at least twenty days in advance of any hearing therein, a written notice, setting forth the nature of the proceedings, the description of such state property sought to be involved therein or affected thereby and the amount of the proposed assessment therein.

Condemnation or special assessment against state military realty.

Notice to adjutant general.

SEC. 126. That Section 7338 of Remington & Ballinger's Annotated Codes and Statutes of Washington be and the same is hereby amended to read as follows:

Section 7338. For the purpose of raising revenue for the Organized Militia of Washington there is hereby levied, and the proper officers shall collect, a tax of not to exceed thirty one hundredths (30/100) of one mill or so much thereof as may be necessary, upon all property in the state subject to taxation for the present fiscal year and for each fiscal year thereafter. The revenue so raised shall be paid into the state treasury and shall be converted into a special military fund, from which special fund shall be paid the military expenses authorized by the military Code of Washington, except as otherwise provided.

Tax levy for military purposes.

Payment into military fund.

Repealing
clause.

SEC. 127. That all acts incorporated and enumerated in the following schedule and all other acts and parts of acts in conflict with provisions of this act are hereby repealed:

SCHEDULE:

Sections 7169, 7170, 7177, 7178, 7179, 7180, 7184, 7185, 7186, 7187, 7188, 7190, 7191, 7193, 7196, 7197, 7198, 7199, 7201, 7202, 7203, 7204, 7205, 7206, 7208, 7209, 7210, 7211, 7212, 7213, 7214, 7215, 7217, 7228, 7231, 7237, 7239, 7240, 7312, 7313, 7314, 7315, 7316, 7317, 7318, 7319, 7320, 7321, 7322, 7325, 7333, 7336, 7339 of Remington & Ballinger's Annotated Codes and Statutes of Washington, Sec. 74 of Chapter 134 of the Laws of 1909 (being sections 7241 to 7311 both inclusive of Remington & Ballinger's Annotated Codes and Statutes of Washington) and Chapter 102 of the Laws of 1911.

SEC. 128. WHEREAS, The public peace and safety of the United States and of the State of Washington depend upon an adequate system of national defense, and

WHEREAS, The militia of the various states is an important element of the National defense, and

WHEREAS, By the Constitution of the United States authority is conferred upon Congress to provide for calling forth the militia to execute the laws of the Union, suppress insurrection and repel invasion and to provide for organizing, arming and disciplining the militia and for governing such part of them as may be called into the service of the United States, and,

WHEREAS, By the Constitution of the United States, the authority of training the militia according to the discipline prescribed by Congress and the appointment of the officers thereof are reserved to the several states, and,

WHEREAS, Congress in accordance with the authority conferred upon it has recently enacted certain laws, providing for organizing, arming and disciplining [disciplining] the militia and for the governing of such part of them as may be called into the service of the United States and has made appropriations of money and military supplies,

accoutrements, and stores for the maintenance, support, equipment and discipline of the militia contingent upon compliance by the states respectively with the conditions set forth in said enactments, and,

WHEREAS, Said enactments, have been duly and regularly approved by the President of the United States and for some time past have been and now are in full force and effect, and

WHEREAS, It is the duty of the State of Washington and it is necessary for it forthwith to comply with said acts and each of them in order that its militia may be promptly qualified for the efficient service of both state and nation, and

WHEREAS, This act is a compliance therewith,

A public emergency is hereby declared to exist and this act is necessary for the immediate preservation of the public peace and safety and the support of the state government and its existing public institutions and shall take effect immediately. Emergency.

Passed the House February 25, 1917.

Passed the Senate February 28, 1917.

Approved by the Governor March 13, 1917.

CHAPTER 108.

[H. B. 46.]

ARMORY AT WALLA WALLA.

AN ACT relating to the construction, equipment and furnishing of an armory for the use of the National Guard of Washington at Walla Walla, 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

Appropriation
\$75,000.