

Cumulative provisions.

SEC. 5. The provisions and remedies provided by this act are and shall be cumulative of existing provisions and remedies, and nothing in this act contained shall be held to repeal any provision of the existing law or of any charter of any city upon the subject matter thereof, but such existing law or charter provision shall continue in full force and effect, and it shall be optional with the city authorities to proceed under either such existing law, charter provision or this act.

Passed the Senate February 26, 1901.

Passed the House March 13, 1901.

Approved by the Governor March 16, 1901.

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## CHAPTER LXXVIII.

[S. B. No. 174.]

### AMENDING BALLINGER'S CODE RELATING TO THE MILITARY CODE.

AN ACT to amend sections 1926, 1929, 1930, 1950, 1953, 1954, 1963, 1981, 1990, 1992, 1993, 2025, 2028, 2046, 2061, of Ballinger's Annotated Codes and Statutes of Washington, relating to the Military Code of the State of Washington, providing for courts of inquiry, and declaring an emergency.

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

Amendments.

Complement.

Allotment.

SECTION 1. That section 1926 of said code be amended to read as follows: "Sec. 1926. In time of peace, the National Guard of Washington shall consist of not less than twelve nor more than sixteen companies of infantry, one troop of cavalry, one battery of light artillery, and such bands, signal corps and medical department as are hereinafter provided for. The said companies, troop and battery may be allotted and stationed in such localities of the state as the necessity and advantage of the service require, in the discretion of the commander-in-chief, with reference to the means of rapid concentration, and may be arranged into regi-

ments, or battalions with power to alter and change the organization to conform to any system of drill or instruction, now or hereafter adopted for the army of the United States, as the commander-in-chief may deem necessary. Infantry, cavalry and artillery companies shall consist of not less than thirty-two non-commissioned officers, musicians and privates; infantry companies of not more than one hundred and forty-five, cavalry troop of not more than one hundred and battery of light artillery of not more than one hundred and twenty non-commissioned officers, musicians and privates. The commander-in-chief may limit the maximum membership of any company, troop or battery at any time to a less number than one hundred and forty-five, one hundred, and one hundred and twenty respectively, at his discretion. Any company presenting less than the minimum number of thirty-two enlisted men, at any stated muster or inspection, shall be disbanded by order of the commander-in-chief.

Infantry, etc

Membership limited.

Disbandment.

SEC. 2. That section 1929 of said code be amended to read as follows: Section 1929. The national guard of this state may, in the discretion of the commander-in-chief, be organized into one brigade. If thus organized the brigade officers shall be as follows: One brigadier general and staff consisting of one assistant adjutant general, one assistant chief engineer, one brigade inspector, one judge advocate, one brigade quartermaster, one brigade commissary, one inspector of rifle practice and one chief signal officer, each with the rank of lieutenant colonel, and three aides-de-camp, with the rank of first lieutenant: *Provided*, That the national guard of this state shall not be organized into a brigade unless the strength of the national guard shall be two or more regiments.

Amendment.

Organization.

Proviso

SEC. 3. That a regiment of infantry shall consist of one colonel, one lieutenant colonel, three majors, fifteen captains, fifteen first lieutenants and fifteen second lieutenants, one sergeant major, one quartermaster sergeant, one commissary sergeant, three battalion sergeants major, two color sergeants, with rank, pay and allow-

Officers.

ance of battalion sergeants major, and twelve companies organized into three battalions of four companies each. Of the officers herein provided, the captains and lieutenants not required for duty with the companies shall be available for detail as regimental and battalion staff officers, and such other details as may be authorized by law or regulations: *Provided*, That the commander-in-chief may increase or decrease the number of officers and non-commissioned officers at his discretion.

Available as staff officers.

Proviso.

Amendment.

Official bond of adjutant general.

Salary.

Duties.

Quarterly reports.

Printing of report.

Shall furnish army regulations.

SEC. 4. That section 1950 of said code be amended to read as follows: Sec. 1950. The adjutant general must execute an official bond to the State of Washington for the sum of \$20,000 conditioned for the faithful performance of the duties of his office. His salary shall be \$2,000 per year, payable monthly, and his necessary expenses and the expenses of his department to be limited by the board of military auditors. His duties shall be: To keep and preserve the books, arms, accoutrements, ammunition and other military property belonging to the state not issued to the various companies. To keep on file in his office all returns and reports made by and to him. To keep an account in the manner directed by the commander-in-chief, of all moneys received and disbursed by him. To attest all commissions issued to military officers. To make out and transmit militia returns prescribed by acts of congress, and to perform such other duties as are required by the provisions of this act, and such as the commander-in-chief may direct. He shall make quarterly reports and an annual report on or before the first day of January of each year of the commander-in-chief, upon the condition of the national guard and a detailed statement of all expenses of his department during the preceding year and the present condition of all military property under his charge. He shall cause this act to be printed, indexed, annotated, bound in pamphlet form and distributed, one copy to each commissioned officer in the national guard. He shall also furnish to brigade, regimental, battalion and company commanders and to the judge advocates, each, a copy of the

rules and regulations of the United States army. The adjutant general 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. Seal of office.

SEC. 5. Section 1953 of said code be amended to read as follows: "Sec. 1953. All officers shall be commissioned by the commander-in-chief and no person shall be commissioned in the national guard of this state unless he is a citizen of the United States and of the State of Washington of twenty-one years of age or upwards. No commission shall be issued to any person in the national guard save to general officers and the staff of the commander-in-chief, until the officer appointed shall have passed a satisfactory examination before a board as to his knowledge of military duties, proportionate to the office to be held, his general knowledge and his fitness for the service. If such a person shall be adjudged unqualified for such office, another person shall after due notice of such adverse decision, be appointed. The commander-in-chief shall appoint such examining boards and may remove any member thereof and fill any vacancy thereon, such examining boards to be appointed from any corps, and to consist of three officers, one of whom shall be a medical officer: *Provided*, That whenever practicable, they shall be selected from grades superior to the officer to be examined. Such board shall have the same power to compel the attendance of witnesses, administer oaths, and take testimony as is possessed by general courts martial. No person shall be eligible for appointment to office in the national guard for the period of one year after he shall have been reported adversely by an examining board. Any officer required by law or by orders to appear before such boards shall do so at his own expense. Amendment.  
Commissions.  
Examinations.  
Notice of adverse decision.  
May remove or fill any vacancy.  
Proviso.  
Compel attendance of witnesses.  
No person shall be eligible for period of one year after adversely reported.  
Appear at his own expense.

SEC. 6. That section 1594 of said code be amended to read as follows: Sec. 1594. The military officers of the state shall be chosen as follows: The brigadier general and the adjutant general shall be appointed by the com- Amendment.

commander-in-chief with the consent of the Senate. Any  
 Vacancy. vacancy in said office from any cause may be filled by  
 the commander-in-chief subject to confirmation or re-  
 jection by the Senate at the next meeting of the Leg-  
 islatre thereafter. Field officers of regiments and  
 battalions shall be appointed by the commander-in-  
 chief, and no person shall be eligible as a field officer  
 Must have served three years to be eligible as field officer.  
 who has not served as an officer at least three years in  
 the aggregate in either the national guard of this state,  
 or some other state of the Union, or in the army of the  
 United States. The commissioned officers of companies  
 shall be appointed and commissioned upon a recom-  
 Majority petitioning commissioned officers shall be appointed.  
 mendation of a majority of those signing the petition  
 for the organization of any company. Whenever a va-  
 cancy occurs in the commissioned office of the National  
 Guard of Washington, below the rank of major, the offi-  
 cer next in rank in a company, battalion or regiment  
 Shall be gazetted for promotion.  
 shall be gazetted for promotion and shall appear before  
 the examining board for examination at such time as  
 the board may order and upon passing a satisfactory  
 examination shall be commissioned to fill the vacancy  
 existing in said company, battalion or regiment. Va-  
 cancies in the office of second lieutenants of companies  
 shall be filled in the following manner: All the sergeants  
 Sergeants eligible for appointment.  
 of the company shall be eligible for appointment and  
 the examining board shall order them to appear before  
 it for a competitive examination for the office: *Provided*,  
 Proviso. That any sergeant of such company who may have been  
 appointed a non-commissioned staff officer, shall also  
 be eligible for examination and appointment to fill a  
 vacancy in the company in which he was originally a  
 sergeant. The sergeant whom the board considers to  
 be best qualified for the position after the examination,  
 shall be appointed to fill the vacancy. No officer shall  
 No officer shall be recommended for promotion who fails to make record of seventy-five per cent.  
 be recommended for promotion who fails to make  
 record of seventy-five per cent. be recom-  
 mended for honorable discharge by the examining  
 board, and the officer next in rank shall be gazetted for  
 examination and promotion. Whenever a vacancy shall

exist in the office of any field officer in any regiment, or battalion not a part of a regiment the vacancy shall be filled in the manner herein provided: *Provided*, Whenever a vacancy occurs in any office by reason of the expiration of the term of office, such officer may, if found qualified upon examination be reappointed to fill the vacancy. No person shall be eligible as captain of a company except he shall have served at least one year as an officer, and three years in the aggregate in the national guard of this state, or some other state of the Union or in the army of the United States, or is a graduate of a military college requiring at least three years military service. For the purposes of this act, the word company or companies shall apply to and include the cavalry, infantry and artillery forces. Company commanders shall give bond in the sum of \$2,000, in form to be prescribed by the adjutant general, conditioned for the faithful discharge of the duties of their respective office and the proper care and preservation of the state funds and property in their charge. The staff of the commander-in-chief shall be appointed by the Governor, except as herein provided for, and their commission shall expire with the term for which the Governor appointing them shall have been elected. All officers of the Governor's staff shall hold office during his pleasure, and until their successors are appointed and qualified. The brigadier-general shall appoint his staff officers subject to the approval of the commander-in-chief, and they shall hold office at his pleasure and their commission shall expire with the term for which the officer appointing them shall have been appointed. Commanding officers of a regiment or battalion, not a part of a regiment, shall appoint their respective officers in line of promotion upon proper examination. No person shall be appointed as a staff officer, except judge advocates and chaplains, unless he shall have served at least three years in the national guard of this state, or of some other state in the Union or of the army of the United States: *Provided*, That nothing in this sec-

Vacancy.

Proviso.

Vacancy.

Eligible as captain.

Give bond.

Staff appointed by Governor.

Proviso.

Brigadier general appoint his staff.

Shall have served three years.

Proviso.

tion shall be so construed as to apply to the first officers selected of any company organized after the passage of this act.

Manner of admission into national guard of Washington.

SEC. 7. That section 1963 of said code be amended to read as follows: "Sec. 1963. No company other than those now organized and in the service as a part of the national guard shall be admitted into the national guard of Washington except upon the recommendation of the military board, approved by the commander-in-chief upon petition duly presented for that purpose. No officer shall be appointed upon the organization of a company hereafter organized, unless, at least the prescribed minimum number of men have petitioned therefor. If such company neglects or refuses to recommend persons for officer, or the person recommended shall not accept and qualify, the commander of the regiment or battalion to which the company may be assigned shall detail some officer of the line of the regiment or battalion to command said company until some officer is appointed. Such officer shall have the same power and be subject to the same liabilities as if he were the captain of such company. The military board shall consist of the commander-in-chief, the adjutant general and the senior field officer.

Selection of officers.

SEC. 8. That section 1891 of said code be amended to read as follows: "Sec. 1891. All non-commissioned officers, musicians and privates of a company or of a regiment or battalion staff, or members of a signal corps and medical department, and of the regular organized and enlisted band shall be furnished with the service uniform of the United States army, fatigue pattern, and arms and equipments, at the expense of the state. The service uniform and equipments shall be issued to the several organizations of the national guard upon requisition of the proper officers. No dress uniforms shall hereafter be furnished by the state. Uniforms of all commissioned officers shall be the undress uniform such as is worn by the officers of the army of the United States. Whoever shall secrete, sell, dispose of, offer for sale, purchase, retain after

Who shall receive uniforms.

Kind of uniform.

proper demand made, or in any manner pawn or pledge any military property which shall have been issued under the provisions of this act, and any person not a member of the national guard, except organizations especially authorized to do so, who shall wear any uniform or designation of grade similar to those in use by the national guard issued or authorized under the provisions of this act, shall forfeit to the people of this state \$100, and any member of the national guard who shall, when not on duty, wear any such uniform or equipments without permission of the commanding officer, shall be subject to a fine of not more than \$10, which fine shall be forthwith paid over to the State Treasurer.

Penalty for wearing uniform without authority.

SEC. 9. That section 1990 of said code be amended to read as follows: Sec. 1990. The commander-in-chief, State Auditor and the adjutant general, shall constitute a board of military auditors. The commander-in-chief is president of the board and the adjutant general is secretary. The board must have a seal which must be attached to all accounts audited by them.

Board of military auditors.

SEC. 10. That section 1992 of said code be amended to read as follows: Sec. 1992. Necessary expenses of a general, brigade, regimental or battalion headquarters shall be audited and allowed by the board of military auditors and paid as other military bills, and such expense shall in no event exceed for brigade and regimental headquarters \$25 per month, each, and for each battalion headquarters, \$5 per month.

Auditing of expense accounts.

SEC. 11. That section 1993 of said code be amended to read as follows: Sec. 1993. There shall be provided by the state transportation and subsistence, and in addition thereto there shall be paid to each officer and enlisted men for the annual parade, encampment or field duty, and when ordered for duty by the commander-in-chief, except when so ordered for inspection muster or rifle practice, the [following] sums for each day actually on duty, to be known as duty pay: Musicians or privates, \$1 per day, musicians, members of enlisted bands, \$2, all non-commissioned officers,

Rate per day of officers and enlisted men.



\$1, each enlisted man who has served a full term of enlistment shall be entitled to additional pay at the rate of twenty-five cents per day. All commissioned officers shall receive \$2 per day, when on actual duty. Each officer and enlisted man, mounted and equipped, shall be paid \$1.50 per day for each horse actually used by him. When on duty or assembled therefor or in case of a riot, tumult, breach of the peace, war, insurrection, or invasion, or whenever called in aid of the civil authorities, commissioned officers shall be entitled to and shall receive the same pay and allowance as commissioned officers of the regular army of the United States, of equal grade and term of service. First sergeants on such service shall receive pay at the rate of \$3 per day, sergeants at \$2 per day, corporals at \$1.75 per day and privates at \$1.50 per day. The necessary subsistence and quartermaster stores and transportation for the troops when ordered on any duty, may be contracted for by the proper departmental officers by the direction of the commander-in-chief, and paid for as other military bills.

Military courts.

SEC. 12. That section 2025 of said code be amended to read as follows: "Sec. 2025. The military courts of this state shall be (1) courts of inquiry, (2) general courts martial, (3) garrison courts martial, (4) delinquency courts, which are of two kinds, (a) for officers, (b) for enlisted men.

Who shall constitute military courts.

SEC. 13. Courts of inquiry to consist of from one to three officers of at least equal grade with the officers or with the senior officer if there be more than one, in regard to whom the court is ordered, may be ordered by the commander-in-chief for investigating the conduct of any officer, or for investigating any fact made the subject of military complaint. Such court of inquiry shall, without delay, report the evidence adduced, a statement of the facts and when required, an opinion thereon to the commander-in-chief.

SEC. 14. That section 2028 of said code be amended to read as follows: "Sec. 2028. The commanding officer of each regiment or battalion not a part of a regiment,

may appoint a delinquency court, or delinquency courts, to consist of one commissioned officer of his command, for the trial of enlisted men of his command, and shall designate the organization or organizations over which such court shall have jurisdiction. The commanding officer of each brigade may appoint delinquency court.

The commanding officer of each brigade may, in like manner appoint a delinquency court, or delinquency courts, for the trial of enlisted men in such troops, batteries, separate companies and signal corps as are under his direct command, and shall designate the organizations over which each court shall have jurisdiction. The commander-in-chief may in like manner appoint a delinquency court, or delinquency courts for the trial of enlisted men of any organization or organizations not herein provided for. Any officer so detailed may be relieved from the duties of such court at any time, by the officer appointing him, or his successor in office, and another detailed as such court. Proceedings pending before such court shall not abate or be suspended by reason of such relief and new detail, and any officer so detailed shall have full power to do and perform all acts necessary to complete any proceeding pending before the court to which he was appointed, and to carry into effect any judgment, mandate, order or process made or issued by such court previous to such relief and new detail. A delinquency court shall be permanent and continuous. Its sessions shall be held at such time and in such places as may be most convenient for the prompt disposition of the business of the court, within the discretion of the officer constituting the same. The officer constituting said court may appoint and at any time remove a clerk thereof who shall receive a reasonable compensation while on duty, to be fixed by such officer with the approval of the officer appointing the court. It shall be the duty of the commanding officer of every regiment or battalion, every company attached to a regiment or battalion, and of every battery, troop, separate company, signal corps or hospital or ambulance corps to make return to the delinquency court appointed for or having jurisdiction

Commander-in-chief may appoint delinquency court.

Officer may be relieved.

Any officer detailed shall have full power.

Delinquency court permanent.

Officer may appoint a clerk.

Make return.

over the enlisted men of his command, as herein provided, of all delinquents in his command, whereupon such delinquents must be forthwith summoned to appear before such delinquency court at the time and place designated in the summons. The proceedings and sentence of such court, shall, from time to time, as may be convenient for the prompt disposition of its business, be delivered to the officer ordering the court or his successor in command who shall approve or disapprove the same within fifteen days thereafter, and shall notify the delinquent of his approval or disapproval thereof and from the sentence of any such court imposing a fine or penalty for any delinquency, the person tried may appeal within ten days after the notification of the fines or penalty to the officer ordering the court or his successor in command, who may remit or mitigate such penalty or fine.

Proceedings  
and sentence.

Shall approve  
or disapprove.

May remit or  
mitigate fine.

SEC. 15. That section 2046 of said code be amended to read as follows: "Sec. 2046. Enlisted men shall be tried by general courts martial —

1st, For disobedience of orders.

2d, For disrespect to his superiors.

3d, For mutiny.

4th, For desertion.

5th, For drunkenness on duty.

6th, For conduct prejudicial to good order and military discipline.

7th, For any act contrary to the military code or to the provisions of the regulations for the government of the national guard or to the by-laws of the organization to which he belongs, except for non-payment of dues and fines. On conviction, such enlisted man may be sentenced to be dishonorably discharged with loss of time served, reprimanded, and if a non-commissioned officer reduced to the ranks, dishonorably discharged or fined to an amount not exceeding \$50, or all or either of such fines and penalties.

Enlisted man  
may be  
sentenced.

Amount of  
fine.

SEC. 16. That section 2061 of said code be amended to read as follows: "Sec. 2061. Prizes for rifle practice. The commander-in-chief is authorized to use annually

the sum of two hundred and fifty dollars to be given in prizes for the promotion and encouragement of rifle practice. Said sum shall be audited and paid as other military expenses and shall be [competed] for under such regulations as shall be prescribed by the commander-in-chief and general inspector of rifle practice.”

Sum to be given for prizes.

SEC. 17. An emergency exists and this act shall take effect immediately.

Emergency.

Passed the Senate March 1, 1901.

Passed the House March 13, 1901.

Approved by the Governor March 16, 1901.

## CHAPTER LXXIX.

[S. B. No. 197.]

### AMENDING ACT OF 1899 RELATIVE TO REVENUE AND TAXATION.

AN ACT to amend section 3 of an act approved March 15, 1899, relating to revenue and taxation, and declaring an emergency.

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

SECTION 1. That section 3 of act approved March 15, 1899, relating to revenue and taxation, be and the same is hereby amended to read as follows:

Sec. 3. That section 43 of said act is hereby amended to read as follows: Sec. 43. The assessor shall list all real property according to the largest legal subdivision as near as practicable. The assessor shall make out in the plat and description book in numerical order a complete list of all lands or lots subject to taxation, showing the names and owners, if to him known, and if unknown, so stated; the number of acres and lots or parts of lots included in each description of property and the value per acre or lot: *Provided*, That the assessor shall give to each tract of land where described by metes and bounds a number, to be designated as Tax No. . . . . which said number shall be placed on the tax rolls to indicate that certain piece of real estate bearing

Assessor shall list all real property.

Proviso.