

Okla. Laws 1907-1908

STATE OF OKLAHOMA

SESSION LAWS

OF 1907-1908

PASSED AT THE FIRST SESSION OF THE LEGISLATIVE
ASSEMBLY OF THE STATE OF OKLAHOMA

Convened at Guthrie, the Second Day of
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LAWS OF OKLAHOMA

CHAPTER 1.

ACCOUNTS.

AUDITING TERRITORIAL ACCOUNTS.

ARTICLE 1.

AN ACT

TO EMPOWER THE GOVERNOR TO EMPLOY ACCOUNTANTS TO
AUDIT THE TERRITORIAL ACCOUNTS, AND DECLARING
AN EMERGENCY TO EXIST.

Be it Enacted by the People of the State of Oklahoma.

Section 1. That the Governor be authorized and empowered to employ such accountants as he may deem necessary to audit the territorial accounts of Oklahoma Territory in its various departments, to the end that all public accounts of this State may have an accurate basis for their beginning, and to authorize the expenditure of public funds necessary for this purpose not to exceed five thousand (\$5,000.00) dollars. When such accounts have been once audited under this act they shall not again be audited under the provisions of this act. The sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated, and the Governor may fix the compensation and expense of each of such attorneys and accountants.

Governor to
employ
accountants.

Appropriation.

Sec. 2. For the preservation of the public peace and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in force from and after its passage and approval.

Emergency.

Approved February 19, 1908.

CHAPTER 59.

NATIONAL GUARD.
ORGANIZATION AND MAINTENANCE.

ARTICLE I.

AN ACT

TO PROVIDE FOR THE ORGANIZATION, DISCIPLINE AND REGULATION OF THE OKLAHOMA NATIONAL GUARD.

*Be It Enacted by the People of the State of Oklahoma:*Militia
defined.

Section 1. All able bodied male citizens of the United States and able bodied males of foreign birth, who have declared their intentions to become citizens of the United States, who are more than eighteen and less than forty-five years of age, and who are residents of this state, shall constitute the militia, except persons, who are exempt by the laws of the state or the United States; Provided, the governor shall have power to excuse any person from military duty who has conscientious scruples against bearing arms.

Classes.

Sec. 2. The militia of the state shall be divided in two classes; the active and the reserve militia. The active militia shall consist of the organized and uniformed military forces of the state, which shall be known as the Oklahoma National Guard. The reserve militia shall consist of all those liable to service in the militia, but not serving in the National Guard of a state.

Commander-in-Chief.

Sec. 3. The governor of the state shall be the commander-in-chief of the militia, and as such shall have supreme command of the military forces of the state while in the service of the state, or until they are ordered and accepted into the service of the United States. While in the service of the state, he shall have power at any time to muster out any militia organization of the state, and he may discharge any enlisted man, and he may cause to be mustered out and discharged any commissioned officers who shall wilfully neglect the duties of his office, or shall fail to properly account for public property or money in his possession, as such officer. The resignation of officers of the or-

Duties.

ganized militia shall be accepted by his order before they can be discharged from the military service of the state. No armed military force from another state or territory shall be permitted to enter the state without his permission unless such military force be a part of the United States Army, or is acting under the authority of the United States. No independent military organization, except as a corps of cadets at the educational institution, shall be permitted to bear arms with first securing the permission of the commander-in-chief.

Sec. 4. The staff of the governor shall consist of one adjutant general, with the rank of brigadier general, upon whom shall devolve the duties of the quartermaster general and the duties pertaining to the other chiefs of staff departments; one assistant adjutant general, with the rank of colonel, and one judge advocate with the rank of major and one aid-de-camp. The assistant adjutant general and judge advocate general shall be appointed by the governor from the officers of the national guard above the rank of first lieutenant; and the one aid-de-camp shall be selected from the commissioned officers of the national guard in active service and hold the same rank. Officers appointed as aid-de-camp shall not be relieved from the duty with organizations during their term of office on the staff of the governor. All of the staff officers shall be appointed by the governor, and hold office at his will, and their commissions shall expire with term of office of the governor making such appointment.

Governor's
staff.

Sec. 5. The adjutant general shall be in control of the military department of the state and subordinate only to the governor in matters pertaining to said department. He will superintend the preparation of all returns and reports required by the United States for the state. He will perform such duties as pertain to the adjutant general's department under the regulations and usage of the army of the United States. He shall audit and pass upon all claims of a military character against the state, and no contract of a military nature against the state shall be valid or paid until approved by him. He is empowered to make such regulations pertaining to the preparation and rendering of reports and returns and to the care and preservation of public property as in his opinion the condi-

Adjutant
General.

Duties.

tions demand, such regulations to be operated and enforced when promulgated in the form of general orders, circulars or letters. He is authorized and empowered to administer oaths in matters pertaining to the duties of his office, as relates to claims against the state, for the organization of boards of survey, court-martial, courts of inquiry, affidavits covering loss of military property belonging to the state or the United States, to oaths of office of the officers of the Oklahoma National Guard, to statements and reports required of officers pertaining to property and money accountability and expenditures, and all other official military matters coming before him. The adjutant general is authorized to adopt an appropriate seal for use in his office, to be affixed to all oaths that he administers under authority of law and to authenticate all certificates required of him. He shall have charge and care of all state and United States property, and shall keep an accurate and careful account of all receipts and issues of the same. He shall be required to keep careful memoranda of all public property on hand in the state arsenal and in the possession of the several organizations of the Oklahoma National Guard; and will guard said property against injury and loss to the extent of his ability; he shall require every officer of the National Guard to account for every deficiency in public property in his possession immediately after such deficiency is discovered.

Duties of
Governor.

Sec. 6. It shall be the duty of the governor and he is authorized and required in case of war, invasion, insurrection or breach of the peace or imminent danger thereof, or any forcible obstructing of the execution of the laws, or reasonable apprehension thereof, and at all times he may deem necessary, to order on duty the national guards or any part thereof. No member thereof, who shall be ordered out for such duty shall be liable for civil prosecutions for any act or acts done by them in discharge of their military duty on such occasions. And when the president of the United States shall make a call or requisition for troops the governor shall first order into the service of the United States the organizations, and arms of the service as is specified in said requisition, whenever the militia or any part of it is ordered on active duty, the officers and men shall receive the same pay and allowances as pro-

vided in the United States Army, and a sum of money sufficient to pay the same is hereby appropriated and ordered paid upon vouchers audited and approved by the adjutant general.

Sec. 7. Should the National Guard of the state be insufficient to fill the requirements of said requisition of the president, or when additional troops are needed for service, the governor may call for volunteers from the reserve militia of the state, and provide for their examination and mobilization, and form the same in additional companies, battalions and regiments as may be required, and appoint and commission officers thereof, and said troops, when called for by the president of the United States and ordered into service thereof shall serve within or without the state as he may direct, and during the time specified in said call or requisition, and where volunteers are called into service of the state only, they shall be subject to the same discipline and penalties and receive the same pay as the regular national guard of the state, and such temporary volunteers shall be discharged when directed by the commander-in-chief, or as soon as the emergency for which they were required has passed. Volunteers.

Sec. 8. In case of invasion, insurrection or imminent danger thereof in the vicinity of any regiment, battalion or company, it shall be the duty of the commanding officer thereof to at once notify the adjutant general of the conditions that exist, and to hold himself in readiness to mobilize his command to carry out the orders he may receive from competent authority. Invasions.

Sec. 9. In case of any breach of the peace, tumult riot or resistance to the process of this state, or imminent danger thereof, or in case of public disaster, or calamity, it shall be lawful for the district or county judge, sheriff of a county or mayor of a city to call upon the commander-in-chief for aid, said request to be in writing or by telegraph; and it shall be the duty of the commander-in-chief, or the adjutant general, if in his judgment the circumstances demand military aid, to order into the active service of the state the available militia in such numbers and organizations as the conditions require. The commanding officer of such militia will report to the official asking aid, and will co-operate with him and be subject to the civil authorities and will render all assistance in his Riots. /

power to preserve the peace and execute the laws of the state.

Commissions.

Sec. 10. The commissions of all officers named in this act, and of all officers in the militia of the state, shall be signed by the governor and attested by the adjutant general under the seal of the state.

Term.

Sec. 11. Enlistments in the Oklahoma National Guard shall be for a term of three years.

Discharge.

Sec. 12. Members of the National Guard who are unable, on account of permanent physical disability to perform the duties of a soldier, shall be discharged from the military service of the state; provided, however, that when an enlisted member shall remove from the locality of his company to such a distance as will prevent his service with his company or shall remove from the state, such member shall receive an honorable discharge from the military service of the state.

Oath.

Sec. 13. Each commissioned officer, before entering upon the duties of his office, and each enlisted man, shall be required to take and subscribe to the following oath:

"I,, do solemnly swear that I will support, protect and defend the constitution and government of the United States and the constitution and government of the state of Oklahoma, against all enemies either domestic or foreign, and that I will bear true faith and loyalty to the same; and further, that I do this with a full determination and pledge to perform in good faith, all the duties which may be legally required of me, without reservation or evasion; and that I will observe and obey the orders of the officers appointed over me, according to the laws and rules of the articles of war, so help me God."

Military Board.

Sec. 14. There shall be and is hereby created a military board consisting of the colonel commanding the regiment, who shall be president, and the adjutant general, who shall be recorder, and the judge advocate. The military board shall constitute an advisory body to the commander-in-chief, on military matters appertaining to the state, and said board is hereby authorized and empowered to prepare and promulgate the necessary rules, provisions and regulations, together with such amendments and changes as may be required and made from time to time when approved by

the commander-in-chief, and such shall be in force from the date of their publication by general order. They shall have power, subject to the approval of the commander-in-chief to make such changes in the military organization of the state as they deem for the best interest of the service, and to conform said organization to the laws of the United States and to the organization of the army thereof.

Sec. 15. The state military board shall be ordered on duty and meet at least once each year, and at such other time as the adjutant general may deem their services necessary for the transaction of such military business as may require their attention.

Meetings.

Sec. 16. No ordinance or quartermaster supplies or other public property belonging to the United States for which the state of Oklahoma is responsible, issued to the state and charged against its quota for providing arms and equipments for the militia, shall be issued or loaned, or in any way diverted from the specific purpose and intent of the general government in making the appropriation for supplying equipments for the militia of the several states and territories; but said ordinance and quartermaster supplies and other public property belonging to the United States shall be issued only to the organized militia as recognized in this Act, or to the reserve militia when called out and organized as herein provided. Provided that ammunition may be expended at a military funeral, or at the burial of an old soldier or citizen of the state, entitled to military honors, or infiring a salute at public ceremonies when so ordered by the commander-in-chief.

Supplies.

Sec. 17. Whoever shall secrete, sell or buy, dispose of or offer for sale or in any manner pawn or pledge or retain or refuse to deliver to an officer entitled to take possession thereof, any uniforms, arms, or equipments, the property of the United States, which shall have been secured under the provisions of this Act, or any military property belonging to the State of Oklahoma, and any member of the National Guard, who shall, when not on duty, wear any such uniform or equipment without the permission of his commanding officer, shall be deemed guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for not less than ten nor more than

Penalty.

thirty days, or by a fine of not less than ten dollars nor more than one hundred dollars.

Armory rent.

Sec. 18. To any regiment, battalion, company, band, detachment or corps which shall be fully organized under the military laws of this state, having not less than the minimum number of uniformed and equipped members, the state shall pay annually in monthly payments for the use of a building or room to be occupied as an armory, or for the storage of military property, and for postage and incidental expenses of the organization and for the headquarters of the regiment and each separate company, detachment and battalion, annually the following sums each, to-wit: To each regimental band, battalion, detachment, regiment, corps and company headquarters, three hundred dollars.

Vouchers.

Sec. 19. Commanding officers of organizations and departments entitled to receive appropriation for armory rent and contingent expenses as above specified, before being entitled to receive the same, shall forward to the adjutant general a sworn voucher covering the amount of appropriation, and they shall, in addition, within five days after the close of each quarter file with the adjutant general the sworn statement, fully itemized and supported by itemized vouchers, showing all the disbursements made during the previous quarter, covered by said statement; all unexpended balances shall be carried forward with each succeeding statement, and when an officer shall be succeeded by another, he shall transfer such unexpended balance to his successor, taking duplicate receipts therefor, one of which shall be filed with the adjutant general with his statement covering the fractional quarter.

Responsibilities.

Sec. 20. The officer commanding the National Guard may order on duty and cause those under his command to perform any military duty and shall be responsible to the governor for the general efficiency of the National Guard and for the drill, instruction, inspection, small arms and artillery practice, movement, practice, operations and care of troops. The commanding officer of organizations shall be responsible to their immediate commanders for the equipment, drill, instruction, movement and efficiency of their respective commands. All commissioned officers and enlisted men shall be responsible to their immediate commanding officers for prompt and unhes-

itating obedience, proper drill, and the proper preservation and the proper keeping of the property of the state or organization in their possession.

Sec. 21. Officers and enlisted men of each troop, battery, and company shall assemble for and undergo drill and instruction at company, battalion, or regimental armories, or rendezvous or for target practice, not less than twenty-four times during each calendar year, preceding the annual allotment of funds under section one thousand six hundred sixty-one Revised Statutes of the United States as amended. During the same period there shall be at least one inspection of each troop, battery, or company by an officer of the National Guard or by any officer of the regular army of the United States, at such times as the governor may direct. Drills.

Sec. 22. There shall be an annual muster and camp of instruction of the Oklahoma National Guard at such time and place or places as the commander-in-chief may designate, at which time the several organizations of the Oklahoma National Guard shall be drilled, inspected, and reviewed and exercised in military tactics and maneuvers in accordance with the orders of the officers in command of the camp. When under exclusive state jurisdiction said camp of instructions shall continue for a period of not more than ten days and shall be governed by such rules and regulations as shall be prescribed by the military board and approved by the commander-in-chief. When such camp of instruction shall be in connection with and a part of an encampment of the militia and the regular army of the United States, it shall be under the control and jurisdiction of the officer of the United States Army in command. It shall be the duty of each commissioned officer and enlisted man of the Oklahoma National Guard to be present and perform all the duties required of him at each annual muster and camp of instructions, unless regularly excused by competent authority; and it shall be a misdemeanor for any employer to refuse permission to any employee who is a member of the Oklahoma National Guard to attend drill or annual muster, perform active service when so ordered by the commander-in-chief; and any employer who shall so refuse, or shall discharge an employee from his service or shall in any way punish the Annual muster.

employee for being absent in the performance of military duty, shall on conviction be punished by a fine of not less than five dollars nor more than fifty dollars for each offense.

Sharpshooting.

Sec. 23. To encourage marksmanship the governor is authorized to offer annually a state decoration to those who shall excell in small arm practice. The governor may also in his discretion, provide suitable decoration and prizes for proficiency in practice with light and heavy guns. All such prizes to be competed for under regulations prescribed by the commanding officer of the National Guard, approved by the governor, and a sum sufficient to carry the provisions of this article into effect is hereby appropriated out of the funds not otherwise appropriated and ordered paid by the commanding officer. Provided, the amount appropriated shall not exceed seventy-five dollars to be divided as follows: Company prize, twenty-five dollars, squad prize, fifteen dollars; individual prize, ten dollars; sharpshooter prize, twenty-five dollars.

Military court.

Sec. 24. The military courts of this state shall be the same as are or may be authorized for the United States Army, and shall be constituted and governed in the same manner as are the courts in the army of the United States.

Property.

Sec. 25. Every officer and enlisted man to whom public property of the state has been issued shall be personally responsible to the state for such property, and no one shall be relieved from such responsibilities except it be shown to the satisfaction of the governor that the loss or destruction of such property was unavoidable and in no way the fault of the person responsible for the same. In all other cases the value of the property lost or destroyed shall be charged against the person at fault, if not relieved from such charge by the governor, he shall pay the value of such property to the adjutant general. The value of the loss or destroyed property and the person to be charged therewith shall be determined by a board to consist of an inspector on the staff, the commanding officer of the National Guard and the commanding officer of such organization in which the property is lost. In case of disagreement such value shall be affixed by the commanding officer of the National Guard.

Sec. 26. Commissioned officers shall receive annually the sum of thirty dollars; mounted officers the sum of fifty dollars to assist in uniforming and equipping themselves, but not until they have performed eighty per centum of all ordered duty and been in actual service as such a calendar year of twelve months and a sum of money sufficient to pay the same is hereby appropriated out of any fund in the state treasury not otherwise appropriated, and is ordered paid monthly upon vouchers audited and approved by the adjutant general. Salaries.

Sec. 27. Any person who shall wilfully and unnecessarily interfere with the militia or any part thereof while on drill, parade, or in the performance of any military duty shall be guilty of a misdemeanor; Provided, funeral processions, carriage of the United States mail, legitimate functions of the police, progress and operations of the hospital ambulances, fire engines, fire departments, and apparatus of the insurance patrol shall not be interfered with thereby. Penalty.

Sec. 28. In all matters of discipline and organization, arms, equipment, regulations and procedure, the Oklahoma National Guard shall conform to the provisions of the laws of the United States, the army regulations now existing or hereafter put in force, and to the rules and orders in accordance therewith framed by the military board and approved by the commander-in-chief. Discipline.

Sec. 29. All officers shall be required to give good and sufficient bond in a sum to be fixed and approved by the adjutant general. Bond.

Sec. 30. The adjutant general shall receive a salary of eighteen hundred dollars per annum; the stenographer to the adjutant general shall receive a salary of seventy-five dollars per month; and the storekeeper shall receive a salary of five hundred dollars per annum, all of which said salaries shall be paid monthly. Salary Adjutant General.

Sec. 31. There is hereby appropriated out of any money in the treasury not otherwise appropriated the following sums or so much thereof as may be necessary for the pay of the adjutant general from the sixteenth day of November, nineteen hundred seven until the end of the fiscal year on the thirtieth day of June, nineteen hundred nine, the sum of one hundred fifty dollars Appropriation.

per month, two thousand nine hundred twenty-five dollars; for the pay of the stenographer during the same period the sum of one thousand four hundred sixty nine dollars and fifty cents; for the pay of the store-keeper during the same period of time, the sum of seven hundred ninety-one dollars and sixty seven cents; for contingent expenses of the adjutant general's office during the same period of time, the sum of two thousand four hundred and thirteen dollars and twelve cents; freight and encampment expenses during the same period of time the sum of eight thousand one hundred twenty-five dollars; for the armory rent fund for the same period of time, the sum of nine thousand eight hundred twenty-eight dollars, for the assistant adjutant general from November sixteenth, nineteen hundred seven to June thirtieth, nineteen hundred eight, the sum of seven hundred fifty dollars.

One regiment.

Sec. 32. There shall be organized in the State of Oklahoma a regiment of nine hundred forty-five men and a company of engineers, hospital corps, and signal corps, which shall be attached to the regiment.

Intoxicating
liquors.

Sec. 33. Any officer or enlisted man who shall be found under the influence of intoxicating liquors while on duty either in the performance of his official duty or in encampment, or while on his way to encampment, or shall be guilty of boisterous conduct on any railway, or in any public place shall upon due trial and conviction be summarily dismissed from the service, and any superior officer failing to enforce the provisions of this section shall be dismissed from the service.

Sec. 34. Upon demand of the adjutant general, the secretary of state is authorized and directed to furnish the office of the adjutant general regimental and battalion headquarters with all necessary office supplies.

Sec. 35. An emergency is hereby declared by reason whereof it is necessary for the immediate preservation of the public health, peace and safety that this act shall take effect from and after its passage and approval.

Approved May 22, 1908.