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of the Michigan Bar

THE MILITIA AND THE LAW

If you are a male, a citizen of the United States, and over eighteen Congress has control of the state years of age and under forty-five, soldiers. you are a member of the militia Unless you are one of the small minority who have a uniform and a place in a regular company, and assemble in the armory upon stated occasions you probably are inclined to doubt the accuracy of the statement. While almost all of the adult men in this country are members of the militia under the law, few of

them know it. The status of the male citizen as members of the militia is fixed by Act of Congress of 1903, amended in 1908 and 1910. Under it all ablebodied male citizens between the ages of eighteen and forty-five, with certain limited exceptions, comprise the militia. Those who are enroll-ed, uniformed and equipped by the states comprise what is known as the Organized Militia. The remainder, which includes the majority of us, are known in the War Department and stand before the law as members of the Reserve Militia.

No active duties are imposed upon this vast unorganized body of Reserve Militia. They are simply a body that may be forced to become members of an organized military force. As the draft during the civil war was brought home the liability of citizens to serve the country under arms, whether they desire to or not, this does not impress us as

Under the law which was passed in 1792, and which was in force for over a hundred years, every ablebodied citizen of suitable age was not only a member of the militia, but presumed to be a member of the active militia, and the theory under which the founders of the Republic enacted the law was that every such person should and would be enrolled as an active militia man prepared for instant, active service by equipment and training. Under this law, which was in force until comparatively recently, every man was pre-sumed to be a "minute man." Of course, universal service, while the law of the land, remained but a theory and was never enforced. The law was a dead letter.

The Constitution of the United States provides that "The Congress shall have the power to provide for calling forth the militia to execute

cipline prescribed by Congress."

The president of the United States may call out the organized militia "to execute the laws of the Union. suppress insurrection, and cepet in vasion," as the Constitution pro vides. Further, he is the exclusive

judge as to whether the conditions require that the militia be called into the service of the United States. When called into the service of the United States the President is commander-in-chief of the millia and

At times when the militia is not within the servicce of the United States the state authorities are in control. The governor is generally commander-in-chief. Usually the power of calling out the militia to suppress disorder and enforce the law within the state rests with the governor, though in a few states other officers have this authority. Thus in Massachusetts the mayor of a city may call out the militia to as-

sist the civil authorities in cases of local disorder. The officering of the militia is within the control of the state government. Usually the members of the company elect the company officers, the line officers elect, the field officers, and the field officers elect the general officers. After being elected they are usually examined and, if found competent, are then commissioned under state au thority. The non-commissioned ficets are generally appointed by the

regimental commanders. Anyone who is liable to military service may enroll in the militla. The enlistment of minors under eighteen is apparently void. The enlishment of young men over eighteen but under twenty-one is binding as against them, but may be avoid ed at the instance of their parents. (Copyright, 1913, by W. K. Towers)

> OFFICE OF STATE FIRE COMMISSION

of

Lincoln, Nebr., July 12, 1913. The Herald, Alliance, Nebr.

Dear Editor: We are pleased to inform the public that the lowest fire loss ever experienced in this state on the Fourth of July either directly or indirectly from fireworks was July 4th, 1913. This De-partment has urged its citizens through bulletins and the press to observe the Fourth in a safe and sane way, and we feel grateful and encouraged that the loss this year has been so greatly reduced. Fire reports in our office show but \$190 damage and no lives lost by fireworks on this past Fourth. We trust that before another Fourth of July every city in the state will pass ordinances prohibiting the sale

fireworks. the laws of the Union, suppress in-This is a most appropriate time to surrection, and repel invasion; to call the attention of the citizens of rovide for organizing and disciplin-Nebraska to the dangers lurking in ing the militia, and for governing such part of them as may be emsparks from bon fires or sparks from chimneys, trains, etc. In hot, ployed in the service of the United dry weather when frame buildings States, reserving to the states reand shingle roofs are crisp and dry spectively the appointment of the a tiny stray spark of fire may cause officers and the authority of traina great conflagration. People ing the militia according to the dis- throw old rubbish, dry grass, weeds cipline prescribed by Congress." Under the present law it is the organized militia that is organized windy days. No one should ever and disciplined and to whom we look start a bon fire anywhere on a to support our scant regular army windy day or ever go away and in the event of war. Until univers- leave it burning. A bon fire should al peace is a reality instead of a not be started within 20 feet of any hope and a dream we must recog- wood building, shed or fence. nize war as a possibility. The de- the grass around where the fire velopment of the science and the started is very dry it should equipment of war renders an un- sprir'sled well with water before rainned soldier, whatever his nat- starting the fire. During the hot ural bravery and capacity, of com- dry summer men should be particparatively sittle value, and this is ularly careful about throwing away especially true since the develop-lighted matches and cigar or cigarment of our civilization leaves fewer ette stubs. Destructive prairie and fewer citizens who are in any fires wiping out thousands of dolway familiar with the use of fire-arms. So it is that the matter of ing many lives have been caused by our citizen soldiery is one that is bon fires and these careless prac of the greatest import, and the laws tices, which regulate the militia should be Very truly yours. of immediate concern to every did-W. S. RIDGELL, Chief Deputy Fire Commissioner. zen. Primarily the organized militia in a body of state troops. in forty-Mr. Dooley says: three of the states the militia Whiniver annybody offers to give known as the National Guard. In Arvou kansas and Kentucky it is known as Somthin' f'r nawthin' or Somthin' f'r less than it's worth State Guards, in Florida as State Troops, in Massachusetts as Volun-Or more f'r somthin' than it's teer Militia, in Rhode Island as Mil worth Cross Eyes Permanently Straightened itia and in Kentucky as Volunteers. Don't take anny chances! These bondes of citizen soldiery are Yell! f'r! A! Pelisman!" organized under state law and upon the state fails most of the expense **Rid Your Children of Worms** for the support of its troops. The You can change fretful, ill-temperstate provides uniforms, equipment, ed children into healthy, happy tents and many hundred smaller ityoungsters, by ridding them of ems that are necessary to the solworms. Tossing, rolling, grinding of dier in the various branches of the teeth, crying out while asleep, acservice. It is the state which pays companied with intense thirst, pains the officers and men for special du in the stomach and bowels, feverishies, and it is the state or a subdivision of the state which provides ness and bad breath, are symptoms the armories in which the guardsmen that indicate worms. Kickapoo drill and in which the equipment is Worm Killer, a pleasant candy lozstored. Quite generally the county enge, expels the worms, regulates is the particular unit that constructs the bowels, restores your children to the armcry, but now some of the health and happiness. Mrs. states are providing structures at Brisbin, of Elgin, Ill., says: "I have state expense, notably New York, used Kickapoo Worm Killer for which is building up an unusually years, and entirely rid my children of worms. I would not be without strong and effective National Guard. Guaranteed. All druggists, or 1 it." ELL, under the new law, the National government has assumed a by mail. Price 25c. Kickapoo In part of the burden and has in con- dian Medicine Co., Philadelphia and sequence secured some voice in the St. Louis. management and control of the state Adv-2163-30-44 militia. Under the federal law the government distributes to the states \$2,000,000 for the militia and defrays We want the various expenses in addition. States name of every which accept this aid must accept certain requirements and submit to young man who, the control of the War Department is ambitious to Practically all of the states have ac cepted federal aid and federal control, South Carolina apparently re maining as an exception. The militia of a state which does not accept the provisions of the Federal law is and we want to hear from ev-"organized. not cry business man who wishes The Federal government prescribes that he knew BUSINESS LAW. the system of drill, which must con-Write today and let us tell you how we have made lawye at of hundreds of young men just like you, and equippe of forem seem which a legal training that has been of humen mentid to them. This School, founded 23 years ago, he form to that of the regular United States troops. At least five consecutive days in each year must be devoted to encampment. Funds are distributed among the states depend-STUDY ing on the number of organized troops which the state has. 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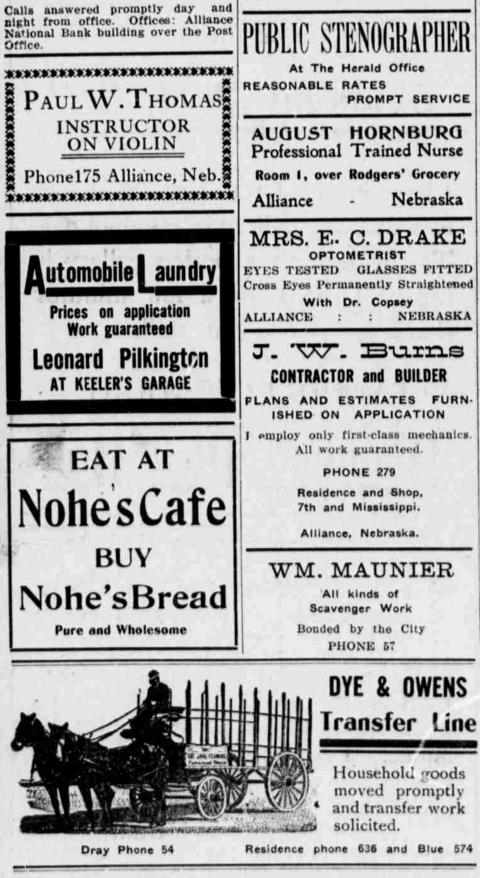
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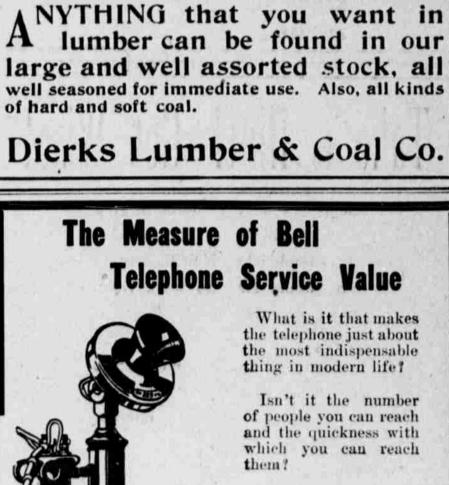
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