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W. L. Minor, of Morrill, state bank examiner, came in from the east on Saturday, enroute to his home at Morrill.

POPULAR TALKS ON LAW

By Walter K. Towers, A. B., J. D., of the Michigan Bar

THE MILITIA AND THE LAW

If you are a male, a citizen of the United States, and over eighteen years of age and under forty-five, 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 able-bodied male citizens between the ages of eighteen and forty-five, with certain limited exceptions, comprise the militia. Those who are enrolled, 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 novel.

Under the law which was passed in 1792, and which was in force for over a hundred years, every able-bodied 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 presumed 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 the laws of the Union, suppress insurrection, and repel invasion; to provide for organizing and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states respectively the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress."

Under the present law it is the organized militia that is organized and disciplined and to whom we look to support our scant regular army in the event of war. Until universal peace is a reality instead of a hope and a dream we must recognize war as a possibility. The development of the science and the equipment of war renders an untrained soldier, whatever his natural bravery and capacity, or comparatively little value, and this is especially true since the development of our civilization leaves fewer and fewer citizens who are in any way familiar with the use of firearms. So it is that the matter of our citizen soldiery is one that is of the greatest import, and the laws which regulate the militia should be of immediate concern to every citizen.

Primarily the organized militia is a body of state troops. In forty-three of the states the militia is known as the National Guard. In Arkansas and Kentucky it is known as State Guards, in Florida as State Troops, in Massachusetts as Volunteer Militia, in Rhode Island as Militia and in Kentucky as Volunteers. These bodies of citizen soldiery are organized under state law and upon the state falls most of the expense for the support of its troops. The state provides uniforms, equipment, tents and many hundred smaller items that are necessary to the soldier in the various branches of the service. It is the state which pays the officers and men for special duties, and it is the state or a subdivision of the state which provides the armories in which the guardsmen drill and in which the equipment is stored. Quite generally the county is the particular unit that constructs the armory, but now some of the states are providing structures at state expense, notably New York, which is building up an unusually strong and effective National Guard.

But, under the new law, the National government has assumed a part of the burden and has in consequence secured some voice in the management and control of the state militia. Under the federal law the government distributes to the states \$2,000,000 for the militia and defrays various expenses in addition. States which accept this aid must accept certain requirements and submit to the control of the War Department. Practically all of the states have accepted federal aid and federal control, South Carolina apparently remaining as an exception. The militia of a state which does not accept the provisions of the Federal law is not "organized."

The Federal government prescribes the system of drill, which must conform 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 depending on the number of organized troops which the state has. The national government supplies arms, ammunition, belts, etc. Regular officers are detailed to instruct and assist the state troops. Thus the organized state troops are becoming in equipment and training uniform

with the regular army, and in effect a part thereof.

The president of the United States may call out the organized militia "to execute the laws of the Union, suppress insurrection, and repel invasion," as the Constitution provides. 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 militia and Congress has control of the state soldiers.

At times when the militia is not within the service 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 assist 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 authority. The non-commissioned officers are generally appointed by the regimental commanders.

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

OFFICE OF STATE FIRE COMMISSION

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 Department 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 of fireworks.

This is a most appropriate time to call the attention of the citizens of Nebraska to the dangers lurking in sparks from bon fires or sparks from chimneys, trains, etc. In hot, dry weather when frame buildings and shingle roofs are crisp and dry a tiny stray spark of fire may cause a great conflagration. People throw old rubbish, dry grass, weeds, and papers in alleys and back yards and burn them up sometimes on windy days. No one should ever start a bon fire anywhere on a windy day or ever go away and leave it burning. A bon fire should not be started within 20 feet of any wood building, shed or fence. If the grass around where the fire is started is very dry it should be sprinkled well with water before starting the fire. During the hot dry summer men should be particularly careful about throwing away lighted matches and cigar or cigarette stubs. Destructive prairie fires wiping out thousands of dollars worth of property and sacrificing many lives have been caused by bon fires and these careless practices.

Very truly yours,
W. S. RIDGELL,
Chief Deputy Fire Commissioner.

Mr. Dooley says:
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