special order is hereby assigned to the National Guard as Company "G," Second Regiment, and Capt. Trowbridge will report to Col. Bobletcher for orders.

3. The commander-in-chief takes occasion to express his gratification at the spirit manifested in the Reserve Militia companies desiring to secure honorable places in the National Guard. The companies at St. Cloud and Wadena, younger in organization than their competitor, deserve special mention for their proficiency in the "school of the soldier." This is good evidence that time will make them equally proficient in the school of the company.

By command of Gov. L. F. Hubbard.

C. M. McCARTHY,
Adjutant General.

STATE OF MINNESOTA,
Adjutant General's Office,
St. Paul, May 25, 1885.

GENERAL ORDERS

No. 8.

1. In compliance with article VI of the Military Code, camps of instruction for the National Guard of Minnesota will be established as follows:

For the Second Regiment, at Faribault on the twenty-fourth of June next, Col. Joseph Bobletcher commanding; and for the First Regiment and Emmet Light Artillery, at White Bear Lake on the eighth of July next, Col. Wm. B. Bend commanding.

2. The necessary orders for the establishment of and tours of service in these encampments will be issued by their respective commandants, who are charged with the enforcement of all regulations and customs relative to the same, to the end that the greatest possible benefit to the guard may be derived therefrom.

3. The quartermaster general will furnish shelter in camp and transportation for companies going to and returning therefrom, subsistence being provided by the respective organizations.

4. Consolidated morning reports will be forwarded each day to the adjutant general, and one dollar and fifty cents per day, not to exceed seven days, will be paid to each officer and enlisted man present and doing duty at said encampments, upon duplicating pay rolls of each company properly executed and forwarded to the adjutant general, paymaster, on the last day of each encampment.

5. The general rifle practice for classification will take place at each encampment, as provided in the regulations, and the state decorations for marksmen and sharpshooters will be delivered at the close of the same.

6. Each regiment will select a team of ten of its most efficient riflemen to meet at the United States Rifle Range at Fort Snelling, in the autumn, to compete for state and individual prizes, at such time and under such regulations as will hereafter be prescribed.

7. At the commencement of each encampment the colonel commanding will report to these headquarters the number of officers and men in camp, and at the close the duty performed by his command, with such observations and suggestions as he may deem for the good of the service.

8. An officer of the United States army will attend these encampments of Minnesota troops, and the commander-in-chief trusts that the conduct and bearing of officers and men, proficiency in drill, and attention to all the duties of a soldier, will cause his reports to be creditable to them and the State.

By command of Gov. L. F. Hubbard.

C. M. McCARTHY,
Adjutant General.

STATE OF MINNESOTA,
Adjutant General's Office,
St. Paul, July 23, 1885.

GENERAL ORDERS

No. 10.

1. The Supreme Commander-in-Chief has summoned to the eternal field of rest and glory America's greatest soldier, and to-day the nation mourns the departure of Gen. U. S. Grant. The hero of Appomattox is no more, but the lustre of his name and the memory of his heroic deeds will ever shine forth in the annals of America, to cause the American heart to throb with gratitude, the American mind to emulate his selfless devotion to country, and the American will to copy his heroic courage and indomitable loyalty to the cause of liberty. The grief of
his companions in arms is softened by the thought that their old commander is at rest from all care and strife, and has left them and his country the heritage of an unblemished soldier's record. Their prayers for their chief find responsive echo in the hearts of a grateful people.

2. Until after the day of interment the flags on the capitol and armories of the State will be displayed at half-mast.

3. The usual badge of mourning will be worn for thirty days by all officers of the military forces of the State, and where possible they will participate with their commands in such memorial services as may be held at their respective stations.

4. On the day fixed for the obsequies the Emmet Light Artillery, St. Paul, will fire a gun every half hour, from sunrise to sunset, and at the hour of interment a salute of twenty-one minute guns, in honor of the late ex-president, general and commander-in-chief of the United States armies.

By command of Gov. L. F. Hubbard.

C. M. MACARTHY,
Adjutant General.

STATE OF MINNESOTA,
ADJUTANT GENERAL'S OFFICE,
ST. PAUL, JULY 27, 1885.

GENERAL ORDERS.

No. 11.

1. The following executive document is published for the information and guidance of the National Guard and military forces of the State of Minnesota.

STATE OF MINNESOTA,
EXECUTIVE DEPARTMENT,
ST. PAUL, JULY 27, 1885.

Gen. C. M. MacCarthy, Adjutant General, St. Paul,

Sir: I desire that in general orders you announce that the commission of William B. Bend, as colonel of the First Regiment, N. G. S. M., has been this day revoked for insubordination. Direct Lieut. Col. Perry Harrison to retain command of the regiment, and publish the following statement of facts for information of the National Guard of the State.

On the twentieth day of July, 1884, Col. Bend received an official notification from the commander-in-chief that he would review the First Regiment on a day named, with the following direction regarding the time of review: "Endeavor to have the ceremony at 5 or 6 o'clock." Col. Bend received the order thirty hours before the time named, but disobeyed it and at one appointed the review for 7:30 o'clock. The order was repeated to Col. Bend the next day by direction of the commander-in-chief; he did not obey it, but treated the written order with marked discourtesy in word and manner.

Charges were then prepared against him, alleging the disobedience of orders and discourtesy aforesaid. He was asked for his answer and filed it, admitting that he did not comply with the first order, and treated the second in a contemptuous and disrespectful manner, but excused himself for his disobedience by saying that he did not consider the expressed wish of his commanding officer as an order, and for his discourtesy by saying that inasmuch as the adjutant general in the second order, or rather the repetition of the first, had not added the words "by order of the commander-in-chief," he was entitled to believe, and did believe, that it was not the governor's order, but the adjutant general's, given without authority.

This conduct and the confessed holding of a theory of insubordination should have cost Col. Bend his commission; but he was recognized as a serviceable drill officer, moreover he professed well, and it was believed that if an authority higher than he were to lay down for him a clear rule, in a formal manner, he would afterwards conform to it. The commander-in-chief, therefore, in general orders (G. O. No. 11, Sept. 29, 1884) accepted his denial of conscious misconduct and corrected his error, giving him as law for the N. G. S. M., as it was and is in the United States, that the expressed wish of a soldier's commander that he do a thing is equivalent to an order to do it; and that an officer receiving an order officially signed by an officer upon the staff of his commander, must presume it to be given by order of his commanding officer, though not so stated, if the order is in the line of the staff officer's duty. Col. Bend was ordered to publish said G. O. No. 11 to his regiment for its instruction and guidance. If he has ever done so he certainly has not conformed his own conduct to the rule given him. On the twenty-ninth day of May, 1885, the adjutant general, by authority, expressed to Col. Bend the desire of the commander-in-chief that he should not stand upon an alleged technical right in regard to the street parade in St. Paul on Decoration day, but
march with his battalion in the place offered him therein. This
was properly signed, "by authority of the commander-in-chief,"
Col. Bend not only disobeyed the order, but publicly, over his
name in the newspapers, questioned the statement of the adju-
tant general that it was by authority of the governor; and sub-
sequently denied, as the year before, that a request was an
order, and insolently vaunted what he would do if the adjutant
general had expressed the commander's order instead of his
desire.

Charges were again preferred against Col. Bend for substan-
tially the same offenses as before, with some others, and he was
suspended from command.

What should be done? Col. Bend enjoys no right, not pos-
sessed by every officer and every soldier, to question any order
he may receive, and disobey it if he doesn't like it; but the plain
and explicit order of the commander in chief, General Order
No. 11, had proved without force to control his action. More,
a newspaper review of the general order aforesaid, by a Wis-
sconsin friend of Col. Bend, had been procured to be made, had
been reprinted in a St. Paul newspaper, and afterwards re-
printed and sent by mail to officers of both regiments of
the Minnesota Guard. Two courses were open; to revoke the
commission of the officer, or to submit his case to trial by court
martial. The sentence of a court martial could not go beyond
the forfeiture of his commission; it might according to the find-
ings be much less, or he might be acquitted altogether. The
milder course was preferred. Besides Col. Bend had expressed
a contingent desire to secure a settlement of the questions in-
volved by trying the adjutant general. It was also believed
that, though he might find his position on those issues really
defensible, he would at least wish to secure a verdict in his
favor upon the charge of falsehood. It was plain that his con-
duct was subversive of all discipline and contrary to the laws
and rules which govern the United States army, and it was not
doubted that said laws and rules had been legally adopted and
were in force so far as applicable for the government and dis-
cipline of the Minnesota National Guard. The act of the leg-
islature, approved Feb. 14, 1883, for drafting which Col. Bend
has deservedly claimed much credit, contains the following:

"Article 10, sec. 1. The commander-in-chief is hereby au-
thorized to make such rules and regulations for the government
of the National Guard as he may deem for the good of the ser-
vice."

Pursuant to this authority, the commander-in-chief issued
the following General Order No. 5, March 8, 1884: "Under
and by virtue of the power vested in the commander-in-chief
by sec. 1, art. 10, of the Military Code, chap. 74 of the General
Laws of 1883, the articles of war, regulations, customs and pre-
scribed tactics in force for the government of the army of the
United States, in so far as the same are applicable and modified
by general orders from these headquarters, and not inconsis-
tent with the laws of this State, are hereby adopted and de-
clared in force for the government and guidance of the National
Guard of the State of Minnesota." It was not doubted that full
authority was given to appoint courts martial by sec. 2 of art.
10 of said act, which reads as follows: "The commander-in-
chief is hereby authorized to appoint courts martial for the
trial of officers of the National Guard, against whom
charges may be preferred to him. Such court martial
shall be conducted in accordance with the regulations of the
Army of the United States, and the findings shall be submitted
to the commander-in-chief, who shall approve or disapprove
them; and in the former case he is hereby authorized to carry
them out, or to modify any sentence that may have been im-
posed." A court martial was therefore appointed and con-
vened on the nineteenth day of June last. Col. Bend then ve-
hemently protested his eagerness to go to trial and clear himself
of all charges. The court adjourned to accommodate absent
members, and to give the judge advocate necessary time for
preparation, and met and organized on the twentieth of the
present month. Col. Bend had now changed his ground. By
his counsel, Hon. J. N. Castle, he maintained that said act, in-
advertently, certainly, on the part of those who accepted and
passed it, had ingeniously failed to secure any legal rules for
the government of the National Guard or any tribunal for the
enforcement of them, although both appeared to be clearly pro-
vided for. The court having overruled him, he successively in-
terposed two other defenses, each of which had for its end
and aim to avoid the necessity of meeting the charges on
their merits. These also being rejected by the court, he asked
for an adjournment from the twenty-first, to the twenty-
seventh inst., which was granted. Upon the adjournment, ap-
plication was made to a judge of the supreme court for a writ
prohibiting the court martial from proceeding further with the
case. As such writ is sought upon ex parte affidavits only, it is
not strange that with a skillful lawyer and a willing affiant, a *prima facie* case was shown and the writ granted, returnable in October next. The unusually long time before the return day of the temporary writ indicates a disposition not to come to the merits of the charges in a hurry. It may be wisdom, if there are no laws governing the National Guard, or no legal means of enforcing them, to delay the decision to that effect until the meeting of the legislature. For, if the position now taken by Col. Bend be maintained, no officer or man need obey any order unless he please. If the services of the guard should be required for any purpose, no man need respond to the call unless he please; no man need stand guard unless he please, or any longer than he please. No man need fire his rifle when ordered unless he wish to. In taking the life of an insurgent, a soldier would not be protected by an order which he need not obey. This might be held to be the present condition of the law by the supreme court. If so, it would then be the duty of the commander in chief to dissolve the court martial and revoke the commission of Col. Bend, and of any officer found unwilling to conform his conduct to the articles of war and the army regulations; and it would be the duty of the legislature to enact suitable laws for the discipline of the guard, or to legislate the guard out of existence. Meanwhile, until the final decision, Col. Bend would continue to play his part of successful, or, at least, unpunished insubordination, and the demoralization which his example has originated would go unchecked. The commander-in-chief prefers to do his duty now.

He has dissolved the court martial and revoked the commission of Col. Bend. The legislature will assuredly do what, in the light of the conduct of the guard, shall prove to be its duty. A creditable, useful National Guard has no place for officer or man insubordinate and above discipline. The State has no use for a so-called guard whose members obey or disobey orders as they happen to choose.

Commandants of regiments and companies will cause this to be published to each company at its first assembly after its receipt.

L. F. Hubbard,
Governor.

2. The commission of William B. Bend, as colonel of the First Regiment, Minnesota National Guard, is hereby revoked and declared null and void from and after this date.

3. Lieut. Col. Perry Harrison, commanding the First Regiment M. N. G., will continue in command of the same until further orders from the commander-in-chief.

4. This order will be read and published to the several regiments and companies of the National Guard and reserve militia, at their next regular assemblies.

By command of Gov. L. F. Hubbard.

C. M. MacCarthy,
Adjutant General.

STATE OF MINNESOTA,
ADJUTANT GENERAL'S OFFICE,
ST. PAUL, JULY 31, 1885.

GENERAL ORDERS

No. 12.

1. The following changes in the military forces of the State are announced:

RE赋ED.

11. J. J. Kendall, adjutant Second Regiment.
23. T. W. Burnham, first lieutenant, First Regiment.
23. F. W. Burnham, second lieutenant, First Regiment.

COMMISSION REVOKED.

July 27. Wm. B. Bend, colonel First Regiment, M. N. G., commission revoked for insubordination, G. O. No. 11, A. G. O.
COMMISSIONED.

June 10. Albert J. Irwin, captain Wadena Reserve Militia, vice Vining, resigned.
18. C. H. Bullard, first lieutenant company D, Second Regiment, vice McCadden, resigned.
22. A. Wiegand, captain company E, Second Regiment, vice Schleider, resigned.
22. Wm. Morin, second lieutenant company E, Second Regiment, vice Wiegand, resigned.
24. G. S. Ives, major Second Regiment, vice Mead, promoted.
29. George W. Dryer, first lieutenant company I, Second Regiment, vice Ives, promoted.

29. Milton M. Williams, lieutenant colonel and assistant quartermaster general.

MUSTERED AND COMMISSIONED.

July 8. The St. Paul Cavalry Troop, M. N. G., mustered as of date 2d June, 1885, S. O. No. 20, A. G. O., with following commissioned officers:
Ralston J. Markoe, captain.
Anton Ostrum, first lieutenant.
Luther E. Newport, second lieutenant.

By command of Gov. L. F. Hubbard.

C. M. MacCARTHY,
Adjutant General.

STATE OF MINNESOTA,
ADJUTANT GENERAL’S OFFICE,
ST. PAUL, AUG. 25, 1885.

GENERAL ORDERS

No. 13.

1. Captain Ed. S. Bean, commanding Company “D,” First Regiment M. N. G., having reported to these headquarters on the trip of his command to New York to attend the funeral of Gen. Grant, the commander-in-chief takes this occasion to express his high appreciation of the conduct and bearing of the officers and men of Company “D” while representing the State of Minnesota on the occasion mentioned. The commander-in-chief is personally aware of the deportment of the command, and considers it an honor to the National Guard of Minnesota that Company “D” has deservedly received the commendation of the Army and Navy Journal, and distinguished military critics.

By command of Gov. L. F. Hubbard.

C. M. MacCARTHY,
Adjutant General.

STATE OF MINNESOTA,
ADJUTANT GENERAL’S OFFICE,
ST. PAUL, AUG. 27, 1885.

GENERAL ORDERS

No. 14.

1. The annual competition between regimental rifle teams, provided in regulations for rifle practice, will take place at the United States range, Fort Snelling, on the twenty-second and twenty-third of September next, and upon receipt hereof the colonels commanding will report the names and addresses of the members of their regimental teams to the adjutant general, who will issue the necessary orders for transportation.

2. Teams will be composed of ten men and two alternates, and will be certified by regimental commanders as members of the National Guard of Minnesota at and since last annual inspection of their companies. Each team will be under command of a commissioned officer, and will report to the adjutant gen-
eral at the range not later than the evening of the twenty-first of September.

3. Shelter and cots will be furnished at the range, and the usual camp per diem will be paid, not to exceed four days; teams to provide blankets and subsistence.

4. Preliminary practice will take place on the twenty-second, and contest for state champion team on the twenty-third, and the firing will be at two, three, and five hundred yards. At the close of the contest the state trophy will be awarded to the team making the greatest grand total score, each man being allowed five shots at each range, without sighting shots.

5. The state trophy will be held during the year by the commander of the victorious regiment until the close of its annual encampment, when the trophy will be returned to the adjutant general's office, to be again competed for; and it will become the property of the regiment first winning it three times.

By command of Gov. L. F. Hubbard.

C. M. MacCarthy,
Adjutant General Minnesota.

STATE OF MINNESOTA,
ADJUTANT GENERAL'S OFFICE,
ST. PAUL, DEC. 31, 1885.

GENERAL ORDERS

No. 16.

1. The following changes in the military forces of the State are announced:

RESIGNED AND DISCHARGED.

22. E. S. Gray, first lieutenant company E, Second Regiment.
23. L. E. Newport, second lieutenant St. Paul Cavalry.
Nov. 10. P. J. Hummel, first lieutenant company B, Second Regiment.

Sept. 7. P. J. Hummel, first lieutenant company B, Second Regiment, vice Nightingale, promoted.
29. Soren Listoe, major and special aid-de-camp.
29. Tuns Bixby, captain and special aid-de-camp.

Oct. 19. The St. Paul Sons of Veterans mustered as a reserve militia company with the following officers:
Edward H. Milham, captain; Walter P. Confar, first lieutenant; and H. J. Weil, second lieutenant.

Nov. 4. C. H. Stearns, first lieutenant Zumbrota Reserve, vice George, resigned.
48. A. J. Amos, captain Wadena Reserve, vice Irwin, resigned.
18. T. C. Thompson, second lieutenant Wadena Reserve, vice Amos, promoted.

By command of Gov. L. F. Hubbard.

C. M. MacCarthy, Adjutant General.

STATE OF MINNESOTA,
ADJUTANT GENERAL'S OFFICE,
ST. PAUL, FEB. 10, 1886.

GENERAL ORDERS

No. 1.

1. With profound sorrow the commander-in-chief announces the death of Maj. Gen. Winfield Scott Hancock, United States
army, at his post on Governor’s Island, New York, the ninth instant. The Republic mourns a distinguished soldier and honored citizen, under whom Minnesota soldiers served, and to have known whom Minnesota citizens are proud. Under his personal direction the old First Minnesota Volunteers performed heroic service at the battle of Gettysburg, and with him and through them Minnesota is honored by a share in that great victory for the preservation of the Union. Years of residence among us as the commandant of the department of Dakota served to intensify our admiration for the soldier by deepening our respect for the man.

2. Until after the day of interment, the flags of the capitol and armories of the State will be displayed at half mast.

3. The usual badge of mourning will be worn for thirty days by all officers of the military force of the State.

By command of Gov. L. F. Hubbard.

C. M. MacCarthy,
Adjutant General.

STATE OF MINNESOTA,
ADJUTANT GENERAL’S OFFICE,
ST. PAUL, MARCH 9, 1886.

GENERAL ORDERS

No. 2.

1. The “Memorandum of Decisions on Points of Tactics,” recently published by direction of the secretary of war for the information and guidance of the army, are hereby adopted and published for the information and guidance of the military forces of Minnesota.

By command of Gov. L. F. Hubbard.

C. M. MacCarthy,
Adjutant General.

STATE OF MINNESOTA,
ADJUTANT GENERAL’S OFFICE,
ST. PAUL, MARCH 23, 1886.

GENERAL ORDERS

No. 3.

1. The following executive correspondence is published for the information and guidance of the military forces of the State of Minnesota:

Col. W. B. Bend, St. Paul,

DEAR SIR: I am glad to learn that you desire to terminate the false position in which you have become placed through opposition to a court-martial trial of the charges against you. Recognizing your usefulness in the National Guard in many respects, and your wish to become again connected with it, I will willingly receive explanations looking to the possibility of your return.

The court martial could only have passed upon the charges which were before it. In my action it was proper to take into account other objectionable occurrences which seemed to have their origin in your connection with the guard. So now, in considering whether your relations can advantageously be resumed, reference must be made to the same.

Two misapprehensions exist to a greater or less degree in the public mind: 1. That you were punished for disobedience of orders because the disobedience was connected with Grand Army concerns. 2. That the adjutant general is, in some way, a factor in the problem of your desertion.

The beginning of your difficulties was in the disobedience of an order fixing the time at which the review of the regiment in camp was to take place, in 1884. The second act complained of was the continued disregard of the order when repeated on the following day; the third, the discourteous manner in which you received the latter order.

It may be observed that as early as this it was supposed, apparently, by some members of the guard, that a strife, amicable or otherwise, existed between you and the adjutant general, as your treatment of the second order was spoken of about camp as a victory of Col. Bend over Gen. MacCarthy.

Your explanations in regard to these offenses were required. They were most inadequate as to the first and wholly ill-founded in respect to the other two. They were, however, accepted as exculpatory of wrong intention, but as proving that you held a radically wrong theory. A corrective order was issued by my direction, setting forth the rules of action upon both points wherein you had erred, which prevailed in the United States army, and must prevail in any efficient national guard, which
order you were directed to publish to the several companies of your command.

A short time after the date of that order a militia officer of Wisconsin, I think,—at any rate, one not connected with our guard,—contributed an article to a Wisconsin journal, reviewing said order at considerable length. The article was copied into a St. Paul paper of very general circulation, and subsequently printed in another form and distributed to the officers of both regiments.

This article also spoke of the matter as a mere personal difference between the adjutant general and you, in which I had chosen to defend my staff officer and to humiliate you.

This article, so formally distributed, however ridiculous it may appear when stated, seems to have been received to some extent as official, and as operating a reversal or suspension of my order. Your own failure cordially to adopt and observe its instructions appeared in the action which formed the ground of the charge of disobedience before the court martial, and confirmed the belief that the impulse to the otherwise accountable intermeddling of the Wisconsin officer proceeded, directly or indirectly, from you, and that the republication and distribution of his review to the officers of the guard was intended from the same quarter.

These facts had their weight in determining me to sever your relations with the Minnesota Guard. Before consenting that they be renewed, I ask a full statement upon honor, showing:

1. Whether you published my order aforesaid to the companies of your command, as directed therein. If so, when? If not, why not?

2. Whether you sent, caused to be sent, or knew of the sending of, a copy of said order to the officer referred to, with a request or suggestion that he might review it, and what knowledge you had, if any, that such review was contemplated before it was published?

3. What participation in, or foreknowledge of, the publishing or distribution of said review to the officers of the guard had you?

4. What knowledge, if any, had you of the recording, pasting or filing of the copy of that review in the official order book, or among the official files of any company of the First Regiment, or of the regiment itself; and, if you knew of such instance, what, if any, instructions you gave as to the propriety of the same?

5. What degree of acceptance do you now give to the rules stated in my orders aforesaid?

In regard to the matters before the court martial I desire a like expression of your calm judgment upon your own conduct forming the basis of each charge. I will say to you frankly that your conduct, as well in the former matters as in the later case, and in the management of your side of it before the court, presents you, too frequently, as looking for some reason or excuse why you, a colonel, should not, or need not, obey an order which does not please you. You would disclaim such a purpose, yet you have failed to obey orders, and defended the correctness of your refusal by reasons which have surprised thousands of soldiers who have served in war times, giving and receiving orders, more days than any soldier of the National Guard will serve in a long life of peace. Perhaps your unusual scrutiny of the orders you receive is due to a personal feeling towards the adjutant general, which inclines you to find a fault with the substance or manner of his work, though the objection be ever so trivial. Perhaps your wish to perfect the understanding of the members of the guard in the proper way of doing all their duties has made you, unconsciously, seek to instruct and correct those who are not your subordinates. All these explanations of your conduct are fairly predictable with some probability, and all are injurious to you. It will be worth your while, if restored to a position in the regiment, that you determinedly avoid giving further support by your conduct to either.

As to the charge of disobedience of orders, I think you had reason to know that my wish was correctly represented in the letter of the adjutant general of May 29th, from my former order in a similar case. What became of the rule that the expressed wish of a soldier’s commanding officer is to be obeyed as his order? The provision regarding the command of troops by staff officers does not touch the case of one conveying the orders of his chief. He does not assume command while in terms assuming to convey such orders. The chief does not assign him to any command in giving him authority or leaving him discretion to convey such orders. Any other construction would make it impossible, at some times, to have the services of the guard when it might be most important.

In respect to the publication of your reply to the adjutant general I have no intimation to make, except that the adjutant
in publishing his letter appears to have sought the public explanation of my position in the speediest way.

The question of veracity you seem to have forced into prominence by your publication and the terms of it, and you should seek ground of accommodation satisfactory to both parties.

The alleged breaking of arrest I account a technical fault of no great consequence in the case; the charge being allowed as a caution that an officer has always a perfectly legitimate field for the exercise of the utmost technical correctness in regulating his own conduct.

A frank acknowledgment that it was a mistake upon your part to seek to defeat the object of the court martial, if such is your view, could properly be included in your response to this.

Yours respectfully,

L. F. HUBBARD, Governor.

ST. PAUL, Mar. 16, 1886.

Govt. L. F. Hubbard,

Dear Sir: I am in receipt of your letter of the fifteenth inst., and in reply I state:

First—As soon as I was furnished with copies of the order referred to, being not later, I am sure, than ten days after its receipt by me, I directed the adjutant to send one to the captain of each company in the regiment. I have reason to believe that this was done and that the order was published to each company at its first assembly thereafter. No assembly of the regiment as a whole took place after the order was issued until the encampment of 1885, at which time I was not in command.

Second—I did not send, cause to be sent, nor know of the sending of, a copy of said order to the officer who reviewed the same, nor to any other person, with the request or suggestion that he or anyone should review it; nor did I know that any review thereof was contemplated, before it was published.

Third—I had no participation whatever in, nor any foreknowledge of, the publication or distribution of the review to the officers of the guard.

Fourth—I am not aware that a copy of said review was recorded, pasted or filed in the official order book or among the official files of any company of the First Regiment, and I know that no copy was recorded, pasted or filed in any official book or among any official files of the regiment itself.

Fifth—I acknowledge now, as I have always acknowledged, that it is the duty of every officer to obey the lawful orders of his superior, and as the military code expressly gives you the power to make rules and regulations for the National Guards, I consider the rules in question to be as obligatory as any other lawful orders.

In regard to the charges before the court martial, I reply as follows:

Disobedience of orders:

My construction of the adjutant general's letter of May 29th was that it contained his individual sentiments. It is true it was signed "By authority of Gov. L. F. Hubbard," but these words following, also contained therein, to wit: "and any failure to do so (parade) will receive the serious consideration of the commander-in-chief," caused me to believe it was only intended as advisory. On the ground that I had reason to know your wish from your previously expressed command in a similar case, I admit that I should have interpreted it as a recital of your wish and obeyed as an order. I do not contend for a moment that an officer has a right to question the authenticity of any orders that appear on their face to have been issued by his superior, unless he has positive knowledge that they are not authentic, or unless it is evident on their face that they are forgeries.

In the absence of an official construction of that section of the code which provides that staff officers shall not command troops, I held the view that the issuance of the orders in question by the adjutant general in your absence, though in your name, was a virtual assumption of command. I perceive, however, how under that construction the gravest evils might result from the impossibility for the guard to receive valid orders from the commander-in-chief during his temporary absence or inaccessibility. I admit that to avoid those evils a construction is necessary which will permit a staff officer to issue orders in the name of his chief, without question by any subordinate. I shall cheerfully adopt that view of the meaning of the provision aforesaid.

Referring to a claim urged before the court martial that the governor had not the power lawfully to issue the order to parade, that point did not affect my action. I do not consider that any officer is justified in disobeying the order of his superior, even on the ground that it is lawful, unless by obeying it he would work a serious, irreparable injury to some one, and even in that case he must be very sure that he is right.
Conduct prejudicial to military discipline:

I admit now, as I admitted last July, that I made a great mistake in publishing my reply to the adjutant general; but I felt at the time that the publication of his communication to me was a sufficient excuse for my doing so. However, I ought not to have done so.

Breach of arrest:

I admit that by a strict construction of the regulations I should have applied for permission to leave my quarters, and I did not do so because from my knowledge of the practice in the national guard of other states, I did not deem it necessary to do so; but as you regard my fault in this respect more technical than otherwise, perhaps no further comment is necessary.

Conduct unbecoming an officer and a gentleman:

I do not question the sincerity of the committee with whom I discussed the order of parade, but my agreement to participate with them on the occasion was based on what I understood that they agreed to do. It was evidently a case of mutual misunderstanding, without any purpose on their part to misrepresent me, as there was assuredly none on mine to put them in a false position.

I regret now, and feel that it was a very grave mistake, that I did not insist upon having the trial before the court martial proceeded instead of taking the matter into the supreme court by applying for a writ of prohibition, but I had placed my case in the hands of an eminent member of the bar, who is also a personal friend, and I felt bound to follow his advice.

In conclusion, I beg to assure you that, if restored to the guard, there will in the future occur no occasion for criticism of any acts of mine by the commander-in-chief.

Yours respectfully,

W. B. Bend.

STATE OF MINNESOTA,
EXECUTIVE DEPARTMENT,
ST. PAUL, MAR. 17, 1886.

Col. W. B. Bend, ST. PAUL,

DEAR SIR: Your letter of the sixteenth inst. is so far satisfactory, that believing you would accept the teachings of the past for your future conduct, if again a member of the Minnesota National Guard, I will say that, if, after publication of your letter with that to which it responds to the officers of the First Regiment, you shall be by them again elected to the yet vacant colonelcy, I shall willingly sign and issue your commission.

Yours respectfully,

L. F. Hubbard,
Governor.

By command of Gov. L. F. Hubbard.

C. M. MacCarthy,
Adjutant General.

STATE OF MINNESOTA,
ADJUTANT GENERAL'S OFFICE,
ST. PAUL, MARCH 31, 1886.

GENERAL ORDERS

No. 4.

1. The following changes in the military force of the State for the quarter ending this date are hereby announced:

RETIRED AND DISCHARGED.

2. O. C. Hartman, first lieutenant company K, Second Regiment.

22. C. Fockens, first lieutenant company C, Second Regiment.

DECEASED.

Feb. 8. James Davenport, Jr., surgeon First Regiment M. N. G.
MUSTERED OUT.


COMMISSIONED.


17. Mauy B. Curry, second lieutenant St. Paul Cavalry, vice Newport, resigned.

Mch. 9. Frank Carrier, first lieutenant St. Cloud Guards, reserve, vice S. A. May, resigned.
10. R. J. Fitzgerald, major and surgeon First Regiment, vice Davenport, deceased.

MUSTERED IN.

Mch. 10. The LaVerne Guards, reserve militia company: Captain, Wm. H. Halbert; first lieutenant, Philip E. Brown; second lieutenant; Jacob W. Gerber; under S. O. No. 4, A. G. O.
23. The Hastings Guards, reserve militia company: Captain, M. R. Seaman; first lieutenant, Wm. B. Heath; second lieutenant, Chas. D. Hillery; under S. O. No. 10, A. G. O.

By command of Gov. L. F. Hubbard.

C. M. MacCarthy,
Adjutant General.

STATE OF MINNESOTA,
ADJUTANT GENERAL’S OFFICE,
ST. PAUL, JUNE 10, 1886.

GENERAL ORDERS

No. 6.

1. Hereafter at all encampments of the National Guard, or assemblies of the same, or any portion thereof, for service, there shall be three regular daily roll calls, viz: reveille, noon and tattoo. That these roll calls in each organization shall be held under the supervision of an officer detailed from these headquarters and his instructions as to such roll calls shall be obeyed.

2. No excuses or credits for absence will be allowed unless the soldier shall be on guard, at the rifle range, on the sick list, or absent on special duty.

3. The per diem of each officer and man shall be proportionate to each roll call he answers or is credited with.

By command of Gov. L. F. Hubbard.

C. M. MacCarthy,
Adjutant General.

STATE OF MINNESOTA,
ADJUTANT GENERAL’S OFFICE,
ST. PAUL, JULY 31, 1886.

GENERAL ORDERS

No. 7.

1. The following changes have occurred in the military forces of the State since the publication of General Order No. 4:

RESIGNED AND DISCHARGED.

D. B. Skinner, first lieutenant company G, Second Regiment.

C. M. MacCarthy,
Adjutant General.
22. L. S. Quince, second lieutenant company E, First Regiment.
17. George Mitsch, second lieutenant company D, First Regiment.
July 17. A. L. Craig, first lieutenant company C, First Regiment.
30. C. S. Langdon, first lieutenant company A, First Regiment.
30. Frank S. Barnard, captain company A, First Regiment.

COMMISSIONS ISSUED.

Mar. 30. Wm. B. Bond, colonel First Regiment, recompmissioned.
Apr. 2. P. O'Halloran, second lieutenant Emmet Light Artillery, vice Boyle, resigned.
Mar. 10. T. C. Clark, first lieutenant and assistant surgeon First Regiment, vice Fitzgerald, resigned.
Apr. 7. George H. Brink, first lieutenant company C, Second Regiment, vice Fockens, resigned.
15. R. A. Holmberg, first lieutenant company B, Second Regiment, vice Klemer, promoted.
29. Alfred Palmquist, first lieutenant and commissary First Regiment, vice Robertson, resigned.
17. W. A. Hubbard, first lieutenant company A, Second Regiment, vice Muller, resigned.

29. Edwin Mott, second lieutenant company E, First Regiment, vice Quince, resigned.

MUSTERED IN.

Apr. 29. The Le Sueur Rifles, reserve militia company; captain; P. W. Cronan, first lieutenant, Chas. E. Patton; second lieutenant, J. N. Bergen.
May 10. The Crookston Guards, reserve militia company; captain, Charles F. Mix; first lieutenant, William B. Dawley; second lieutenant, Edward George.
By command of Gov. L. F. Hubbard.
C. M. MacCarthy,

Adjutant General.
### APPENDIX "G."—MILITARY PROPERTY.

On hand in the State Arsenal December 31, 1861: received from the United States Ordinance Department and other sources, issued to the Military Forces of the State, sold, expended in the service, used for repairs, lost or destroyed and remaining on hand 31st July, 1866.

<table>
<thead>
<tr>
<th>Articles</th>
<th>On hand in State (Dec. 31, 1861)</th>
<th>Received from U. S.</th>
<th>Purchased by State</th>
<th>Taken to be accounted for</th>
<th>Issued to and in possession of officers of the National Guard</th>
<th>Issued to and in possession of officers of the Militia</th>
<th>Issued to and in possession of officers of the Arm-</th>
<th>Enlisted</th>
<th>Made obsolete, sold, or returned</th>
<th>Used for repairs</th>
<th>Expended in service</th>
<th>Lost or destroyed, lost or</th>
<th>Total issued, lost or</th>
<th>Occupation and division of arms in the Arsenal</th>
<th>Remarks</th>
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<td>361</td>
<td>1,231</td>
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<td>1,297</td>
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<td>47 rifles burned at Fergus Falls</td>
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<td>Whitworth rifles</td>
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<td>Gun slings, new</td>
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**BIBLICAL REPORT**

**ANTIDOTAL GENERAL**

111
### APPENDIX "G."—Continued.

<table>
<thead>
<tr>
<th>Articles</th>
<th>Quantity</th>
<th>Remarks</th>
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<td><strong>Artillery Equipments.</strong></td>
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<tr>
<td>Field guns, 6-pounder bronze</td>
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<td>Field guns, 12-pounder</td>
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<td>Howitzers, 6-pounder</td>
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<td>Howitzers, howitzer</td>
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<td>Travelling fuses</td>
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<td>Sponges baskets</td>
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<td>Carpenters' gauntlets</td>
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<td>Pricking pouches</td>
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<td>Pads</td>
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<td>Sponge and ramrods</td>
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### Artillery Equipments.

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<td>Horse blankets</td>
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<td>Blanket primers</td>
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<td>Saddles, leather covered</td>
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<td>Curt boots</td>
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<td>Saddle cloths, gray felt</td>
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<td>Saddle cloths, canvas</td>
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<td>Aces</td>
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<td>Vent covers, new</td>
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<td>Pole pads</td>
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### Cavalry Equipments.

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<tbody>
<tr>
<td>Springfield carbines, caliber .45</td>
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<td>Carbine slings</td>
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<td>Revolvers, old</td>
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### Office Furniture and Tools, State Arrival.

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<tr>
<th>Articles</th>
<th>Quantity</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lathe and tools</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Fairbanks scales</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Grindstones</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Truck (hand)</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Office keys</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Office desk</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Office stove and pipe</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Office chairs</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Office carpet</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Book books</td>
<td>1</td>
<td></td>
</tr>
</tbody>
</table>

### Remarks.

- United States and Minnesota, 50 each.
### APPENDIX "H."

#### PAYMASTER GENERAL'S REPORT.

<table>
<thead>
<tr>
<th>Paid to</th>
<th>Annual Allowance</th>
<th>Camp's per diem</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1885.</td>
<td>1886.</td>
</tr>
<tr>
<td>Field and staff, 1st Regt.</td>
<td>$119.00</td>
<td>$110.00</td>
</tr>
<tr>
<td>Band, 1st Regt.</td>
<td>120.00</td>
<td>120.00</td>
</tr>
<tr>
<td>Co. A, 1st Regt.</td>
<td>300.00</td>
<td>290.00</td>
</tr>
<tr>
<td>Co. B, 1st Regt.</td>
<td>300.00</td>
<td>290.00</td>
</tr>
<tr>
<td>Co. C, 1st Regt.</td>
<td>300.00</td>
<td>290.00</td>
</tr>
<tr>
<td>Co. D, 1st Regt.</td>
<td>300.00</td>
<td>290.00</td>
</tr>
<tr>
<td>Co. E, 1st Regt.</td>
<td>300.00</td>
<td>290.00</td>
</tr>
<tr>
<td>Co. F, 1st Regt.</td>
<td>300.00</td>
<td>290.00</td>
</tr>
<tr>
<td>Co. G, 1st Regt.</td>
<td>300.00</td>
<td>290.00</td>
</tr>
<tr>
<td>Co. H, 1st Regt.</td>
<td>300.00</td>
<td>290.00</td>
</tr>
<tr>
<td>Co. I, 1st Regt.</td>
<td>300.00</td>
<td>290.00</td>
</tr>
<tr>
<td>Co. J, 1st Regt.</td>
<td>300.00</td>
<td>290.00</td>
</tr>
<tr>
<td>1st Regt. totals</td>
<td>$3,218.00</td>
<td>$3,382.00</td>
</tr>
<tr>
<td>Field &amp; staff, 2d Regt.</td>
<td>$120.00</td>
<td>$110.00</td>
</tr>
<tr>
<td>Band, 2d Regt.</td>
<td>120.00</td>
<td>120.00</td>
</tr>
<tr>
<td>Co. A, 2d Regt.</td>
<td>300.00</td>
<td>290.00</td>
</tr>
<tr>
<td>Co. B, 2d Regt.</td>
<td>300.00</td>
<td>290.00</td>
</tr>
<tr>
<td>Co. C, 2d Regt.</td>
<td>300.00</td>
<td>290.00</td>
</tr>
<tr>
<td>Co. D, 2d Regt.</td>
<td>300.00</td>
<td>290.00</td>
</tr>
<tr>
<td>Co. E, 2d Regt.</td>
<td>300.00</td>
<td>290.00</td>
</tr>
<tr>
<td>Co. F, 2d Regt.</td>
<td>300.00</td>
<td>290.00</td>
</tr>
<tr>
<td>Co. G, 2d Regt.</td>
<td>300.00</td>
<td>290.00</td>
</tr>
<tr>
<td>Co. H, 2d Regt.</td>
<td>300.00</td>
<td>290.00</td>
</tr>
<tr>
<td>Co. I, 2d Regt.</td>
<td>300.00</td>
<td>290.00</td>
</tr>
<tr>
<td>Co. J, 2d Regt.</td>
<td>300.00</td>
<td>290.00</td>
</tr>
<tr>
<td>2d Regt. totals</td>
<td>$3,449.00</td>
<td>$3,393.00</td>
</tr>
<tr>
<td>E. L. Artillery</td>
<td>$600.00</td>
<td>$600.00</td>
</tr>
<tr>
<td>St. Paul Cavalry</td>
<td>100.00</td>
<td>100.00</td>
</tr>
<tr>
<td>Grand totals</td>
<td>$6,367.00</td>
<td>$7,095.00</td>
</tr>
</tbody>
</table>
The foregoing items of annual allowance to companies for uniforms, armory, rent, etc., were paid on inspection rolls signed by commanding officers and inspector general, and the items for per diem in camp were paid on duplicate pay rolls signed by the men present and doing duty in camp. The items for transportation of troops, purchase of tents, freight, drayage, etc., in the following statement of expenditures from the National Guard funds of 1885 and 1886, were paid on bills approved, audited and filed in the state auditor’s office.

<table>
<thead>
<tr>
<th>Expenditures from Guard Fund</th>
<th>1885</th>
<th>1886</th>
</tr>
</thead>
<tbody>
<tr>
<td>Annual allowance for uniforms, armory rent, company expenses, etc</td>
<td>$6,967.00</td>
<td>$7,925.00</td>
</tr>
<tr>
<td>Per diem of troops at encampments</td>
<td>$8,766.50</td>
<td>$9,169.69</td>
</tr>
<tr>
<td>Transportation of troops</td>
<td>$1,179.84</td>
<td>$1,448.79</td>
</tr>
<tr>
<td>Expenses of annual inspections</td>
<td>$229.90</td>
<td>$275.09</td>
</tr>
<tr>
<td>Per diem and expenses of rifle practice and contests</td>
<td>$309.50</td>
<td>$234.69</td>
</tr>
<tr>
<td>State trophy and marksman’s and sharpshooter’s badges</td>
<td>$452.00</td>
<td></td>
</tr>
<tr>
<td>Per diem and expenses of general court martial</td>
<td>$516.17</td>
<td></td>
</tr>
<tr>
<td>Purchase of tents and repairs to</td>
<td>$485.17</td>
<td>$334.21</td>
</tr>
<tr>
<td>Freight and drayage</td>
<td>$229.09</td>
<td>$330.99</td>
</tr>
<tr>
<td>Part expenses Co. D., 1st Regiment, to Gen. Grant’s funeral</td>
<td>$750.00</td>
<td></td>
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<tr>
<td>Purchase of 40 blankets, Co. D, 1st Regiment</td>
<td>$110.00</td>
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</tr>
<tr>
<td>Miscellaneous expenses</td>
<td>$21.76</td>
<td>$22.41</td>
</tr>
<tr>
<td>Total expenditures</td>
<td>$20,000.00</td>
<td>$20,000.00</td>
</tr>
</tbody>
</table>

C. M. MACARTHUR,
Adj. General and Paymaster.