

Militia, Compensation for Equipment to Officers. National Guard of Montana, Compensation to Officers for Equipment. Officers of National Guard, Compensation for Equipment. Equipment, Officers of National Guard, Compensation For. Uniform, Arms and Equipment, Compensation For.

Under the provisions of Sec. 79, Chap. 145, Laws of 1911, any commissioned officer of the national guard of Montana who has served one year as such and has supplied himself with the necessary uniform and equipment is entitled to receive the sum of forty dollars (mounted officers fifty dollars), and thereafter, annually, such officer, after performing the duties therein prescribed, is entitled to receive the amount actually expended in each year, not to exceed twenty-five dollars, (mounted officers ten dollars additional) in any one year.

May 12, 1911.

General Phil. Greenan,
The Adjutant General,
Helena, Montana.

Sir:

I acknowledge receipt of your letter of the 10th inst., wherein you submit for my official interpretation and opinion the following state of facts arising under Section 79, Chapter 145, Laws of 1911:

"An officer of the Second Infantry, National Guard of Montana, who was commissioned about a year prior to the passage of the act above referred to, having equipped himself with all necessary articles of uniform, arms, and equipment as required of all commissioned officers, has, under the provisions of said act presented his claim, properly supported by vouchers for the sum of forty dollars.

"I have informed him that as he purchased these articles of uniform, arms and equipment prior to the passage of the act he cannot be reimbursed for same."

Necessarily, commissioned officers of the National Guard of Montana have supplied themselves with the necessary uniform and equipment. To reimburse them for this first outlay (which before the passage of the act of March 13, 1911, was borne by the officer himself) the legislature made provision by said Section 79 that such officer, irrespective of the time of his commission, and irrespective of the time he may have supplied himself with the necessary uniform and equipment, should receive the fixed sum of forty (\$40.00) dollars (if mounted tea

\$10.00 dollars additional) after his first full years service. Then provision is made that annually thereafter; that is, after the first forty dollars payment has been made, if such officer performs seventy-five per cent of all ordered duty, he shall receive a sum not to exceed twenty-five dollars depending in amount upon the sums he shall have actually expended (if a mounted officer, ten dollars in addition), for which items such officer must furnish vouchers or receipts showing that the expenditures have been made within the preceding year and necessarily subsequent to the former payment.

In my opinion all the commissioned officers of the National Guard of Montana who have supplied themselves with the necessary uniform and equipment and have now completed one year's service as such officer, are entitled, under the provisions of said Section 79, to receive upon the presentation of a verified claim therefor, the sum of forty dollars (mounted officers fifty dollars), and that no voucher or receipt for such amount need be presented. And it is further my opinion that annually thereafter such officer is entitled to receive an amount actually expended by him for necessary uniform and equipment, not to exceed twenty-five dollars (if mounted ten dollars additional), such officer to accompany his claim with vouchers or receipts showing the amount expended. The vouchers required by said section to be supplied, in my opinion, refer only to the expenditures subsequent to the first payment.

Yours very truly,

ALBERT J. GALEN,

Attorney General.