

Two majors inspectors, each at a salary of three thousand eight hundred and forty (\$3,840) dollars per annum. Majors inspectors

One aide captain, at a salary of two thousand six hundred (\$2,600) dollars per annum. Aides.

One aide second lieutenant, at a salary of two thousand one hundred and twenty (\$2,120) dollars per annum.

Two stenographers, each at a salary of one thousand two hundred (\$1,200) dollars per annum. Stenographers.

Section 2. All employes in the office of the Adjutant General, the State Arsenal, and the office of the United States property and disbursing officer shall be appointed by the Adjutant General, who is hereby authorized to make such assignments to duty and to change or alter such assignments as may in his judgment be necessary to subserve the interests of the Commonwealth. Appointment.

Section 3. All salaries provided for in this act shall be paid as now provided by law. Payment.

Section 4. The act, approved the twenty-third day of May, one thousand nine hundred and nineteen (Pamphlet Laws, two hundred eighty-five), entitled "An act reorganizing the Adjutant General's Department, designating the officers and employes thereof, and fixing the salaries of each," is hereby repealed. Act of May 23, 1919 (P. L. 285) repealed.

All other acts or parts of acts inconsistent herewith be, and the same are hereby, repealed. Repeal.

APPROVED—The 17th day of May, A. D. 1921.

WM. C. SPROUL.

No. 307.

AN ACT

Providing for the organization, government, discipline, maintenance, and regulation of the armed land forces of this Commonwealth.

Section 1. Be it enacted, &c., That the armed organized land forces of the Commonwealth of Pennsylvania shall be and constitute the National Guard thereof, styled the Pennsylvania National Guard, and shall be subject at all times to the orders of the officers thereof.

Definitions.

Section 2. For the purpose of this act, the words "National Defense Act" shall be taken to mean an act of Congress, entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved by the President June third, nineteen hundred and sixteen, and any and all

acts that may hereafter be enacted amendatory thereof and supplementary thereto. The word "company" shall apply to and indicate the infantry, headquarters, supply, cavalry, field artillery, engineer, signal, field hospital, machine gun, ambulance, and field bakery units, corresponding in general organization to a company of infantry. The words "regiment" and "battalion" shall apply to any organization of any arm of the service equal in organization to a regiment or battalion of infantry, as the case may be, or so denominated by law.

Composition of the National Guard.

Section 3. The National Guard of this Commonwealth shall consist of one infantry division, and such corps and army and other auxiliary troops, and such staff corps and departments, as may, under the act of Congress, be prescribed by the President as the portion of the National Guard of the United States apportioned and assigned to the State of Pennsylvania. The troops of the Pennsylvania National Guard shall be organized, as far as practicable, into regiments, brigades, and a division. Hereafter the enlisted personnel of the organizations of the Pennsylvania National Guard shall at all times be maintained at a strength not below the minimum strength fixed by act of Congress or the rules and regulations promulgated by the President under regulations thereto.

Increase in Organizations.

Section 4. Should at any time the total number of enlisted men allotted as the strength of the Pennsylvania National Guard, under and pursuant to the provisions of the National Defense Act and all acts of Congress amendatory thereof and supplementary thereto, exceed the number required to complete the organizations hereinbefore provided for at their proper numerical strength, then and in such case, the Governor as Commander-in-Chief shall have the power, and it is hereby authorized and directed, to prescribe in orders for the organization of any and all such additional units as may be required to conform, as far as practicable, to the requirements for the National Guard under the laws of the United States, and to form the same into battalions, regiments, brigades, and divisions, as the total numerical strength may require.

Powers of the Governor.

Section 5. The Governor of this Commonwealth as Commander-in-Chief shall have the power, and is hereby authorized and directed, to alter, increase, divide, annex, consolidate, disband, organize, or reorganize any organization, department, corps, or staff, so as to

conform, as far as practicable, to any organization, system, drill, instruction, corps or staff, uniform or equipment, or period of enlistment, now or hereafter prescribed by the laws of the United States and the rules and regulations promulgated thereunder for the organization and regulation of the National Guard. For that purpose, the number of officers, noncommissioned officers, and enlisted men of any grade, in any organization, department, corps, or staff, may be increased or diminished, and the grade of such officers, noncommissioned officers, and enlisted men may be altered, to the extent necessary to secure, as far as practicable, such uniformity. Officers rendered surplus by either the disbandment, consolidation, or reorganization of their respective organizations, shall be placed in the National Guard Reserve, or such officers to exceed six brigadier generals. General officers shall may be held as supernumerary officers during the unexpired portion of their respective commissions, at the sole discretion of the Governor as Commander-in-Chief; and the period of time for which such officers are held as supernumerary may be included in computing the necessary length of service to entitle a commissioned officer to be placed upon the retired list.

The Governor as Commander-in-Chief shall have power, in case of war, invasion, insurrection, riot, or imminent danger thereof, to increase the land forces of this Commonwealth and organize the same in accordance with the existing rules and regulations governing the armies of the United States, as the exigency of the occasion may require; and such organization and increase may be either pursuant to, or in advance of, any call made by the President.

General Officers of the Line

Section 6. Officers commissioned to and holding, in the Pennsylvania National Guard, the grade of general officers shall hereafter be known as general officers of the line. The number of general officers of the line are hereby fixed at one major general and not be appointed by the Governor, with the consent of the Senate; but no person shall be appointed a general officer who shall not have served at least fifteen years as a commissioned officer either in the National Guard of any State, Territory, or the District of Columbia, or in the United States Army, or both.

Staff Corps and Departments.

Section 7. There shall be staff corps and departments composed of so many commissioned officers and enlisted men, in addition to the officers and enlisted men of the staff of the higher tactical units, as the same are now or may be hereafter authorized; and the Governor

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is hereby authorized to commission such officers in such number and of such grades, and to enlist and warrant such noncommissioned officers in such grades, as may comply with the rules and regulations now in force or hereafter to be promulgated in relation thereto. Such staff corps and departments shall furnish the necessary officers and men to provide the administrative, sanitary, and supply personnel for mobilization and recruiting purposes for the Pennsylvania National Guard in Federal service, and shall perform such other duties as may be required of them by the Governor as Commander-in-Chief.

Powers of the Division Commander.

Section 8. The major general commanding the division, Pennsylvania National Guard, shall have in time of peace, so far as practicable, all the power and authority of a major general of a tactical division under the rules and regulations prescribed or hereafter to be prescribed for the government of the armies of the United States, subject to the orders and direction of the Governor as Commander-in-Chief. He shall be responsible to the Governor for the training, instruction, discipline, administration, and efficiency of all troops of the Pennsylvania National Guard, and shall cause such inspections and reports to be made as are required by this act. He may, with the consent of the Governor, employ such officers, clerical and other force, as may be required at his headquarters. Such force shall be paid by the Adjutant General at rates of compensation as may be deemed by the Commander-in-Chief just and proper.

Medical Department.

Section 9. The medical department shall consist of the medical corps, the dental corps, the veterinary corps, and the enlisted men pertaining thereto. The commissioned officers of the medical corps shall be proportionately distributed among the several grades, and assigned to duty with troops in such number and of such grades as may comply with the rules and regulations promulgated in relation thereto. The enlisted force of the medical department shall consist of such personnel as may conform, as far as practicable, to the enlisted personnel now or hereafter provided by law or regulations therefor. Original enlistments for the medical department shall be made in the grade of private, and reenlistments and promotions of enlisted men therein shall be governed by such regulations as may be promulgated relating thereto. The Governor is hereby authorized to appoint and commission dental surgeons at the rate of one for each one thousand enlisted men of the line of the Pennsylvania National

Guard. Dental surgeons shall have the same rank and pay of dental surgeons of like grade and service in the Regular Army.

Veterinarians.

Section 10. The Governor is hereby authorized to appoint such veterinarians and assistant veterinarians as may be necessary to comply with the rules and regulations promulgated in relation thereto, and said veterinarians and assistant veterinarians shall constitute the veterinary corps, Pennsylvania National Guard. They shall have the rank and pay of veterinarians and assistant veterinarians of like grade and service in the Regular Army.

Composition of Units.

Section 11. The composition of all units of the Pennsylvania National Guard, including the commissioned and enlisted personnel thereof, other than those specifically provided for in this act, shall be fixed from time to time by the Governor as Commander-in-Chief, and announced in general orders, and shall, as far as practicable, be in accordance and in compliance with such regulations as may be promulgated by the Secretary of War for the composition of the National Guard. Every such order shall have the same force and effect as if specifically enacted and provided for by statute.

Commissions of Officers and Prescribed Oath.

Section 12. All commissioned officers shall be appointed by the Governor as Commander-in-Chief, and be commissioned accordingly to the grade in the department, corps, or arm of the service in which they are appointed, and shall be assigned to duty by the Commander-in-Chief. They shall take and subscribe the following oath: "I,....., do solemnly swear that I will support and defend the Constitution of the United States and the Constitution of the State of Pennsylvania against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will obey the orders of the President of the United States and of the Governor of the State of Pennsylvania; that I make this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office of in the National Guard of the United States and of the State of Pennsylvania upon which I am about to enter, so help me God." No officer shall be commissioned until he shall have successfully passed such tests as to his physical, moral, and professional fitness as shall be prescribed in relation thereto.

Continuity of Rank.

Section 13. Whenever an officer shall be recommissioned in the same grade or commissioned in a lower grade than that in which he has served in the Pennsylvania National Guard, within three months after the expiration or termination of his previous commission, he shall take rank from the date given in his previous commission: Provided, That when a commissioned officer has been in continuous service as such, service and commission in a higher grade shall not affect the continuity of rank when such officer shall be recommissioned in a lower grade in which he has previously served.

Elimination and Disposition of Officers.

Section 14. At any time the moral character, capacity, and general fitness for the service of any Pennsylvania National Guard officer may be determined by an efficiency board of three commissioned officers, senior in rank if possible to the officer whose fitness for service shall be under investigation, appointed by the Governor in case of general officers and departmental officers, and the commanding general of the division in all other cases; and, if the findings of such board be unfavorable to such officer, and be approved by the Governor, he shall be discharged. Commissions of officers of the National Guard may be vacated upon transfer to National Guard Reserve, resignation, absence without leave for three months, upon the recommendation of an efficiency board, pursuant to sentence of a court-martial, if recourse has been had to the sureties on his bond in the settlement of his financial or property accounts, or if he has been convicted of an infamous crime.

Vacation of Commissions by Promotion.

Section 15. When a commissioned officer of the Pennsylvania National Guard is appointed to another office therein, and accepts the same, such acceptance shall vacate the office previously held.

Administration of Oaths.

Section 16. General, field, and staff corps officers are hereby authorized and empowered to administer oaths and affirmations in all matters pertaining to and concerning the Pennsylvania National Guard; and all commissioned officers are authorized and empowered to administer oaths and affirmations in the enlistment of soldiers for the Pennsylvania National Guard. Any person who shall falsely swear or affirm to any oath or affirmation before any such officer shall be deemed

guilty of perjury, and, upon trial and conviction thereof, shall be sentenced for such offense as provided by law.

Temporary Detail by Commanding Officers.

Section 17. When a company is without commissioned officers from any cause, the commanding officer of the regiment of which it is a part, or, if not part of a regiment, then the Division Commander, shall detail an officer to command said organization until an officer has been appointed or assigned thereto.

Term of Office of General, Field, and Line Officers.

Section 18. The term of every general, field, and line officer and departmental officer, other than those provided for in section nineteen, shall be for five years, unless his commission be otherwise lawfully determined and annulled: Provided, That all commissions in force in the National Guard of Pennsylvania at the time of the passage of this act shall continue in force in the Pennsylvania National Guard for the unexpired portion thereof, subject to termination as herein provided. All appointments to the grade of second lieutenant shall be provisional for a period of one year; at the close of which period such appointments shall then be made for a full term of five years, if the appointee shall have demonstrated, under such regulations as may be prescribed in relation thereto, his suitability and moral, professional, and physical fitness therefor; and should any appointee be deemed unfit by the Commander-in-Chief, his appointment shall be terminated. Should any such appointee be promoted to a higher grade, before the expiration of said one year, he shall receive a provisional appointment in such higher grade under like conditions as apply to the appointment of a second lieutenant.

When authorized by the Federal Government, war rant officers may be appointed by the Governor under such regulations as may be prescribed by the Federal Government.

Term of Office of Certain Staff Officers.

Section 19. No person shall hereafter be appointed as a staff officer, nor as an officer of the pay, inspection, subsistence, or medical department, unless such person shall have had previous military experience. Every person so appointed to any office or position designated in this section shall hold his position until he shall have reached the age of sixty-four years, unless retired prior to that time by reason of resignation, transfer to reserve, disability, or for cause determined by a court-martial legally convened for that purpose, or by proceedings by an efficiency board constituted for that

purpose. All vacancies among said officers holding positions specified in this section shall be filled by appointment from the officers of the Pennsylvania National Guard: Provided, That when a vacancy occurs in the Adjutant General's Department, inspector general's department, judge advocate general's department, quartermaster's corps, ordnance department, or signal corps, the same may be filled, in the discretion of the Governor, by the detail of a line officer of the grade in which the vacancy exists. Such detail shall be for a period of not to exceed five years, at the expiration of which time, the officer, unless redetailed, shall be assigned to fill a vacancy in his grade in any line organization that the Governor may direct. The detail of an officer under the provisions of this section shall create a vacancy in his grade and organization, which shall be filled in the same manner as a vacancy due to any other cause.

Bonds of Officers.

Section 20. Certain commissioned officers shall give bonds, with corporate surety, as follows: Officers appointed or detailed as quartermaster of the grade of colonel, lieutenant colonel, or major, severally, in the sum of two thousand dollars; captains of all companies and commanding officers of field hospitals and ambulance companies, severally, in the sum of two thousand dollars; lieutenants of each and all of said organizations, and other captains assigned to field hospitals or ambulance companies, severally, in the sum of one thousand dollars: Provided, That the Adjutant General may require a bond, in such amount as he may deem sufficient, of any officer who may become responsible either for public funds or public property, or both. The form of all bonds shall be prescribed and furnished by the Adjutant General, and shall be conditioned for the faithful discharge of the duties of the respective offices and the proper accounting for public moneys or public property, or both, entrusted to said officers, and for the safe-keeping and return of the property of the State issued and entrusted to them by the Adjutant General, and of the property of the United States issued and entrusted to them by the United States property and disbursing officer, or acquired by the transfer or inventory, or on memorandum receipt, or by purchase from State funds, whenever and as often as demand is made upon the principal in said bond for an accounting or the payment back of said money, and accounting for or invoicing to a designated officer the property issued or assigned to said officers.

Pay of Officers on Special Duty.

Section 21. Commissioned officers may be ordered upon special duty at the discretion of the Governor

as Commander-in-Chief, and shall receive the pay of their respective grades during the time they may continue upon duty under such order: Provided, That when the duty required of them is a duty enjoined by law or regulations upon an officer of higher grade, the officer so detailed shall receive the pay of such higher grade.

Retirement of Officers.

Section 22. Commissioned officers who shall have served forty years, either as an officer or enlisted man, or both, in the Pennsylvania National Guard, shall, upon application made to the Adjutant General, be retired from active service, and placed upon the retired list as of the next higher grade, except a major general, whose grade upon the retired list shall remain the same; and when any commissioned officer is sixty-four years of age, he shall be retired from active service, and may be placed upon the retired list as of the next higher grade, except a major general, whose grade on the retired list shall remain the same: Provided, That service in the volunteer forces of the United States, or in the Army, Navy, or Marine Corps thereof, during the war with Spain, in Mexican border service, or in any other Federal service, may be included as of twice its actual length in computing the forty years of service required for retirement. Commissioned officers who shall have served as such in the Pennsylvania National Guard or the Pennsylvania Reserve Militia, or both, may, upon application to the Adjutant General, be placed upon the retired list as of the highest grade of such officers may have held in their service: Provided, That he shall have held a commission as an officer of the Pennsylvania National Guard or the Pennsylvania Reserve Militia, or both, for a period of at least ten years in the aggregate: Provided further, That service in the volunteer forces in the United States Army in the war with Spain, in Mexican border service, in the World War, or in any other Federal service, may be computed as of twice its actual length. The Governor as Commander-in-Chief shall have power, and is hereby authorized, to relieve from active service, and place upon the retired list as of the next higher grade, any commissioned officer who has served continuously in any one grade for fifteen years. The commission of any officer so relieved from active duty and placed upon the retired list shall be considered terminated, and the office held by him as vacated. When an officer has become incapable, from any cause, of performing the duties of his office, he may be ordered before an efficiency board, created as herein providing and sitting as a retiring board. If he is found disqualified by reason of physical disability incurred in the line of duty, he may be retired as of the next higher grade, but if he is found

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disqualified for any other reason, he shall be retired without increase in grade. The action of every such board shall be subject to the approval of the Governor as Commander-in-Chief. All retired officers shall be entitled to wear the uniform of their grade as retired officers of the Pennsylvania National Guard on all proper military or semimilitary occasions.

Holding Officers as Supernumerary Pending Settlement.

Section 23. A commissioned officer responsible for State funds or State property or property of the United States, issued to him by the Adjutant General or United States property and disbursing officer, or acquired by transfer, inventory, or purchase from annual allowance of State funds, who may tender his resignation and whose accounts are not settled, may be relieved from active duty by the Governor as Commander-in-Chief, and held as supernumerary pending settlement of his accounts; and, when so relieved from active duty, the office in which he is commissioned or to which he has been assigned shall be considered as vacated: Provided, That a commissioned officer so held as supernumerary shall be amenable to court-martial for military offenses to the same extent and in like manner as if upon the active list.

Enlistment in the National Guard.

Section 24. Hereafter the period of enlistment in the Pennsylvania National Guard shall be the same as prescribed for the Regular Army, and the qualifications for enlistment shall be the same as those prescribed for enlistment in the Regular Army.

Enlistment Contract.

Section 25. Every man enlisting in the Pennsylvania National Guard shall sign an enlistment contract, and take and subscribe to the following oath of enlistment:

"I,, born in, in the State of
, aged years and months, and by
 occupation a, do hereby acknowledge to have
 voluntarily enlisted, this day of, 19. ., as a
 soldier in the National Guard of the United States and
 of the State of Pennsylvania for a period of years,
 under the conditions prescribed by law, unless sooner
 discharged by proper authority; and I do solemnly
 swear that I will bear true faith and allegiance to the
 United States of America and to the State of Pennsylvania,
 and that I will serve them honestly and faithfully
 against all their enemies whomsoever, and that I
 will obey the orders of the President of the United
 States and the Governor of the State of Pennsylvania
 and the officers appointed over me according to law
 and the rules and Articles of War."

Discharge of Enlisted Men from the National Guard.

Section 26. An enlisted man discharged from service in the Pennsylvania National Guard shall receive a discharge in writing, in such form and with such classification as is or shall be prescribed for the Regular Army; and, in time of peace, discharges may be given prior to the expiration of terms of enlistment, under such regulations as the Governor may prescribe, subject to the restrictions of the National Defense Act or amendments thereto.

Disbandment of Companies.

Section 27. If it appears to the Governor as Commander-in-Chief that a company of the Pennsylvania National Guard has failed to comply with the requirements of the law in matters of uniform, equipment, discipline, or efficiency, so that it cannot discharge the duties required of it, such company may be disbanded by the Governor, who as Commander-in-Chief may disband any company if, in his judgment, the interests of the service justify it, subject to the restrictions of the National Defense Act or amendments thereto.

The Adjutant General.

Section 28. The Governor shall appoint, by and with the consent of the Senate, the Adjutant General, who shall hold office for the term of four years and until his successor is appointed and qualified, but he may be removed at any time by the Governor. He shall give bond, in the sum of twenty thousand dollars, in such form and with such sureties as may be approved by the Governor as Commander-in-Chief. He shall have the custody of all books, accounts, and military property of the Commonwealth, issued by it, pertaining to the Pennsylvania Guard. He shall distribute all orders from the Commander-in-Chief, and perform such other duties as the Governor as Commander-in-Chief shall direct. He shall make a return annually, in duplicate, of the Pennsylvania National Guard, and a report of their arms, uniforms, accoutrements, and ammunition, according to such forms as may be prescribed by the Secretary of War, one copy to be filed in the office of the Adjutant General, and one copy to be forwarded to the Secretary of War. He may, with the consent of the Governor as Commander-in-Chief, employ such emergency, clerical, and other force as may be required in his department or at the State Arsenal, who shall be paid such rates of compensation as may be by him deemed just and proper. He shall pay the troops, and make all other disbursements authorized by this act, by warrants drawn by him upon the Treasurer of the Commonwealth, countersigned by the Auditor General. He shall supply to all officers of the Pennsylvania National

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Guard copies of drill regulations, manuals of rifle practice, service manuals, and military publications, forms, and books, prescribed for use of the United States Army, as the Governor as Commander-in-Chief may designate. He may, with the approval of the Governor as Commander-in-Chief, sell or exchange, from time to time, such military stores belonging to the Commonwealth as are found unserviceable or in state of decay, or which it may be deemed for the best interests of the Commonwealth to sell or exchange. All moneys received from stores so sold shall be paid into the treasury of the Commonwealth.

Retention of Ancient Privileges.

Section 29. Any corps of artillery, cavalry, or infantry, existing in this State on the passage of the act of Congress of May eighth, seventeen hundred and ninety-two, which by the laws, customs, or usages of this State has been in continuous existence since the passage of said act, shall be allowed to retain its ancient privileges, subject, nevertheless, to all duties required by law of the militia: Provided, That said organizations may be a part of the Pennsylvania National Guard and entitled to all the privileges thereof, and shall conform in all respects, except as to cornets, to the organization, discipline, and training of the National Guard in time of war: Provided further. That for the purpose of training, and when on active duty in the service of the United States, they may be assigned to higher units, as the Governor may direct, and shall be subject to the orders of officers under whom they shall be serving.

Exemption from Arrest.

Section 30. No officer or enlisted man shall be arrested on any warrant, except for treason or felony, while going to, remaining at, or returning from, a place where he is ordered to attend for military duty.

Encampments and Maneuvers.

Section 31. Camps of instructions, combined camps with troops of the Regular Army and of other States, practice marches, maneuvers, and other exercises, including the outdoor target practice, shall be held at such times and places, and for such organizations and for such periods, as the Governor as Commander-in-Chief may direct; none of which shall exceed fifteen days in any one year. During such tour of duty, an inspection shall be made by such officers as may be designated for that purpose by the Governor as Commander-in-Chief. For services during such tours of duty, commissioned officers shall be entitled to the same pay and

transportation in kind as officers of like grade of the Regular Army are or may hereafter be entitled to by law; and any such payments, not made from Federal funds, except longevity pay, shall be payable from State funds by the Adjutant General in the usual manner. For services during such tours of duty, all enlisted men shall be entitled to and shall receive the per diem pay hereinafter prescribed: Provided, That the difference between the rate of pay for enlisted men, as hereinafter provided in this act, and the amount that may be received from the Federal Government at Federal rate of pay, shall be paid from State funds by the Adjutant General in the usual manner, and, in addition thereto, enlisted men shall be entitled to transportation in kind and subsistence.

Pay of Officers and Men on Active Duty and State Service.

Section 32. When the Pennsylvania National Guard, or any part thereof, is ordered on active duty by the Governor as Commander-in-Chief, and pay is authorized for such duty under the order prescribing the performance thereof, the commissioned officers and warrant officers so ordered shall be entitled to the same pay as officers of like grade in the Regular Army of the United States. The grades of enlisted men shall be such as the Governor as Commander-in-Chief may, from time to time, direct, and shall conform to the grades authorized in tables of organization for the National Guard published by the War Department. When enlisted men are ordered on active duty as above prescribed, their per diem day shall be as follows: First grade, three dollars and fifty cents; second grade, three dollars; third grade, three dollars; fourth grade, two dollars and fifty cents; fifth grade, two dollars; sixth grade, one dollar and seventy-five cents; seventh grade, one dollar and fifty cents. Under such regulations as the Governor as Commander-in-Chief may prescribe and conform with tables of organization authorized for the National Guard by the War Department, enlisted men of the sixth and seventh grades may be rated as specialists, and receive extra pay per diem as follows: First class, one dollar and twenty-five cents; second class, one dollar; third class, seventy-five cents; fourth class, fifty cents; fifth class, forty cents; sixth class, fifteen cents. Hereafter enlisted men shall receive an increase of ten per centum of their base pay for every five years of service in the National Guard, or in the United States Army, Navy, or Marine Corps, or for any two or more of these services combined: Provided, That such increase shall not exceed forty per centum of their base pay. All payments of per diem pay and service pay shall be made by the Adjutant General in the usual manner.

No deductions shall be made from the pay of officers or enlisted men in active service for dues or other financial obligations imposed by any by-laws, rules, or regulations of a civic character.

Transportation and Expenses of Officers on Special Duty.

Section 33. Officers in attendance upon court-martial, boards of examination, efficiency boards, and other necessary duty, as prescribed by the Adjutant General, shall receive transportation in kind, as may be provided for in orders; and the necessary expenses lawfully incurred in the performance of any such duty shall be paid upon proper vouchers duly approved by the officer under whose orders the duty is performed.

Annual Appropriations.

Section 34. Organizations of the Pennsylvania National Guard found, upon examination of the reports made by an inspecting officer duly detailed for that purpose, to be up to the standard required in strength, drill, discipline, and efficiency, shall receive in annual allowance the following money per annum, which shall be used and expended solely for military purposes, and for the use and benefit of the organization: For dismounted troops, at the rate of ten dollars (\$10) per man per year: Provided, That no organization shall receive less than a minimum sum of five hundred dollars or more than a maximum sum of nine hundred dollars per annum; for mounted or motorized troops, at the rate of fifteen dollars (\$15) per man per year: Provided, That no such mounted or motorized organization shall receive less per year than a minimum sum of seven hundred and fifty dollars and more than a maximum sum of one thousand two hundred dollars per year. Such allowances shall be computed by the Adjutant General from the strength of the unit as reported on May thirty-first of each year. Newly organized units shall receive a pro rata share of the above named allowance for the portion of the fiscal year in which they are in service: Provided, That such allowance be based on the actual strength of the organization at the time of its entrance into the service; the said allowances to be paid by the Adjutant General in the usual manner to the commanding officer of the respective organization; but it shall be the duty of the Adjutant General, before paying any of the said allowance in money, to procure, by purchase or otherwise, and issue for each enlisted man not already provided therewith, such articles of dress uniform and such articles of service uniform and equipment as are required for field service, and also such mess tents, kitchen tents, and military stores required by the respective organizations, not furnished and paid for out of Federal funds, and charge the cost

of same to the said annual allowance; and the balance, if any, to be paid and disbursed as hereinafter provided: Provided, however, That any regiment, battalion, squadron, or company may, at its own expense, provide itself with other uniforms of such style and pattern as a majority of its officers may select and the Governor as Commander-in-Chief approve, which uniform shall be the property of the organization or the individual members thereof. No portion of any allowance made by the State to any organization shall be expended in procuring such special uniforms or in repairing or caring for the same. No part of the annual allowances paid under the provisions of this act to the several organizations of the Pennsylvania National Guard shall be used in the purchase, erection, or construction of any armory, unless the title thereto be vested in the Commonwealth. The commanding officer of each organization shall, at such time as the Governor as Commander-in-Chief may direct, make a return to the Adjutant General, containing an itemized account and statement of all disbursements of the money appropriated and paid to said organization and not previously accounted for, which account and statement shall be verified by the proper original vouchers for such disbursements; this accounting to be made under and in accordance with such regulations as may be prescribed by the Commander-in-Chief.

Military Board.

Section 35. The Military Board shall consist of the Adjutant General, the Auditor General, the State Treasurer, and the Division Commander, who shall meet at such time as may be necessary, and whose duty it shall be to audit and adjust all claims incident to the organization, discipline, maintenance, and service of the Pennsylvania National Guard, other than fixed allowances; and which claims, on the approval of said Military Board, shall be paid by the Auditor General in the usual manner. The Military Board shall authorize and prescribe any expenditures for the maintenance, support, or improvement of the National Guard which are not herein provided for, and such approval shall be warrant for the Adjutant General to pay such expenses in the usual manner. Each member of the Military Board, except the Division Commander, shall be paid an annual salary of six hundred dollars.

Armory Rent.

Section 36. The commanding officer of each organization, excepting division, brigade, regimental, squadron, or battalion headquarters, in addition to annual allowances provided for herein, and under the same requirements, and not occupying an armory owned by the Commonwealth, shall be paid an annual allowance

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of two hundred dollars (\$200) by the Adjutant General in the usual manner; said annual allowance to be devoted exclusively to the payment of rent of armory.

Horse Hire.

Section 37. The payment of hire of horses for such officers and enlisted men as are required to be mounted and for horses necessary for batteries of field artillery, and for horses or mules as may be required for machine gun companies and for wagon transportation, when in active service, including camps of instruction, combined camps, practice marches, parades, maneuvers, and other exercises, when ordered by the Governor as Commander-in-Chief, shall not exceed two dollars (\$2.00) per diem per horse or mule, to be paid by the Adjutant General in the usual manner, and upon properly itemized and duly approved vouchers.

Necessary Expenses of Headquarters.

Section 38. The necessary military expenses of general, division, brigade, regimental, and separate battalion headquarters, including clerk hire and other actual outlays, shall be paid by the Adjutant General, in the usual manner, on the usual lawful vouchers to that effect, duly sworn to or affirmed to by the commanding officer or the officer charged with the payment of the same: such expenses in no event to exceed four thousand dollars (\$4,000) per annum for the division, five hundred (\$500) dollars for each brigade headquarters, one thousand dollars (\$1,000) for each infantry regimental headquarters, seven hundred and fifty dollars (\$750) for each regimental headquarters of arms of the service other than infantry, two hundred and fifty dollars (\$250) for each battalion headquarters not a part of a regiment.

Criminal Offenses.

Section 39. Any commissioned officer or enlisted man of the Pennsylvania National Guard who shall embezzle, misapply, or convert to his own use, without authority, any moneys received by or entrusted to him for disbursement, shall be deemed guilty of a misdemeanor, and, on conviction, shall be sentenced as for other like offenses under the penal code of this State.

Relief for Disability Incurred in Active Service.

Section 40. If any officer or enlisted man of the Pennsylvania National Guard is wounded or otherwise disabled while doing duty in active service of the State, for which duty a per diem rate of pay is paid, he shall receive from the Commonwealth just and reasonable relief, in amount to be determined by the Military Board.

Rifle Practice Allowances.

Section 41. The Adjutant General shall provide for, and issue to the Pennsylvania National Guard, for rifle and artillery practice, such ammunition as may be necessary for the efficiency of the service; and the Governor as Commander-in-Chief may fix an annual allowance for rifle or revolver practice expenses, to be paid by the Adjutant General in the usual manner.

Powers of Officers in Active Service.

Section 42. The commanding officers of any troop in active service may place in arrest any officer or enlisted men who shall disobey the orders of his superior officer, or enlisted man who shall disobey the orders of his superior officer, or any person or persons who shall trespass on parade or camp grounds or in any way or manner interrupt or molest the orderly discharge of duty of those in active service; and also may prohibit and prevent the sale of spirituous or malt liquors within two miles of such parade grounds or encampment, and also, in his discretion, abate as a nuisance all hucksters, canteens, auction sales, or gambling.

Subsistence and Quartermaster Stores.

Section 43. The necessary subsistence and quartermaster stores, and expenses incident to any active service, including the transportation of troops, may be contracted for, under direction of the Governor as Commander-in-Chief, by the Adjutant General or any other officer designated for that purpose, and paid for in the usual manner, except when such active service is under the orders of the War Department, when subsistence, quartermasters' stores, and other expenses incident to any active service, including transportation, will be furnished by the Federal Government.

Powers of the Governor in Case of Emergency.

Section 44. When an invasion of or insurrection in the State occurs or is threatened, or a tumult, riot, or mob shall exist, or there is imminent danger thereof, the Governor may, in his discretion, place the Pennsylvania National Guard, or any part thereof, on active duty.

Payment of Emergency Expenses.

Section 45. When the Pennsylvania National Guard, or any portion thereof, is ordered on active duty by the Governor as Commander-in-Chief in repelling invasion, subduing insurrection, riot, or disorder within the State, or in the prevention thereof, the payment of the

troops and all other expenses incident to such service will be made by the Adjutant General from funds obtained by warrant drawn, by the Governor of the Commonwealth upon the State Treasurer, against an appropriation made for such purpose; and if the Pennsylvania National Guard, or any portion thereof, shall be called into the active service of the United States by the President, all necessary expenses incident to the mobilization of the Pennsylvania National Guard, or any portion thereof, under such call, excluding per diem pay, shall be paid by the Adjutant General from funds obtained in like manner. The necessary transportation, subsistence, and quartermaster stores, and the necessary expenses incident to such active duty within the State or mobilization under the call of the President, may be contracted for, under direction of the Governor as Commander-in-Chief, by the Adjutant General or other officer or officers designated for that purpose; and the same shall be paid for by the Adjutant General from funds obtained by warrant drawn, by the Governor of the Commonwealth upon the State Treasurer, against an appropriation made for such purpose, except when such expenses are paid by the Federal Government.

Exemption of Uniform.

Section 46. The uniform, arms, ammunition, accoutrements of every commissioned officer and enlisted man shall be free from all suits, distresses, executions, or sales for debt or payment of taxes.

Furnishing of Flags, Et Cetera.

Section 47. The Governor as Commander-in-Chief is hereby authorized to procure and issue, from time to time, to the Pennsylvania National Guard, such flags, standards, and guidons as may be necessary, which, as far as practicable, shall be similar in style to those of the United States Army.

Purchasing and Receiving Uniforms in Pawn.

Section 48. If any person shall knowingly and willfully purchase, or receive in pawn or pledge, any arm, accoutrement, article of military clothing, equipment, tent or fly of any quartermaster, medical, engineer, signal, property, ordnance, or ordnance stores, the property of the Commonwealth of Pennsylvania, or of the United States in use by the Commonwealth of Pennsylvania, he shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to an imprisonment not exceeding one year, and a fine not exceeding three hundred dollars.

Exemptions from Jury Duty and Posse Comitatus.

Section 49. In addition to exemptions now allowed by law, any person who shall have performed duty in the Pennsylvania National Guard for a period of nine years, or who served for nine months or a longer period in active service of the United States, and was honorably discharged or mustered out shall be exempt from further military service, except in case of war, invasion, or insurrection, and from serving as a juror, if he so desires. Every officer and enlisted man in the Pennsylvania National Guard shall, during his service therein, be exempt from service upon any posse comitatus. Every officer and enlisted man of the Pennsylvania National Guard, while in active service for which a per diem rate of pay is paid, shall be exempt from jury duty during the period of such active service; and any officer or enlisted man shall, during his service in the Pennsylvania National Guard, be exempt from serving as a juror if he so desires.

Exemption from Civil Process.

Section 50. No civil process shall issue or be enforced against any officer or enlisted man of the Pennsylvania National Guard in the active service of this Commonwealth or of the United States, during so much of the term as he shall be engaged in active service under orders, nor until thirty days after he shall have been relieved therefrom: Provided, That the operation of all statutes of limitations and presumptions arising from lapse of time shall be suspended upon all claims against such officer or enlisted man during such term.

Methods of Settling Accounts.

Section 51. In the settlement and payment of any accounts, the Adjutant General shall require, except for incidental expenses or allowances authorized by this act, or when it is impracticable, an affidavit, taken before a person authorized to administer oaths or affirmations, in such form as the Military Board may prescribe. Every account, before making payment, shall be approved by the officer ordering the purchase or directing the rendering of service, showing that the same is correct as to price, that the articles were furnished or services rendered on his order, and supplied as charged. Any person who shall falsely swear or affirm to any oath or affirmation, as to any matter provided for in this section, shall be deemed guilty of perjury, and, upon trial and conviction thereof, shall be sentenced as provided by law, and, in addition thereto, shall suffer the forfeiture of the whole amount of the articles or service falsely charged for or paid for; one-half of which amount shall go to the person or persons who shall give information and shall prosecute such

charge to conviction, and the other half shall be paid into the treasury of this Commonwealth.

Courts of Inquiry.

Section 52. Courts of inquiry, to consist of one officer, may be instituted by the Governor as Commander-in-Chief, or the commanding general of the division, for the purposes of investigating the conduct of any officer, either upon his own request or upon complaint or charge of improper conduct as an officer, or for the purpose of settling rank. Any court of inquiry, with approval of the convening authority, may employ a stenographer to take testimony. Courts of inquiry shall, without delay, report a statement of facts to the officer instituting such court, who may, in his discretion, cause charges to be preferred against the accused.

System of Courts-Martial.

Section 53. Courts-martial shall be of three kinds, namely: General, special, and summary. They shall be constituted like, and have cognizance of the same subjects and possess like powers, except as to punishments, as similar courts provided for by the laws and regulations governing the Army of the United States; and the proceedings of courts-martial of the Pennsylvania National Guard shall follow, so far as practicable, the forms and modes of procedure prescribed for said similar courts. Except for certain offenses hereinbefore specified, all charges and specifications shall be laid under some one or more of the Articles of War, which Articles of War shall be of the same force and effect in any proceeding before any court-martial as if the same had been herein enacted at length.

Section 54. General courts-martial in the Pennsylvania National Guard may be convened by order of the Governor or the Division Commander, and such courts shall have the power to impose fines not exceeding two hundred dollars (\$200), to sentence to forfeiture of pay and allowances, to reprimand, to dismissal or dishonorable discharge from the service, to a reduction of noncommissioned officers to the ranks, or any two or more of such punishments may be combined in the sentences imposed by such courts: Provided, That sentence shall not become operative until after the approval thereof by the appointing power.

Section 55. When not in the active service of the United States, the commanding officer of each garrison, fort, post, camp, or other place, brigade, detached regiment, or separate battalion, or other detached or separate command, may appoint special courts-martial for his command; but such special courts-martial may, in any case, be appointed by superior authority, when by

the latter deemed desirable. Special courts-martial shall have power to try any person subject to military law, except a commissioned officer, for any crime or offense made punishable by the military laws of the United States or of the Commonwealth of Pennsylvania; and such special courts-martial shall have the same powers of punishment as do general courts-martial, except that fines imposed by such special courts-martial shall not exceed one hundred dollars (\$100): Provided, That sentence shall not become operative until after the approval thereof by the appointing power.

Section 56. When not in the active service of the United States, the commanding officer of each garrison, fort, post, or other place, regiment, detached or separate battalion, or company, or other detachment of the Pennsylvania National Guard, may appoint, for such place or command, a summary court, to consist of one officer, who shall have power to administer oaths, and to try the enlisted men of such place or command for breaches of discipline and violations of the laws governing such organizations, except civic by-laws; and said court, when satisfied of the guilt of such soldier, may impose fines not exceeding twenty-five dollars (\$25.00) for any single offense, may sentence noncommissioned officers to reduction to the ranks, may sentence to forfeiture of pay and allowances. The proceedings of such summary court shall be informal, and the minutes thereof shall be, so far as practicable, the same as prescribed for summary courts of the Army of the United States: Provided, That the sentence shall not become operative until after the approval thereof by the appointing power.

Section 57. All courts-martial, including summary courts, of the Pennsylvania National Guard when not in the active service of the United States, shall have power to sentence to confinement in lieu of fines authorized to be imposed: Provided, That such sentences of confinement shall not exceed one day for each dollar of fine authorized and imposed: Provided further, That the sentence shall not become operative until after the approval thereof by the appointing power.

Section 58. When the Pennsylvania National Guard is not in the active service of the United States, sentence of dismissal from the service or dishonorable discharge, imposed by court-martial, shall not be executed until approved by the Governor.

Section 59. When not in the active service of the United States, presidents of courts-martial and summary court officers shall have power to issue warrants, directed to the sheriff of the proper county or any constable, to arrest accused persons and to bring them before the court for trial, whenever such persons shall

have disobeyed an order in writing from the convening authority to appear before such court,—a copy of the charge or charges having been delivered to the accused with such order in the manner provided by law for service of civil process,—and to issue subpoenas and subpoenas duces tecum, and to enforce by attachment attendance of witnesses and the production of books and papers, and to sentence for a refusal to be sworn or to answer, as provided in actions before civil courts.

Collection of Fines.

Section 60. The president of any general or special court-martial or the officer of a summary court shall issue his warrant for the collection of all fines imposed by said court-martial or summary court to the sheriff or any constable of the county in which the court was held or in which the delinquent resides, whose duty it shall be to collect all fines provided for by this act, in the same manner as he is authorized to collect debts on civil process, and to make his return to the president of said court or to the officer of the said summary court, or, within twenty days, certify to the said president or officer that there is no property of the defendant out of which said moneys can be made. Upon such return of "no goods," the president or officer of the court shall issue his warrant of commitment of such delinquent to the proper jail of the county, directed to such sheriff or constable, who shall forthwith execute said warrant, and make proper return of the same to said court.

Duties of Jailers.

Section 61. The keepers and wardens of all county jails are required to receive and confine all military offenders, when delivered by such sheriff or constable under the proper certificate of commitment of a general, special, or summary court-martial, for and during the term of sentence as set forth in said commitment.

Disobedience of Subpoenas.

Section 62. Every witness not appearing in obedience to such subpoena when duly served, and not having a sufficient or reasonable excuse, shall forfeit to the Commonwealth a sum of not less than ten nor more than fifty dollars for each default; and the president or officer of such court shall, from time to time, report to the district attorney the names of such delinquent witnesses, together with the names and places of residence of the persons serving such subpoena, the better to enable him to prosecute for such forfeiture.

Execution of Attachment.

Section 63. Every attachment for a witness shall be executed in the same manner as a warrant and by

the sheriff or a constable of the county, and the fees for serving the same shall be paid by the person against whom the cause shall have been issued, unless he shall show reasonable cause, to the satisfaction of such court, for his omission to attend, in which case the party requiring such attachment shall pay the costs; such costs shall be ascertained by the said court, which may thereupon issue an execution for the collection thereof against the person liable to pay the same, and which shall be collected as other executions are collected by said sheriff or constable.

Appeals to the Governor.

Section 64. An appeal from the approved finding or sentence of a general court-martial may be made to the Governor as Commander-in-Chief within twenty days after the decision appealed from shall have been made known to the accused, and shall operate as a stay of execution of sentence until such appeal has been decided.

Moneys to be Paid to State Treasurer.

Section 65. All fines and penalties imposed and collected through the sentence of courts-martial shall be forwarded to the Adjutant General, and by him paid into the treasury of the Commonwealth.

Liability of Public Officers for Nonexecution of Process.

Section 66. The neglect or refusal of any sheriff, constable, or jail warden to execute any process, or to make proper return of all fines and penalties collected, or to receive in custody any prisoner, shall be deemed a misdemeanor, and shall subject the offender to a prosecution by the proper district attorney, and to a penalty, upon conviction of each such offense, of one hundred dollars (\$100), to the use of the Commonwealth.

Compensation of Court.

Section 67. Judge advocates and members of courts-martial and courts of inquiry shall be allowed transportation in kind and per diem pay as per military grade for time actually employed in the duties assigned them. Transportation in kind shall be furnished to all prosecutors, prisoners, witnesses, sheriffs, and constables, to and from the place or places designated for the meetings of said courts. The per diem pay for military and civilian witnesses shall be the same as in civil courts of law. The fees of sheriffs and constables for serving the processes provided for in this act shall be the same as prescribed by law for similar processes of

a civil nature, and shall, upon proper vouchers being filed, be paid by the Adjutant General in the usual manner.

Leaves of Absence for Certain State Employees.

Section 68. All officers and employes of the Commonwealth of Pennsylvania, members of the Pennsylvania National Guard, shall be entitled to leave of absence from their respective duties, without loss of pay, time, or efficiency rating, on all days during which they shall, as members of the Pennsylvania National Guard, be engaged in the active service of the Commonwealth or in field training ordered or authorized under the provisions of this act.

Federal Service Under Draft.

Section 69. When the Pennsylvania National Guard, or any portion thereof, is drafted into the service of the United States during an emergency and under the provisions of the National Guard Act and amendments thereto, have severed their relations with the National Guard of the State due to this act of draft, and such forces are later discharged from the service of the United States, they shall resume their membership in the Pennsylvania National Guard, and will continue to serve in the National Guard until the date which their enlistments or commissions entered into prior to the draft would have expired if uninterrupted.

Codification.

Section 70. This act shall be known as the Pennsylvania National Guard Act, and, together with any acts supplementary thereto or amendatory thereof, may be codified and published by the Adjutant General.

Intent of the Act.

Section 71. The various sections of this act are hereby declared to be independent of each other; and, in the event of any section hereof hereafter being declared unconstitutional, it is the intent and meaning hereof that such section alone should be eliminated herefrom without affecting any other portion of this act.

When Effective.

Section 72. The provisions of this act shall become effective on and after June first, nineteen hundred and twenty-one.

Repeal.

Section 73. The act of Assembly, approved May third, nineteen hundred and seventeen (Pamphlet Laws, one hundred and thirteen), entitled "An act providing

for the organization, government, discipline, maintenance and regulations of the armed land forces of this Commonwealth," and all acts or parts of acts relating to the National Guard and organized militia inconsistent herewith be, and the same are hereby, repealed.

APPROVED—The 17th day of May, A. D. 1921.

WM. C. SPROUL.

No. 308.

AN ACT

To amend the act, approved the twelfth day of June, one thousand eight hundred and seventy-eight (Pamphlet Laws, two hundred and six), entitled "An act authorizing the State Treasurer to refund collateral inheritance tax heretofore paid or that may hereafter be paid in error," by providing for the refunding by the State Treasurer of collateral, direct, or transfer inheritance tax heretofore paid or that may hereafter be paid on the estate or property of a person erroneously adjudged to be dead.

Section 1. Be it enacted, &c., That the act, approved the twelfth day of June, one thousand eight hundred and seventy-eight (Pamphlet Laws, two hundred and six), entitled "An act authorizing the State Treasurer to refund collateral inheritance tax heretofore paid or that may hereafter be paid in error," as amended by the act, approved the twenty-fifth day of March, one thousand nine hundred and one (Pamphlet Laws, fifty-nine), entitled "An act to amend an act, entitled 'An act authorizing the State Treasurer to refund collateral inheritance tax heretofore paid or that may hereafter be paid in error,' passed the twelfth day of June, Anno Domini one thousand eight hundred and seventy-eight; providing for an extension of the limitation of time within which applications shall be made to certain cases," is hereby further amended by adding thereto section two, as follows:

Inheritance taxes.

Act of June 12, 1878 (P. L. 206), as amended by act of March 25, 1901 (P. L. 59), amended

Section 2. In any case where a court of record has adjudged a person to be legally dead, and thereafter, in the settlement of his or her estate, any moneys have been or shall be paid into the State Treasury as direct, or collateral, or transfer inheritance tax on the property or estate of such supposed decedent, and, after said payment has been made, the said person shall reappear and said court shall rescind said order and adjudication, the State Treasurer shall refund and pay over to such person, or to his or her legal representatives, any moneys so paid in error: Provided, that application therefor shall be made to the State Treasurer within six months from and after the enactment of this law or within six months after the court shall

Refund of taxes paid from estate of person incorrectly adjudged dead