

## AN ACT

To amend sections five, nine, and thirty-six as amended, sections six, forty-one, forty-seven, forty-nine, and fifty-one, and sections fifty-two and sixty-five as amended, and to repeal sections twenty and forty-four of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, eight hundred sixty-nine), entitled "An act providing for the organization, government, discipline, maintenance, and regulation of the armed land forces of this Commonwealth," providing for the use of the National Guard in\* case of disaster; harmonizing the provisions of said act with the National Defense Act and its procedures; changing clothing allowance; regulating payments of armory rent, light, heat, water and janitor services; providing allowances for rifle practice; regulating payment of expenses when the National Guard is called into service; making further exemptions from jury duty; regulating the settlement of accounts; providing for the disposition and expenditure of fines and penalties recovered from courts-martial; and repealing certain existing laws.

Section 5, act of May 17, 1921 (P. L. 869), as last amended by act of May 16, 1935 (P. L. 177), further amended.

Section 1. Be it enacted, &c., That section five of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, eight hundred sixty-nine), entitled "An act providing for the organization, government, discipline, maintenance, and regulation of the armed land forces of this Commonwealth," as last amended by section four of the act, approved the sixteenth day of May, one thousand nine hundred and thirty-five (Pamphlet Laws, one hundred seventy-seven), is hereby further amended to read as follows:

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, may be placed in the Inactive National Guard, or such officers may be held as supernumerary officers during the unexpired portion of their respective com-

\* "is" in the original.

missions, 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, *disaster*, 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.

The Governor may, in his discretion, place the National Guard or any part thereof on active duty when an invasion of the State or an insurrection in the State occurs or is threatened, or when tumult, riot, or [mobs] *disaster* shall exist, or in imminence thereof.

*The word "disaster," as used in this section and this act, shall be construed to include only flood, cyclone, earthquake or similar calamity caused by forces beyond control of man.*

Section 2. That section six of said act, the reading as printed in the pamphlet laws corrected, is hereby amended to read as follows:

Section 6 of said act amended.

Section 6. Officers commissioned to and holding, in the Pennsylvania National Guard, the grade of general officers shall, *with the exception of the Adjutant General*, 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] *shall conform with the number of such officers allocated to the Commonwealth of Pennsylvania, as authorized by the Tables of Organization covering the National Guard, promulgated, from time to time, in conformity with the provisions of the National Defense Act. General officers shall 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.*

*Any major general in command of the National Guard of this Commonwealth may, with the approval of the Governor as Commander-in-Chief of the National Guard, continue to hold such position until he shall have reached the age of sixty-nine years.*

Section 3. That sections nine and thirty-six of said act, as amended by the act, approved the sixteenth day of May, one thousand nine hundred and thirty-five

Sections 9 and 36 as amended by act of May 16, 1935 (P. L. 177), further amended.

(Pamphlet Laws, one hundred seventy-seven), are hereby further amended to read as follows:

Section 9. [An annual allowance for the purchase of uniforms and equipment shall be made as follows: For each officer and warrant officer of dismounted troops thirty dollars (\$30), for each officer and warrant officer of mounted or motorized troops forty dollars (\$40). Such allowance shall be paid to the officer or warrant officer concerned, on an application approved by his commanding officer, which shall include a certificate that he is provided with the required uniforms and equipment.] *A clothing allowance for officers and warrant officers shall be made available as follows:—An initial allowance for newly appointed officers and warrant officers of mounted troops of two hundred dollars (\$200); for newly appointed officers and warrant officers of dismounted troops, one hundred fifty dollars (\$150): Provided, however, That no additional allowance shall be made available to such officers for a period of five years. For all other officers and warrant officers of mounted troops, an allowance of eighty dollars (\$80); and for officers and warrant officers of dismounted troops, sixty dollars (\$60) shall be made available every two years. The above allowances shall be established as a credit in the office of the Adjutant General, and shall be paid in the usual manner upon presentation of bills. These allowances shall be made available only when inspecting officers report that officers or warrant officers are completely equipped for field service.*

Section 36. The annual rental of all armories and buildings, not owned by the Commonwealth, and occupied by any organization shall be paid by the State Treasurer, [upon properly itemized vouchers, approved by the Adjutant General] *upon requisition by the Department of Property and Supplies, in the manner provided by law. All payments for light, heat, water, and janitor services in rented armories and buildings shall be made by the Department of Military Affairs, upon properly itemized vouchers, except where such services are furnished by the landlord under the rental contract.*

Section 4. That sections forty-one, forty-five, forty-seven, forty-nine, and fifty-one of said act are hereby amended to read as follows:

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] *may provide an annual allowance for rifle [or revolver] practice expenses, to be paid by the Adjutant General in the usual manner.*

Sections 41, 45,  
47, 49, and 51  
amended.

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, *or in case of disaster* 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, *except when such expenses are paid by the Federal Government*. 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.

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] *shall conform with National Guard regulations and Army regulations promulgated pursuant to the terms and provisions of the National Defense Act*.

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.

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.]

Sections 52 and 65 as amended by act of March 5, 1925 (P. L. 14), further amended.

Section 5. That sections fifty-two and sixty-five of said act, as amended by the act, approved the fifth day of March, one thousand nine hundred and twenty-five (Pamphlet Laws, fourteen), are hereby further amended to read as follows:

Section 52. Courts of inquiry, to consist of not to exceed three officers, 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. *The appointing authority may appoint a recorder in addition to the three members. The proceedings of a court of inquiry shall follow, as far as practicable, the forms and mode of procedure prescribed for courts of inquiry for the Regular Army.* 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.

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

to the commanding officer of the company of which the soldier fined was a member; who shall expend and account for the same in a manner similar to other funds received from the Commonwealth] *who shall deposit the same in the State Treasury. It shall be proper for the Department of Military Affairs to request each session of the Legislature to appropriate such moneys, as have been so deposited, for expenditure for the welfare of the National Guard.*

Section 6. The following acts and parts of acts are hereby repealed: Repeals.

Sections twenty and forty-four of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, eight hundred sixty-nine), entitled "An act providing for the organization, government, discipline, maintenance, and regulation of the armed land forces of this Commonwealth."

The act approved the twentieth day of April, one thousand nine hundred and thirty-three (Pamphlet Laws, fifty-three), entitled "A supplement to the act, approved the seventeenth day of May, one thousand nine hundred twenty-one (Pamphlet Laws, eight hundred sixty-nine), entitled 'An act providing for the organization, government, discipline, maintenance, and regulation of the armed land forces of this Commonwealth,' as amended, authorizing any major general in command of the National Guard, with the approval of the Governor as Commander-in-Chief thereof, to continue to hold such position until he reaches the age of sixty-nine years."

All other acts and parts of acts inconsistent with this act are hereby repealed.

APPROVED—The 21st day of April, A. D. 1937.

GEORGE H. EARLE

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No. 96

AN ACT

To amend the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, five hundred sixty-five), entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over, and taking possession of and conducting or liquidating the business and property of, corporations, associations, and persons receiving deposits or otherwise transacting a banking business, corporations acting as fiduciaries, and building and loan associations; providing for the payment of the expenses of the Department of Banking by supervised corporations, associations, or persons, and appropriating the Banking Department Fund; authorizing the Department of Banking, under certain circumstances, to examine corporations, associations, or persons affiliated, or having busi-