

casation to search therein. *The minute book and other records and documents of every township of the second class shall be open to the inspection of any taxpayer thereof, his, her or its agent, upon request therefor.*

APPROVED—The 28th day of April, A. D. 1927.

JOHN S. FISHER

No. 326

AN ACT

To amend section five, and section twenty-two as amended, of an 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."

National Guard.

Section 5 of act
of May 17, 1921
(P. L. 869),
amended.

Section 1. Be it enacted, &c., That section five of an 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," is hereby amended to read as follows:

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 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.

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 shall exist, or in imminence thereof.

Section 2. That section twenty-two of said act, which was amended by section five of an act, approved the fifth day of March, one thousand nine hundred and twenty-five (Pamphlet Laws, fourteen), entitled "An act to amend sections two and nine; to repeal section ten; to amend section sixteen, and section twenty-two as amended, sections twenty-three, thirty-one, section thirty-two as amended, section fifty-two, section fifty-four as amended, section fifty-seven as amended, and section sixty-five of an act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, eight hundred and sixty-nine), entitled 'An act providing for the organization, government, discipline, maintenance, and regulation of the armed land forces of this Commonwealth,' " is hereby further amended to read as follows:

Section 22, last amended by section 5 of act of March 5, 1925 (P. L. 14), further amended.

Retirement of Officers and Enlisted Men

Section 22. Commissioned officers who shall have served forty years, either as [an officer] *officers* or enlisted [man] *men* or both, in the Pennsylvania National Guard or the Pennsylvania Reserve Militia, or both, 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 of the wars of the United States, or during any other Federal service,* may be included as twice its actual length in computing the forty years of service required for retirement. *When a commissioned officer*

is sixty-four years of age he shall be retired from active service and placed upon the retired list.

Commissioned officers who shall have served as such in the Pennsylvania National Guard or the Pennsylvania Reserve Militia, or both, may, upon application *made* to the Adjutant General, be placed upon the retired list as of the highest grade such officers may have held in their service: Provided That [he] *such officers* shall have held [a commission as an officer of] *commissions* in 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] of the United States Army in [the War with Spain, in Mexican border service, in the World War, or in any other Federal service,] *any war or in any other Federal service* may be computed as of twice its actual length. [Provided further, That where service in the War with Spain or the World War is computed then such retirement shall be of the next higher grade held in the service, except in the case a major general, when the grade shall remain the same. 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 provided and sitting as a retiring board. If [he] *said officer* is found disqualified [by reason of physical disability incurred in the line of duty, he may] *he shall* be retired as of the [next higher grade, but if he is found disqualified for any other reason, he shall be retired without increase in grade] *highest grade he held in the service*. 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. Enlisted men who shall have served thirty years in the Pennsylvania National Guard, or who have become disqualified by reason of physical disability incurred in the line of duty, shall, upon application *made* to the Adjutant General, be retired from active service and placed upon the *enlisted men's* retired list: [as of the next higher grade; and 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, in the World War, or in any] *Provided, That service in the volunteer forces of the United States in any war or in any other Federal service may be included as twice its actual length in computing the thirty years service required for retirement.* [And provided further, That the Governor may confer upon any citizen who has been connected with any military college located within, and incorporated under the laws of the Commonwealth, and who has had a commission as an officer for a period of thirty years or more granted by the Governor in accordance with the laws of this Commonwealth, brevet rank of not more than one grade higher than the highest rank held by him during the term he was so commissioned.]

APPROVED—The 28th day of April, A. D. 1927.

JOHN S. FISHER

No. 327

AN ACT

Authorizing churches, cemetery companies, and burial associations to lease or convey coal and other minerals; providing for the use and expenditure of the funds derived therefrom and for the support of the overlying surface.

Section 1. Be it enacted, &c., That from and after the passage of this act, it shall be lawful for all incorporated or unincorporated churches, cemetery companies, and burial associations, now prevented by charter restrictions or otherwise from leasing or selling any coal or other minerals owned by them, to so lease and convey; and said churches, companies, and associations are hereby authorized and empowered to sell, lease, or convey said coal and other minerals subject to such conditions as will ensure the support of the overlying surface, and subject also to the requirement that at least fifty per centum of said coal and other minerals shall be left in place properly distributed to support the surface, and that no mining be done or permitted closer to the surface than two hundred feet.

Section 2. The funds realized by such lease or sale shall be used and applied only for the purchase and acquisition of additional land for the purposes and uses of said churches, companies, and associations, or for the improvement, care, beautifying, endowment and maintenance of their properties.

Sale or lease of coal and other minerals by churches, cemetery companies and burial associations.

Use of funds realized from sales.