

or made at the time the work is authorized; within six months after the completion of the improvement, where the assessment is made by the municipality upon all the properties after the completion of the improvement; and within six months after confirmation by the court, where confirmation is required; the certificate of the surveyor, engineer, or other officer supervising the improvement, filed in the proper office, being conclusive of the time of completion thereof, but he being personally liable to anyone injured by any false statement therein. *Where a borough lies in more than one county, any such claim filed by such borough may be filed in each of such counties.* In case the real estate benefited by the improvement is sold before the municipal claim is filed, the date of completion in said certificate shall determine the liability for the payment of the claim as between buyer and seller, unless otherwise agreed upon or as above set forth. The legal rate of interest shall be collectible on all municipal claims from the date of the completion of the work after it is filed as a lien.

Certificate.

APPROVED—The 2d day of June, A. D. 1937.

GEORGE H. EARLE

No. 313

AN ACT

To amend sections three, seven, eight, fifteen, twenty-four, and twenty-eight, sections fourteen, thirty-four, and thirty-eight as amended, sections eighteen and sixty-one as amended, sections fifty-four and fifty-seven as amended, and to repeal section nineteen 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," by providing for the reorganization of the division; changing the designation Staff Corps and Departments to State Staff and Detachment; defining the powers of the division commander; providing for the vacation of commissions upon transfer to the Inactive National Guard; making the period of enlistment and qualifications conform to the National Guard Bureau requirements; defining the duties of the Adjutant General; providing for the elimination of officers or warrant officers by courts of inquiry; changing the basic annual allowance for mounted troops, and increasing the minimum allowance; providing expenses of headquarters for more than one division, and eliminating the allowance for headquarters of trains; providing a term of office for staff and warrant officers, and eliminating an obsolete reference to five year terms; providing that any sheriff or constable may receive and confine military offenders; providing that any division commander may appoint a general court-martial; providing for the collection of court-martial fines, and execution of sentence of court-martial, and rescinding obsolete provisions referring to staff officers.

Section 1. Be it enacted, &c., That sections three, seven, eight, fifteen, twenty-four, and twenty-eight of

Sections 3, 7, 8,  
15, 24, and 28  
act of May 17,  
1921 (P. L. 869).  
amended.

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," are hereby amended to read as follows:

Section 3. Composition of the National Guard.—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] *such troops* as may, under the act of Congress, be prescribed by the President of the United States as the portion of the National Guard of the United States apportioned and assigned to the [State] *Commonwealth* 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] *according to the tables of organization of the Army of the United States.*

Section 7. [Staff Corps and Departments] *State Staff and State Detachments.*—There shall be [Staff Corps and Departments] *a State Staff and a State Detachment* 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 by the Federal Government; and the Governor 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] *It shall be the duty of the State Staff and State Detachment* to furnish the necessary overhead of officers and enlisted men to provide the [administrative, sanitary, and supply personnel for mobilization and recruiting purposes for the Pennsylvania National Guard in Federal service] *personnel for administration, sanitation, supply and recruiting functions, for which the Adjutant General is responsible upon mobilization of the Pennsylvania National Guard.* The State Staff and State Detachment [and] shall receive such training and perform such other duties as may be required of them by the Governor as Commander-in-Chief in time of peace, or by the Federal authorities on and after mobilization.

Section 8. Powers of [the] a Division Commander.—[The Major] *A general officer of the Pennsylvania National Guard* commanding [the] a 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 *in time of peace* to the orders and direction of the Governor as Commander-in-Chief. [He] *A division commander* shall be responsible [to the Governor] for the training, [instruction] discipline, administration, and efficiency of [all troops of the Pennsylvania National Guard] *the division under his command and of any troops attached thereto. He shall be responsible for making recommendations for appointment and promotion of officers,* and shall cause such inspections, investigations, and reports to be made *for the troops under his command* as [are required by this act] *may be required by higher authority. He shall appoint such boards and courts-martial as may be required and authorized.* He may, with the consent of the Governor as *Commander-in-Chief,* [employ] *order to active duty* such officers, and employ such clerical and other force, as may be required at his headquarters. [Such force] *The officers, clerical, and other force on duty at a division headquarters* shall be paid by the Adjutant General at rates of compensation as may be deemed by the Commander-in-Chief just and proper.

Section 15. Vacation of Commissions [by Promotion].—When a commissioned *or warrant officer* of the Pennsylvania National Guard [is appointed to another office therein, and accepts the same] *accepts an appointment to another office therein, is transferred to the Inactive National Guard, resigns or dies,* [such acceptance shall vacate] the office *or assignment* previously held *shall be deemed to have been vacated.*

Section 24. Enlistment in the National Guard.—*Hereafter the period of enlistment and qualifications for enlistment in the Pennsylvania National Guard shall be as prescribed by the Federal Government for all National Guard Troops.* [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.]

Section 28. The Adjutant General.—[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 dol-

lars, 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 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.] *In addition to the duties prescribed in the Administrative Code of the Commonwealth, the Adjutant General will maintain an office through which correspondence on military affairs between the Commonwealth and the Federal Government will be conducted, including that pertaining to funds and property issued by the Federal Government for organization of the Pennsylvania National Guard. He is also charged with maintenance of all military records until transfer to Pennsylvania Archives, maintenance of historical outlines and permanent historical records of organizations of the National Guard, maintenance of armories, arsenals, military reservations, and all property and equipment not intended to be taken into the field by troops, obtaining and issuing medals, and enforcing the approved policies of the Governor. He is authorized to convene boards of officers to consider and make recommendations upon such matters as may be referred to*

them, including major changes in policy or new policies, regulations, locations, relocations, and redesignations of units and similar questions.

Section 2. That sections fourteen, thirty-four, and thirty-eight of said act, as amended by the act, approved the sixteenth day of May, one thousand nine hundred and thirty-five (Pamphlet Laws, one hundred seventy-seven), are hereby further amended to read as follows:

Sections 14, 34, and 38, as amended by act of May 16, 1935 (P. L. 177), further amended.

Section 14. Elimination and Disposition of Officers and Warrant Officers.—At any time the moral character, capacity, and general fitness for the service of any Pennsylvania National Guard officer or warrant officer may be determined by an efficiency board or court of inquiry 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] State Staff officers, and the commanding general of [the] a division in all other cases; and, if the findings of such board be unfavorable to such officer or warrant officer, and be approved by the Governor, he shall be discharged.

Commissions of officers or warrant officers of the National Guard may be vacated (a) [upon transfer to the Inactive National Guard] upon attainment of the age of sixty-four years, (b) [resignation] for physical or mental disqualification, (c) for absence without leave for three months, (d) upon the recommendation of an efficiency board, (e) pursuant to sentence of a court-martial, (f) if recourse has been had to the sureties on his bond in the settlement of his financial or property accounts, [or] (g) if he has been convicted of an infamous crime, (h) upon withdrawal of Federal recognition, or (i) in the case of inactive officers, upon failure to complete the necessary training in any one year as required by Federal law or regulations, or failure to respond to communications.

Section 34. Annual Appropriations.—Companies, troops, batteries, detachments, or similar organizations of the Pennsylvania National Guard, except those of the Air Corps, found, upon examination of the reports made by an inspecting officer duly detailed for that purpose, to be up to the standard requirement 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 [dis-mounted] all troops, at the rate of ten dollars (\$10) per man per year: Provided, That no organization shall receive less than a minimum sum of [two] three hundred dollars per year. [for mounted or motorized troops, at the rate of fifteen dollars (\$15) per man per year: Provided, That no such mounted or motorized organiza-

tion shall receive less than a minimum sum of three hundred dollars per year.] Such allowances shall be computed by the Adjutant General from the allotted strength of the unit. Newly organized units shall receive a pro rata share of the above named allowance for the portion of the fiscal year, based on the actual strength of the organization at the time of its entrance into the service. The said allowances shall be paid in the usual manner, on the usual lawful vouchers to that effect, certified or approved by the unit and regimental or similar commanders, but it shall be the duty of the Adjutant General, before paying any of the said allowance, 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, *supplies*, and equipment as are required for field service [and also such mess tents, kitchen tents, military stores and supplies 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] *Commonwealth* 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 Adjutant General shall publish to all organizations a list of authorized expenditures, and his decision, as to whether any item shall be properly chargeable against these funds, shall be final.

Section 38. Necessary Expenses of Headquarters.—The necessary military expenses of division, brigade, regimental, and separate battalion, or similar headquarters, including clerk hire and other actual outlays, shall be paid in the usual manner, on the usual lawful vouchers to that effect, certified or approved by the commanding officer or the officer charged with the payment of the same, such annual expenses, except as hereinafter provided, in no event to exceed nine thousand dollars (\$9,000) for [the] a division headquarters, seven thousand dollars (\$7,000) for [the aviation headquarters] *an observation squadron*, one thousand dollars

(\$1,000) for each brigade headquarters, two thousand dollars (\$2,000) for each regimental headquarters, and one thousand dollars (\$1,000) for each headquarters of special troops. [and each headquarters of trains] These allowances shall be augmented in the amount of ten thousand dollars per year, which sum shall be apportioned by the Adjutant General to the various headquarters, in proportion to the distance travelled between the respective headquarters and their subordinate units, *or between the respective regimental brigade and division headquarters for official attendance at military conferences.* The Adjutant General shall publish to all organizations a list of authorized expenditures, and his decision, as to whether any item shall be properly chargeable against these funds, shall be final.

Section 3. That sections eighteen and sixty-one of said act, as amended by the act, approved the sixteenth day of May, one thousand nine hundred and twenty-three (Pamphlet Laws, two hundred twenty-seven), are hereby further amended as follows:

Sections 18 and 61, as amended by act of May 16, 1923 (P. L. 227), further amended.

Section 18. Terms of Office of [General, Field, and Line] *Commissioned and Warrant Officers.*—The term of every [general, field, and line] *commissioned* officer and [department] *warrant* officer [other than those provided for in section nineteen] shall be permanent or until removed for cause or other reasons provided in this act. [Provided, That commissions now in force and which have been issued for a period of five years shall continue until termination of such period, unless such commission be otherwise lawfully determined and annulled.]

When authorized by the [Federal Government] *tables of organization published by the War Department, officers and warrant officers may be appointed or promoted* by the Governor under such regulations as may be prescribed by the Federal Government. Any person commissioned or warranted as an officer of the Pennsylvania National Guard shall hold his position until he shall have reached the age of sixty-four, unless [retired prior to that time by reason of resignation or] *separated from the service for some other cause set forth in this act.*

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

Section 4. That sections fifty-four and fifty-seven of said act, as last amended by the act, approved the fifth day of March, one thousand nine hundred and twenty-five (Pamphlets Laws, fourteen), are hereby further amended as follows:

Sections 54 and 57, as amended by act of March 5, 1925 (P. L. 14), further amended.

Section 54. *General Courts-Martial; Convening Power.*—General courts-martial in the Pennsylvania National Guard may be convened by order of the Governor or [the] a Division Commander, and such courts shall have the power to impose fines not exceeding two hundred dollars (\$200), or to sentence to imprisonment in the county jail of the county where the offense was committed for a term not exceeding one year, or both, together with such reasonable costs as they may assess, 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 of the appointing power.

Section 57. *Collection of Fines; Execution of Sentence [Confinement for Non-Payment of Fines and Costs].*—*All general and special courts-martial of the Pennsylvania National Guard, when not in the active service of the United States, shall have power to sentence to imprisonment, in the county jail of the county where the offense was committed, for a term not exceeding one year, and, after approval of such sentence by the appointing power, shall issue a warrant of commitment of such person, so sentenced to the aforesaid jail, directed to any sheriff or constable, he shall forthwith execute said warrant and make proper return to said court.*

All courts-martial of the Pennsylvania National Guard when not in the active service of the United States, shall have power to sentence to confinement in case of failure, within twenty days after approval of sentence by the appointing power, to pay the fines and costs, or any part thereof, authorized to be imposed: Provided, That such sentence 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.] *In such cases, the courts-martial shall issue a warrant of commitment of such delinquent to the proper jail of the county, directed to any sheriff or constable, who shall forthwith execute said warrant and make proper return of the same to said court.*

Section 19,  
repealed.

Inconsistent acts  
repealed.

When effective.

Section 5. That section nineteen of said act is hereby repealed.

Section 6. All other acts and parts of acts inconsistent with this act are hereby repealed.

Section 7. This act shall become effective on June first, one thousand nine hundred and thirty-seven.

APPROVED—The 2d day of June, A. D. 1937.

GEORGE H. EARLE