

quirements of law concerning such procedure, election, and issue of bonds, have been complied with: And provided further, That the provisions of this act shall not apply in any instance where the validity of such election, or of any issue of bonds or other security based thereon, has been made the subject of litigation in any court of the Commonwealth prior to the approval of this act.

APPROVED—The 5th day of March, A. D. 1925.

GIFFORD PINCHOT.

No. 12.

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."

Section 1. Be it enacted, &c., That section two 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 amended to read as follows:

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, [head-quarters supply] *quarter master*, cavalry, field artillery, engineer, signal, [field hospital machine gun ambulance and field bakery] *medical, ordnance, air service, and general staff* 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.

Section 2. That section nine of said act is hereby amended to read as follows:

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 re-enlistments 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.]

Section 3. That section ten of said act is hereby repealed.

Section 4. That section sixteen of said act is hereby amended to read as follows:

Section 16. General, field, and staff corps officers, *adjutants, summary courts, and judge advocates*, 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.

Section 5. That section twenty-two of said act which was amended by section two of an act, approved the sixteenth day of May, one thousand nine hundred and twenty-three (Pamphlet Laws, two hundred and twenty-seven), entitled "An act to amend sections eighteen, twenty-two, twenty-six, thirty-two, thirty-four, thirty-eight, fifty-four, fifty-five, fifty-six, fifty-seven, fifty-nine, and sixty-one of an act, entitled 'An act providing for the organization, government, discipline, maintenance, and regulation of the armed land forces of this Commonwealth,' approved the seventeenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, eight hundred and sixty-nine)," is hereby further amended to read as follows:

Retirement of Officers *and Enlisted Men*

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 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 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: 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 of 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 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 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 semi-military 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 to the Adjutant General, be retired from active service and placed upon the 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 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.

Section 6. That section twenty-three of said act is hereby amended to read as follows:

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, *or who may be relieved from command by competent orders of the Governor as Commander-in-Chief,* 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.

Section 7. That section thirty-one of said act is hereby amended to read as follows:

Section 31. Camps of instructions, combined 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.

Section 8. That section thirty-two of said act, which was amended by section four of said amending act approved the sixteenth day of May, one thousand nine hundred and twenty-three (Pamphlet Laws, two hundred and twenty-seven), is hereby further amended to read as follows:

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 and allowance as officers of like grade and length of service in the Regular Army of the United States: Provided, That no officer shall receive less than the base pay of his grade as provided by Federal statute. 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 pay 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] *fifty cents in addition to the pay allowed by the Federal Government: Provided, That the Federal pay of a private shall not be less than one dollar, and a private of the first class, one dollar and fifteen cents; and, in case the Federal Government shall, at any time, reduce its allowance for a private or a pri-*

vate of the first class below one dollar or one dollar and fifteen cents, then the Commonwealth shall pay to such private or private of the first class an amount equal to the reduction below one dollar or one dollar and fifteen cents, so that the total pay of the private or private of the first class shall be respectively one dollar and fifty cents and one dollar and sixty-five cents. Under such regulations as the Governor as Commander-in-Chief may prescribe, and [conform] conforming 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] the extra pay per diem allowed by the War Department for specialists. 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.

Section 9. That section fifty-two of said act is hereby amended to read as follows:

Section 52. Courts of inquiry, to consist of [one officer] 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. 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 10. That section fifty-four of said act, which was amended by section seven of said amending act, approved the sixteenth day of May, one thousand nine hundred and twenty-three (Pamphlet Laws, two hundred and twenty-seven), is hereby further amended to read as follows:

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), 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, [and] 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 by the appointing power.

Section 11. That section fifty-seven of said act, which was amended by section ten of said amending act, approved the sixteenth day of May, one thousand nine hundred and twenty-three (Pamphlet Laws, two hundred and twenty-seven), is hereby further amended to read as follows:

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] *case of failure 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.*

Section 12. That section sixty-five of said act is hereby amended to read as follows:

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] *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.*

APPROVED—The 5th day of March, A. D. 1925.

GIFFORD PINCHOT.