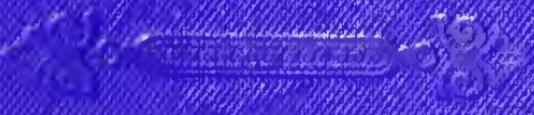




THE ORGANIZED MILITIA  

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REGULATIONS  
OF  
THE WAR DEPARTMENT



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WAR DEPARTMENT  
DIVISION OF MILITIA AFFAIRS

REGULATIONS  
FOR THE  
ORGANIZED MILITIA

UNDER THE CONSTITUTION AND THE LAWS  
OF THE UNITED STATES

1910



WASHINGTON  
GOVERNMENT PRINTING OFFICE  
1911

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WAR DEPARTMENT,

Document No. 365.

*Division o Militia Affairs.*

WAR DEPARTMENT,

*March 12, 1910.*

The following regulations governing the Organized Militia of the several States, Territories, and the District of Columbia, in its relations with the War Department, under the provisions of the Constitution of the United States and the laws of Congress thereunder, are promulgated for the guidance of all concerned, and will be strictly observed.

J. M. DICKINSON,

*Secretary of War.*

Official:

E. M. WEAVER,

*Colonel, General Staff Corps,*

*Assistant to the Chief of Staff,*

*Chief of Division.*



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## ARTICLE I.

### CONSTITUTIONAL PROVISIONS PERTAINING TO THE MILITIA AND FEDERAL LAWS ENACTED IN ACCORDANCE THEREWITH.

1. The relations of the War Department to the Organized Militia of the several States, Territories, and District of Columbia are governed by the provisions of the Constitution of the United States which pertain to the militia and by the federal laws which have been enacted by Congress pursuant to the authority conferred by the constitutional provisions. These constitutional provisions and federal laws may be enumerated as follows:

#### CONSTITUTIONAL PROVISIONS.

2. A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed. (Art. II, amendments.)

3. The Congress shall have power \* \* \*

(a) To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions.

(b) To provide for organizing, arming, and disciplining the militia and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress. (Art. I, sec. 8.)

(c) To make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof. (Art. I, sec. 8.)

4. The executive power shall be vested in a President of the United States of America. (Art. II, sec. 1.)

5. The President shall be Commander in Chief of the Army and Navy of the United States and of the militia of the several States when called into the actual service of the United States. (Art. II, sec. 2.)

6. The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the legislature or of the executive (when the legislature can not be convened) against domestic violence. (Art. IV, sec. 4.)

## FEDERAL LAWS.

7. It shall be lawful for the President, or such person as he shall empower for that purpose, to employ such part of the land or naval forces of the United States, or of the militia thereof, as shall be necessary to compel any foreign vessel to depart the United States in all cases in which, by the laws of nations or treaties of the United States, she ought not to remain within the United States. (Sec. 5288, Rev. Stat.)

8. In case of an insurrection in any State against the government thereof, it shall be lawful for the President, on application of the legislature of such State, or of the executive, when the legislature can not be convened, to call forth such number of the militia of any other State or States, which may be applied for, as he deems sufficient to suppress such insurrection; or, on like application, to employ for the same purposes such part of the land or naval forces of the United States as he deems necessary. (Sec. 5297, Rev. Stat.)

9. Whenever, by reason of unlawful obstructions, combinations, or assemblages of persons, or rebellion against the authority of the Government of the United States, it shall become impracticable, in the judgment of the President, to enforce, by the ordinary course of judicial proceedings, the laws of the United States within any State or Territory, it shall be lawful for the President to call forth the militia of any or all the States, and to employ such parts of the land and naval forces of the United States as he may deem necessary to enforce the faithful execution of the laws of the United States, or to suppress such rebellion, in whatever State or Territory thereof the laws of the United States may be forcibly opposed or the execution thereof forcibly obstructed. (Sec. 5298, Rev. Stat.)

10. Whenever insurrection, domestic violence, unlawful combinations, or conspiracies in any State so obstructs or hinders the execution of the laws thereof, and of the United States, as to deprive any portion or class of the people of such State of any of the rights, privileges, or immunities, or protection named in the Constitution and secured by the laws for the protection of such rights, privileges, or immunities, and the constituted authorities of such State are unable to protect, or, from any cause, fail in or refuse protection of the people in such rights, such facts shall be deemed a denial of such State of the equal protection of the laws to which they are entitled under the Constitution of the United States, and in all such cases or whenever any such insurrection, violence, unlawful combination, or conspiracy opposes or obstructs the laws of the United States, or the due execution thereof, or impedes or obstructs the due course of justice under the same, it shall be lawful for the President, and it shall be his duty, to take such measures, by the employment of the

militia or the land and naval forces of the United States, or of either, or by other means, as he may deem necessary, for the suppression of such insurrection, domestic violence, or combination. (Sec. 5299, Rev. Stat.)

11. The organized and active land forces of the United States shall consist of the Army of the United States and of the militia of the several States when called into the service of the United States. (Act of Apr. 22, 1898.)

12. The sum of two million dollars is hereby annually appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the purpose of providing arms, ordnance stores, quartermaster stores, and camp equipage for issue to the militia, such appropriation to remain available until expended. (Sec. 1661, Rev. Stat., amended by act of June 22, 1906, sec. 1.—34 Stats., 449.)

13. The appropriation provided in the preceding paragraph shall be apportioned among the several States and Territories, under the direction of the Secretary of War, according to the number of Senators and Representatives to which each State, respectively, is entitled in the Congress of the United States, and to the Territories and District of Columbia such proportion and under such regulations as the President may prescribe: *Provided, however,* That no State shall be entitled to the benefits of the appropriation apportioned to it unless the number of regularly enlisted, organized, and uniformed active militia shall be at least one hundred men for each Senator and Representative to which such State is entitled in the Congress of the United States. And the amount of said appropriation which is thus determined not to be available shall be covered back into the Treasury: *Provided, also,* That the sums so apportioned among the several States and Territories and the District of Columbia shall be available for the purposes named in section fourteen of the act of January twenty-first, nineteen hundred and three, for the actual excess of expenses of travel in making the inspections therein provided for over the allowances made for same by law; for the promotion of rifle practice, including the acquisition, construction, maintenance, and equipment of shooting galleries and suitable target ranges; for the hiring of horses and draft animals for the use of mounted troops, batteries, and wagons; for forage for the same, and for such other incidental expenses in connection with encampments, maneuvers, and field instruction provided for in sections fourteen and fifteen of the said act of January twenty-first, nineteen hundred and three, as the Secretary of War may deem necessary. (Sec. 2, *idem.*)

14. The purchase or manufacture of arms, ordnance stores, quartermaster stores, and camp equipage for the militia under the provisions of this act shall be made under the direction of the Secretary of War, as such arms, ordnance, and quartermaster stores, and camp

equipage are now manufactured or otherwise provided for the use of the Regular Army, and they shall be receipted for and shall remain the property of the United States and be annually accounted for by the governors of the States and Territories and by the commanding general of the National Guard of the District of Columbia, for which purpose the Secretary of War shall prescribe and supply the necessary blanks and make such regulations as he may deem necessary to protect the interests of the United States. (Sec. 3, *idem.*)

15. Whenever any property furnished to any State or Territory or the District of Columbia, as hereinbefore provided, has been lost or destroyed, or has become unserviceable or unsuitable from use in service, or from any other cause, it shall be examined by a disinterested surveying officer of the Organized Militia, to be appointed by the governor of the State or Territory, or the commanding general of the National Guard of the District of Columbia, to whom the property has been issued, and his report shall be forwarded by said governor or commanding general direct to the Secretary of War, and if it shall appear to the Secretary of War from the record of survey that the property has been lost or destroyed through unavoidable causes, he is hereby authorized to relieve the State from further accountability therefor; if it shall appear that the loss or destruction of property was due to carelessness or neglect, or that its loss could have been avoided by the exercise of reasonable care, the money value thereof shall be charged against the allotment to the States under section sixteen hundred and sixty-one of the Revised Statutes, as amended. If the articles so surveyed are found to be unserviceable or unsuitable, the Secretary of War shall direct what disposition, by sale or otherwise, shall be made of them, except unserviceable clothing, which shall be destroyed, and, if sold, the proceeds of such sale shall be covered into the Treasury of the United States. (Sec. 4, *idem.*)

#### THE AMENDED MILITIA LAW.

16. The act of Congress approved January twenty-first, nineteen hundred and three, entitled "An act to promote the efficiency of the militia, and for other purposes," (32 Stats., 775), as amended by the act of May twenty-seventh, nineteen hundred and eight (35 Stats., 339), and the act of April 21, 1910 (36 Stats., 329), is as follows:

17. SECTION 1. That the militia shall consist of every able-bodied male citizen of the respective States and Territories and the District of Columbia, and every able-bodied male of foreign birth who has declared his intention to become a citizen, who is more than eighteen and less than forty-five years of age, and shall be divided into two classes: The Organized Militia, to be known as the National Guard of the State, Territory, or District of Columbia,

or by such other designations as may be given them by the laws of the respective States or Territories; the remainder to be known as the reserve militia: *Provided*, That the provisions of this act and of section sixteen hundred and sixty-one, Revised Statutes, as amended, shall apply only to the militia organized as a land force.

18. SEC. 2. That the Vice-President of the United States, the officers, judicial and executive, of the Government of the United States, the members and officers of each House of Congress, persons in the military or naval service of the United States, all custom-house officers, with their clerks, postmasters and persons employed by the United States in the transmission of the mail, ferrymen employed at any ferry on a post road, artificers and workmen employed in the armories and arsenals of the United States, pilots, mariners actually employed in the sea service of any citizen or merchant within the United States, and all persons who are exempted by the laws of the respective States or Territories shall be exempted from militia duty, without regard to age: *Provided*, That nothing in this act shall be construed to require or compel any member of any well-recognized religious sect or organization at present organized and existing whose creed forbids its members to participate in war in any form, and whose religious convictions are against war or participation therein, in accordance with the creed of said religious organization, to serve in the militia or any other armed or volunteer force under the jurisdiction and authority of the United States.

19. SEC. 3. That the regularly enlisted, organized, and uniformed active militia in the several States and Territories and the District of Columbia who have heretofore participated or shall hereafter participate in the apportionment of the annual appropriation provided by section sixteen hundred and sixty-one of the Revised Statutes of the United States, as amended, whether known and designated as national guard, militia, or otherwise, shall constitute the Organized Militia. On and after January twenty-first, nineteen hundred and ten, the organization, armament, and discipline of the Organized Militia in the several States and Territories and the District of Columbia shall be the same as that which is now or may hereafter be prescribed for the Regular Army of the United States, subject in time of peace to such general exceptions as may be authorized by the Secretary of War: *Provided*, That in peace and war each organized division of militia may have one inspector of small-arms practice with the rank of lieutenant-colonel; each organized brigade of militia one inspector of small-arms practice with the rank of major; each regiment of infantry or cavalry of Organized Militia one assistant inspector of small-arms practice with the rank of captain, and each separate or unassigned battalion of infantry or engineers or squadron of cavalry of Organized Militia one assistant inspector of small-arms

equipage are now manufactured or otherwise provided for the use of the Regular Army, and they shall be receipted for and shall remain the property of the United States and be annually accounted for by the governors of the States and Territories and by the commanding general of the National Guard of the District of Columbia, for which purpose the Secretary of War shall prescribe and supply the necessary blanks and make such regulations as he may deem necessary to protect the interests of the United States. (Sec. 3, *idem.*)

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or by such other designations as may be given them by the laws of the respective States or Territories; the remainder to be known as the reserve militia: *Provided*, That the provisions of this act and of section sixteen hundred and sixty-one, Revised Statutes, as amended, shall apply only to the militia organized as a land force.

18. SEC. 2. That the Vice-President of the United States, the officers, judicial and executive, of the Government of the United States, the members and officers of each House of Congress, persons in the military or naval service of the United States, all custom-house officers, with their clerks, postmasters and persons employed by the United States in the transmission of the mail, ferrymen employed at any ferry on a post road, artificers and workmen employed in the armories and arsenals of the United States, pilots, mariners actually employed in the sea service of any citizen or merchant within the United States, and all persons who are exempted by the laws of the respective States or Territories shall be exempted from militia duty, without regard to age: *Provided*, That nothing in this act shall be construed to require or compel any member of any well-recognized religious sect or organization at present organized and existing whose creed forbids its members to participate in war in any form, and whose religious convictions are against war or participation therein, in accordance with the creed of said religious organization, to serve in the militia or any other armed or volunteer force under the jurisdiction and authority of the United States.

19. SEC. 3. That the regularly enlisted, organized, and uniformed active militia in the several States and Territories and the District of Columbia who have heretofore participated or shall hereafter participate in the apportionment of the annual appropriation provided by section sixteen hundred and sixty-one of the Revised Statutes of the United States, as amended, whether known and designated as national guard, militia, or otherwise, shall constitute the Organized Militia. On and after January twenty-first, nineteen hundred and ten, the organization, armament, and discipline of the Organized Militia in the several States and Territories and the District of Columbia shall be the same as that which is now or may hereafter be prescribed for the Regular Army of the United States, subject in time of peace to such general exceptions as may be authorized by the Secretary of War: *Provided*, That in peace and war each organized division of militia may have one inspector of small-arms practice with the rank of lieutenant-colonel; each organized brigade of militia one inspector of small-arms practice with the rank of major; each regiment of infantry or cavalry of Organized Militia one assistant inspector of small-arms practice with the rank of captain, and each separate or unassigned battalion of infantry or engineers or squadron of cavalry of Organized Militia one assistant inspector of small-arms

practice with the rank of first lieutenant: *Provided also*, That the President of the United States in time of peace may, by order, fix the minimum number of enlisted men in each company, troop, battery, signal corps, engineer corps, and hospital corps: *And provided further*, That any corps of artillery, cavalry, and infantry existing in any of the States at the passage of the act of May eighth, seventeen hundred and ninety-two, which, by the laws, customs, or usages of the said States, have been in continuous existence since the passage of said act, under its provisions and under the provisions of section two hundred and thirty-two and sections sixteen hundred and twenty-five to sixteen hundred and sixty, both inclusive, of title sixteen of the Revised Statutes of the United States, relating to the militia, shall be allowed to retain their accustomed privileges, subject, nevertheless, to all other duties required by law, in like manner as the other militia.

20. SEC. 4. That whenever the United States is invaded or in danger of invasion from any foreign nation, or of rebellion against the authority of the Government of the United States, or the President is unable with the regular forces at his command to execute the laws of the Union, it shall be lawful for the President to call forth such number of the militia of the State or of the States or Territories or of the District of Columbia as he may deem necessary to repel such invasion, suppress such rebellion, or to enable him to execute such laws, and to issue his orders for that purpose, through the governor of the respective State or Territory, or through the commanding general of the militia of the District of Columbia, from which State, Territory, or District such troops may be called, to such officers of the militia as he may think proper.

21. SEC. 5. That whenever the President calls forth the Organized Militia of any State, Territory, or of the District of Columbia, to be employed in the service of the United States, he may specify in his call the period for which such service is required, and the militia so called shall continue to serve during the term so specified, either within or without the territory of the United States, unless sooner relieved by order of the President: *Provided*, That no commissioned officer or enlisted man of the Organized Militia shall be held to service beyond the term of his existing commission or enlistment: *Provided further*, That when the military needs of the Federal Government arising from the necessity to execute the laws of the Union, suppress insurrection, or repel invasion, can not be met by the regular forces, the Organized Militia shall be called into the service of the United States in advance of any volunteer force which it may be determined to raise.

22. SEC. 6. That when the militia of more than one State is called into the actual service of the United States by the President he

may, in his discretion, apportion them among such States or Territories or to the District of Columbia according to representative population.

**23. SEC. 7.** That every officer and enlisted man of the militia who shall be called forth in the manner hereinbefore prescribed shall be mustered for service without further enlistment, and without further medical examination previous to such muster, except for those States and Territories which have not adopted the standard of medical examination prescribed for the Regular Army: *Provided, however,* That any officer or enlisted man of the militia who shall refuse or neglect to present himself for such muster, upon being called forth as herein prescribed, shall be subject to trial by court-martial and shall be punished as such court-martial may direct.

**24. SEC. 8.** That the majority membership of courts-martial for the trial of officers or men of the militia when in the service of the United States shall be composed of militia officers.

**25. SEC. 9.** That the militia, when called into the actual service of the United States, shall be subject to the same rules and Articles of War as the regular troops of the United States.

**26. SEC. 10.** That the militia, when called into the actual service of the United States, shall, during their time of service, be entitled to the same pay and allowances as are or may be provided by law for the Regular Army.

**27. SEC. 11.** That when the militia is called into the actual service of the United States, or any portion of the militia is called forth under the provisions of this act, their pay shall commence from the day of their appearing at the place of company rendezvous, but this provision shall not be construed to authorize any species of expenditure previous to arriving at such places of rendezvous which is not provided by existing laws to be paid after their arrival at such places of rendezvous.

**28. SEC. 12.** There shall be appointed in each State, Territory, and District of Columbia an adjutant-general, who shall perform such duties as may be prescribed by the laws of such State, Territory, and District, respectively, and make returns to the Secretary of War, at such times and in such form as he shall from time to time prescribe, of the strength of the Organized Militia, and also make such reports as may from time to time be required by the Secretary of War. That the Secretary of War shall, with his annual report of each year, transmit to Congress an abstract of the returns and reports of the adjutants-general of the States, Territories, and the District of Columbia, with such observations thereon as he may deem necessary for the information of Congress.

**29. SEC. 13.** That the Secretary of War is hereby authorized to procure, by purchase or manufacture, and issue from time to time to

the Organized Militia, under such regulations as he may prescribe, such number of the United States service arms, together with all accessories and such other accouterments, equipments, uniforms, clothing, equipage, and military stores of all kinds required for the Army of the United States, as are necessary to arm, uniform, and equip all of the Organized Militia in the several States, Territories, and the District of Columbia, in accordance with the requirements of this act, without charging the cost or value thereof, or any expense connected therewith, against the allotment of said State, Territory, or the District of Columbia out of the annual appropriation provided by section sixteen hundred and sixty-one of the Revised Statutes, as amended, or requiring payment therefor, and to exchange, without receiving any money credit therefor, ammunition or parts thereof suitable to the new arms, round for round, for corresponding ammunition suitable to the old arms heretofore issued to said State, Territory, or the District of Columbia by the United States: *Provided*, That said property shall remain the property of the United States, except as hereinafter provided, and be annually accounted for by the governors of the States and Territories as required by law, and that each State, Territory, and the District of Columbia shall, on receipt of new arms or equipments, turn in to the War Department, or otherwise dispose of in accordance with the directions of the Secretary of War, without receiving any money credit therefor and without expense for transportation, all United States property so replaced or condemned. When the Organized Militia is uniformed as above required, the Secretary of War is authorized to fix an annual clothing allowance to each State, Territory, and the District of Columbia for each enlisted man of the Organized Militia thereof, and thereafter issues of clothing to such States, Territories, and the District of Columbia shall be in accordance with such allowance, and the governors of the States and Territories and the commanding general of the militia of the District of Columbia shall be authorized to drop from their returns each year as expended clothing corresponding in value to such allowance. The Secretary of War is hereby further authorized to issue from time to time to the Organized Militia, under such regulations as he may prescribe, small arms and artillery ammunition upon the requisition of the governor, in the proportion of fifty per centum of the corresponding Regular Army allowance without charge to the State's allotment from the appropriation under section sixteen hundred and sixty-one, Revised Statutes, as amended. To provide means to carry into effect the provisions of this section, the necessary money to cover the cost of procuring, exchanging, or issuing of arms, accouterments, equipments, uniforms, clothing, equipage, ammunition, and military stores to be exchanged or issued hereunder is hereby appropriated out of any money in the Treasury

not otherwise appropriated: *Provided*, That the sum expended in the execution of the purchases and issues provided for in this section shall not exceed the sum of two million dollars in any fiscal year: *Provided also*, That the Secretary of War shall annually submit to Congress a report of expenditures made by him in the execution of the requirements of this section.

**30. SEC. 14.** That whenever it shall appear by the report of inspections, which it shall be the duty of the Secretary of War to cause to be made at least once in each year by officers detailed by him for that purpose, that the Organized Militia of a State or Territory or of the District of Columbia is sufficiently armed, uniformed, and equipped for active duty in the field, the Secretary of War is authorized, on the requisition of the governor of such State or Territory, to pay to the quartermaster-general thereof, or to such other officer of the militia of said State as the said governor may designate and appoint for the purpose, so much of its allotment out of the said annual appropriation under section sixteen hundred and sixty-one of the Revised Statutes, as amended, as shall be necessary for the payment, subsistence, and transportation of such portion of said Organized Militia as shall engage in actual field or camp service for instruction, and the officers and enlisted men of such militia while so engaged shall be entitled to the same pay, subsistence, and transportation or travel allowances as officers and enlisted men of corresponding grades of the Regular Army are or may hereafter be entitled by law, and the officer so designated and appointed shall be regarded as a disbursing officer of the United States, and shall render his accounts through the War Department to the proper accounting officers of the Treasury for settlement, and he shall be required to give good and sufficient bonds to the United States, in such sums as the Secretary of War may direct, faithfully to account for the safe-keeping and payment of the public moneys so intrusted to him for disbursement.

**31. SEC. 15.** That the Secretary of War is authorized to provide for participation by any part of the Organized Militia of any State, Territory, or the District of Columbia, on the request of the governor of a State or Territory, or the commanding general of the militia of the District of Columbia, in the encampments, maneuvers, and field instruction of any part of the Regular Army, at or near any military post or camp or lake or sea-coast defenses of the United States. In such case the Organized Militia so participating shall receive the same pay, subsistence, and transportation as is provided by law for the officers and men of the Regular Army, and no part of the sums appropriated for the support of the Regular Army shall be used to pay any part of the expenses of the Organized Militia of any State or Territory or the District of Columbia, while engaged in joint encampments, maneuvers, and field instruction of the Regular Army and militia:

*Provided*, That the Secretary of War is authorized, under requisition of the governor of a State or Territory or the commanding general of the militia of the District of Columbia, to pay to the quartermaster-general, or such other officer of the militia as may be duly designated and appointed for the purpose, so much of its allotment, under the annual appropriation authorized by section sixteen hundred and sixty-one, Revised Statutes, as amended, as shall be necessary for the payment, subsistence, transportation, and other expenses of such portion of the Organized Militia as may engage in encampments, maneuvers, and field instruction with any part of the Regular Army at or near any military post or camp or lake or sea-coast defenses of the United States, and the Secretary of War shall forward to Congress, at each session next after said encampments, a detailed statement of the expense of such encampments and maneuvers: *Provided*, That the command of such military post or camp and the officers and troops of the United States there stationed shall remain with the regular commander of the post without regard to the rank of the commanding or other officers of the militia temporarily so encamped within its limits or in its vicinity: *Provided further*, That except as herein specified the right to command during such joint encampments, maneuvers, and field instruction shall be governed by the rules set out in Articles One hundred and twenty-two and One hundred and twenty-four of the rules and articles for the government of the armies of the United States. (36 Stat. L., 329.)

**32. SEC. 16.** That whenever any officer or enlisted man of the Organized Militia shall upon the recommendation of the governor of any State, Territory, or the commanding general of the District of Columbia Militia, and when authorized by the President, attend and pursue a regular course of study at any military school or college of the United States, such officer or enlisted man shall receive from the annual appropriation for the support of the army, the same travel allowances and quarters or commutation of quarters to which an officer or enlisted man of the Regular Army would be entitled for attending such school or college under orders from proper military authority; such officer shall also receive commutation of subsistence at the rate of one dollar per day and each enlisted man such subsistence as is furnished to an enlisted man of the Regular Army while in actual attendance upon a course of instruction.

**33. SEC. 17.** That the annual appropriation made by section sixteen hundred and sixty-one, Revised Statutes, as amended, shall be available for the purpose of providing for issue to the Organized Militia any stores and supplies or publications which are supplied to the army by any department. Any State, Territory, or the District of Columbia may, with the approval of the Secretary of War, purchase for cash from the War Department, for the use of its militia, stores,

supplies, material of war, or military publications, such as are furnished to the army, in addition to those issued under the provisions of this act, at the price at which they are listed for issue to the army, with the cost of transportation added, and funds received from such sales shall be credited to the appropriations to which they belong and shall not be covered into the Treasury, but shall be available until expended to replace therewith the supplies sold to the States and Territories and to the District of Columbia in the manner herein provided.

**34. SEC. 18.** That each State or Territory furnished with material of war under the provisions of this or former acts of Congress shall, during the year next preceding each annual allotment of funds, in accordance with section sixteen hundred and sixty-one of the Revised Statutes, as amended, have required every company, troop, and battery in its Organized Militia not excused by the governor of such State or Territory, to participate in practice marches or go into camp of instruction at least five consecutive days, and to assemble for drill and instruction at company, battalion, or regimental armories or rendezvous or for target practice not less than twenty-four times, and shall also have required during such year an inspection of each such company, troop, and battery to be made by an officer of such militia or an officer of the Regular Army.

**35. SEC. 19.** That upon the application of the governor of any State or Territory furnished with material of war under the provisions of this act or former laws of Congress, the Secretary of War may detail one or more officers of the army to attend any encampment of the Organized Militia, and to give such instruction and information to the officers and men assembled in such camp as may be requested by the governor. Such officer or officers shall immediately make a report of such encampment to the Secretary of War, who shall furnish a copy thereof to the governor of the State or Territory.

**36. SEC. 20.** That upon the application of the governor of any State or Territory furnished with material of war under the provisions of this act, or former laws of Congress, the Secretary of War may, in his discretion, detail one or more officers or enlisted men of the army to report to the governor of such State or Territory for duty in connection with the Organized Militia. All such assignments may be revoked at the request of the governor of such State or Territory or at the pleasure of the Secretary of War. The Secretary of War is hereby authorized to appoint a board of five officers on the active list of the Organized Militia, so selected as to secure, as far as practicable, equitable representation to all sections of the United States, and which shall, from time to time, as the Secretary of War may direct, proceed to Washington, District of Columbia, for con-

sultation with the Secretary of War respecting the condition, status, and needs of the whole body of the Organized Militia. Such officers shall be appointed for the term of four years unless sooner relieved by the Secretary of War.

The actual and necessary traveling expenses of the members of the board, together with a per diem to be established by the Secretary of War, shall be paid to the members of the board. The expenses herein authorized, together with the necessary clerical and office expenses of the division of militia affairs in the office of the Secretary of War, shall constitute a charge against the whole sum annually appropriated under section sixteen hundred and sixty-one, Revised Statutes, as amended, and shall be paid therefrom, and not from the allotment duly apportioned to any particular State, Territory, or the District of Columbia; and a list of such expenses shall be submitted to Congress annually by the Secretary of War in connection with his annual report.

**37. SEC. 21.** That the troops of the militia encamped at any military post or camp of the United States may be furnished such amounts of ammunition for instruction in firing and target practice as may be prescribed by the Secretary of War, and such instruction in firing shall be carried on under the direction of an officer selected for that purpose by the proper military commander.

**38. SEC. 22.** That when any officer, noncommissioned officer, or private of the militia is disabled by reason of wounds or disabilities received or incurred in the service of the United States he shall be entitled to all the benefits of the pension laws existing at the time of his service, and in case such officer, noncommissioned officer, or private dies in the service of the United States or in returning to his place of residence after being mustered out of such service, or at any time, in consequence of wounds or disabilities received in such service, his widow and children, if any, shall be entitled to all the benefits of such pension laws.

**39. SEC. 23.** That for the purpose of securing a list of persons specially qualified to hold commissions in any volunteer force which may hereafter be called for and organized under the authority of Congress, other than a force composed of Organized Militia, the Secretary of War is authorized from time to time to convene boards of officers at suitable and convenient army posts in different parts of the United States, who shall examine as to their qualifications for the command of troops or for the performance of staff duties all applicants who shall have served in the Regular Army of the United States, in any of the volunteer forces of the United States, or in the Organized Militia of any State or Territory or District of Columbia, or who, being a citizen of the United States, shall have attended or pursued a regular course of instruction in any military

school or college of the United States Army, or shall have graduated from any educational institution to which an officer of the army or navy has been detailed as superintendent or professor pursuant to law after having creditably pursued the course of military instruction therein provided. Such examinations shall be under rules and regulations prescribed by the Secretary of War, and shall be especially directed to ascertain the practical capacity of the applicant. The record of previous service of the applicant shall be considered as a part of the examination. Upon the conclusion of each examination the board shall certify to the War Department its judgment as to the fitness of the applicant, stating the office, if any, which it deems him qualified to fill, and, upon approval by the President, the names of the persons certified to be qualified shall be inscribed in a register to be kept in the War Department for that purpose. The persons so certified and registered shall, subject to a physical examination at the time, constitute an eligible class for commissions pursuant to such certificates in any volunteer force hereafter called for and organized under the authority of Congress, other than a force composed of Organized Militia, and the President may authorize persons from this class to attend and pursue a regular course of study at any military school or college of the United States other than the Military Academy at West Point and to receive from the annual appropriation for the support of the army the same allowances and commutations as provided in this act for officers of the Organized Militia: *Provided*, That no person shall be entitled to receive a commission as a second lieutenant after he shall have passed the age of thirty; as first lieutenant after he shall have passed the age of thirty-five; as captain after he shall have passed the age of forty; as major after he shall have passed the age of forty-five; as lieutenant-colonel after he shall have passed the age of fifty, or as colonel after he shall have passed the age of fifty-five: *And provided further*, That such appointments shall be distributed proportionately, as near as may be, among the various States contributing such volunteer force: *And provided*, That the appointments in this section provided for shall not be deemed to include appointments to any office in any company, troop, battery, battalion, or regiment of the Organized Militia which volunteers as a body or the officers of which are appointed by the governor of a State or Territory.

40. SEC. 24. That all the volunteer forces of the United States called for by authority of Congress shall, except as hereinbefore provided, be organized in the manner provided by the act entitled "An act to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes," approved April twenty-second, eighteen hundred and ninety-eight.

41. SEC. 25. That sections sixteen hundred and twenty-five to sixteen hundred and sixty, both included, of title sixteen of the

Revised Statutes, and section two hundred and thirty-two thereof, relating to the militia, are hereby repealed.

42. SEC. 26. That this act shall take effect upon the date of its approval.

## ARTICLE II.

### UNITED STATES PROPERTY IN POSSESSION OF THE STATES, TERRITORIES, AND THE DISTRICT OF COLUMBIA.

#### (a) REQUISITIONS.

43. Any stores, supplies, material of war, or military publications such as are furnished to the Regular Army by any department of the War Department, can be acquired by the Organized Militia from the funds appropriated under section 1661, Revised Statutes, as amended, on requisitions duly submitted by the governor of any State, Territory, or the commanding general of the District of Columbia Militia or by any officer of the Organized Militia of the State or Territory or District of Columbia designated by him to make requisitions for stores in his name. (Sec. 17, militia law; decision War Department, Jan. 29, 1907.)

44. United States service arms, together with all accessories, accouterments, equipments, uniforms, clothing, equipage, and military stores of all kinds required for the Army of the United States, as are necessary to arm, uniform, and equip all of the Organized Militia of the several States, Territories, and the District of Columbia for field service can be acquired under section 13 of the militia law on requisitions submitted by the governor of the State or Territory or the commanding general of the District of Columbia Militia or by any officer of the Organized Militia duly designated by him to make requisitions in his name. (Sec. 13, militia law, as amended.)

45. United States property may be acquired by the Organized Militia in any one of the following ways:

(a) By issue by the War Department, the cost thereof to be charged against the allotment to the State under section 1661, Revised Statutes, as amended.

(b) By issue by the War Department, the charge to be made against the sum appropriated by Congress to procure supplies for the Organized Militia as provided in section 13 of the militia law, as amended.

(c) Field and coast artillery equipment, by issue by the War Department, to be charged against such special appropriations as are made by Congress for such purposes from time to time.

(d) By purchase by the State from its own funds pursuant to the authority granted in section 17 of the militia law.

With the exception of the last method indicated above, the property remains the property of the United States and must be accounted for to the War Department by the governor over his own signature.

**46.** The governor of a State or Territory, or the commanding general of the District of Columbia Militia, is required to keep distinctly separated the United States property which pertains to each supply department, in all business transactions with the War Department in regard thereto, including requisitions, returns, and survey proceedings.

The several supply departments of the War Department are as follows:

Quartermaster's Department.

Subsistence Department.

Medical Department.

Engineer Department.

Ordnance Department.

Signal Department.

War College Division, General Staff (publications).

Details of stores pertaining to the several supply departments are contained in the supply manuals of the departments.

**47.** Requisitions should always contain the following:

(a) A statement whether it is desired that the property shall be supplied from the funds allotted to the several States, Territories, and District of Columbia, under section 1661, Revised Statutes, as amended, or charged against the amounts set aside by the Secretary of War for the purpose of procuring supplies and ammunition for issue to the several States, Territories, and District of Columbia, under authority granted in section 13 of the act of May 27, 1908.

(b) A certificate of the officer making the requisition that the State, Territory, or District of Columbia has adequate and suitable storage facilities for the safe-keeping and preservation of the property carried on the requisition. (Circular, No. 12, D. M. A., 1909.)

(c) A certificate signed by the governor of the State or Territory or the commanding general of the District of Columbia Militia, as follows:

"I certify that the supplies called for by this requisition are required for the needs and uses of the Organized Militia of —— during the current fiscal year."

(d) The complete shipping address of the officer to whom the property is to be shipped.

**48.** Requisitions should be made on the regular prescribed blank forms supplied for the purpose. They should be separate for the supplies issued by each supply bureau and be made on forms as follows: For quartermaster's supplies, Form No. 4, Division of Militia Affairs; for subsistence stores, Form No. 42, supplied by the Subsistence Department; for ordnance and ordnance stores, Form No. 390, supplied by the Ordnance Department; for medical supplies, Form No. 34, supplied by the Medical Department; for signal sup-

plies, Form No. 60, supplied by the Signal Corps. For the supplies furnished by the Engineer Corps the requisition should be made in the form of a letter addressed to the Chief, Division of Militia Affairs, there being no form supplied by the Engineer Corps for this purpose.

49. Requisitions for publications and blank forms will be submitted in the form of an ordinary letter addressed to the Chief, Division of Militia Affairs, except for the blanks of the Subsistence Department, which should be requisitioned for on Form No. 44, furnished by that department.

50. Publications issued by the Division of Militia Affairs for use of members of the Organized Militia include a series of circulars, in which are published matters of general interest to the militia, and manuals of instruction for the members of the militia. These circulars are furnished to the several adjutants-general for distribution. Distribution to individual members of the Organized Militia, either commissioned or enlisted, is not made by the Division of Militia Affairs.

51. Publications prepared and issued from the Division of Militia Affairs can not be furnished under the provisions of section 17 of the militia law, as the division is not a recognized supply bureau. They may only be issued by the War College Division of the General Staff as indicated in paragraph 46 and charged in all cases against the allotment of a State or Territory or the District of Columbia under section 1661, Revised Statutes, as amended, or procured, by purchase from State funds, from the superintendent of documents, office of the Public Printer, Washington, D. C.

52. Property will be shipped by the supply departments to such place or places as may be most convenient to the State or Territorial authorities.

53. In cases where a clothing allowance has been granted to a State under the provisions of section 13 of the militia law, the requisitions for clothing under that law must be limited for the fiscal year to a total value represented by \$8.33 $\frac{1}{3}$  per man of the enlisted strength of the Organized Militia, as shown by the last reports of inspections made under section 14 of the militia law. This clothing allowance includes all articles mentioned in the annual clothing allowance for the regular service, as published in the annual War Department order in regard thereto, including ponchos, but does not include articles pertaining to or constituting a part of the dress or full dress uniforms, except dress uniforms for coast artillery troops. Full dress uniforms and all articles pertaining thereto must be requisitioned for under section 1661, Revised Statutes, or purchased under section 17 of the militia law.

States and Territories for which the Secretary of War has fixed a clothing allowance will be notified annually of that fact by letter.

54. In purchasing military stores from the War Department under the provisions of section 17 of the militia law, checks or postal

money orders to the value of the stores purchased should be drawn to the order of the head of the supply bureau from which issued, as, for example, for quartermaster's stores, "Pay to the Quartermaster-General;" for signal property, "Pay to the Chief Signal Officer," etc.

The following instructions will be followed in the purchase of ordnance stores by the several States, Territories, and the District of Columbia, for the use of the Organized Militia, as authorized by section 17 of the militia law, and for the use of rifle clubs under the provisions of the act of Congress approved March 3, 1905:

(a) Whenever any State, Territory, or the District of Columbia desires to purchase small arms, their parts or appendages, the commanding officer of Rock Island Arsenal and the commanding officer of Springfield Armory are authorized to make sales of these articles on direct application to them by the governor of the State or by an officer of the Organized Militia of the State designated by the governor, and by the commanding general of the militia of the District of Columbia. Similarly, the commanding officer of Frankford Arsenal is authorized to sell upon like applications, and for the same purposes, small-arms ammunition and its components; and the commanding officer of Rock Island Arsenal, personal and horse equipments and their components.

(b) Applications to the commanding officers of the arsenals named to make purchases of the above-named articles will state that the articles desired are for the use of the Organized Militia of the State making the application, or for the use of a rifle club organized under the rules promulgated by the National Board for the Promotion of Rifle Practice and approved by the Secretary of War. Whenever funds accompany such application, Form No. 147, Ordnance Department, will be accomplished to show that payment has been made and that the articles purchased are for the purposes herein stated, and this form will be signed by the governor, or by the officer of the Organized Militia of the State making application in his name or by the commanding general of the militia of the District of Columbia.

(c) Whenever it is desired to make purchases of the above-mentioned articles at arsenals other than those named, or to make purchases of other articles of ordnance property at any arsenal, application will be made as indicated in paragraph 2 directly to the Chief of Ordnance, and if the sale is authorized 10 per cent will be added to the selling price to cover the cost of transportation from the manufacturing arsenal to the selling one, except in cases where such transportation is not involved.

(d) Price list No. 1879 gives the prices at which small arms and hand arms, small-arms ammunition, personal equipments, horse

equipments, and miscellaneous articles for the use of troop, battery, and company organizations are furnished. Price list No. 1889 gives the prices of ordnance and ordnance stores comprising the 3-inch field guns and all the artillery material (including ammunition) therefor. Price list No. 1890 gives the prices of ordnance and ordnance stores comprising the 3-inch W. I. saluting and machine and automatic guns, and all the material (including ammunition) therefor. With the exception of rifles, carbines, and revolvers, the cost of packing is included in the prices given. The prices do not include cost of transportation to the address of the purchaser, but delivery will be made to the railroad station or express office nearest the arsenal making the sale, as desired, without extra charge. The prices covering the cost of packing boxes and arm chests for the magazine rifle, model of 1903, are given in price list No. 1879, and those covering the cost of packing revolvers are given herewith: For 1 revolver, 25 cents; for 2, 50 cents; for 3, 75 cents; for 4, \$1; for 5 to 10, \$1.25; for 11 to 15, \$1.50; for 16 to 20, \$2; for 21 to 25, \$2.50; for 26 to 30, \$3; for 31 to 35, \$3.50; for 36 to 40, \$4; for 41 to 50, \$4.25.

(e) Applications for the purchase of ordnance and ordnance stores should describe the articles desired in accordance with the nomenclature established in the price lists referred to in the preceding paragraph.

Remittances in payment for articles of ordnance property should be by draft made payable to the order of the commanding officer of the arsenal making the sale and drawn on a national bank located conveniently for purposes of collection. When a different description of articles, or a different method of remitting funds, is followed, delay may result in shipment of the articles purchased.

(f) When application is made to the Chief of Ordnance for the purchase of ordnance property, it is preferable to postpone the making of remittances until notification of the amount due is received by the purchaser from the commanding officer of the arsenal who may be authorized to make the sale. On the receipt of the notification, remittances will be made by the method indicated in the preceding paragraph. (Par. II, Circular, No. 9, D. M. A., 1908.)

55. When troops of the Organized Militia are engaged in joint maneuvers or field exercises for instruction with regular troops under section 15 of the militia law, the Secretary of War will, on special application therefor, grant authority for the sale for cash to the States, Territories, and the District of Columbia for the use of the militia thereof, of any articles of military stores that are kept on hand by officers of the supply departments for sale to officers of the Regular Army.

56. United States property can not be sold by the War Department to individual members of the Organized Militia, either directly

or through the military authorities of the State. Under the provisions of section 17 of the militia law, any State may, as indicated in paragraphs 45 and 55, with the approval of the Secretary of War, purchase for cash from the War Department any stores, supplies, material of war, or military publications, such as are furnished to the Army, at the price at which they are listed to the Army, with cost of transportation added. Articles so purchased become the property of the State, and it is not within the province of the War Department to say what disposition the State shall make of such articles after they have been purchased. (See sec. 17, militia law; decision, W. D., June 23, 1903; decision, W. D., Jan. 28, 1907; par. 9, Circular, No. 4, D. M. A., 1908.)

57. Only those articles which have been adopted as standard articles of issue to the Regular Army can be obtained on requisition for the Organized Militia.

58. Requisitions for United States property should be made with a view to supplying the needs of the Organized Militia for the fiscal year in which the requisition is submitted; the fiscal year ends June 30. To this end all requisitions pertaining to a fiscal year should be submitted prior to May 15.

59. In requisitions for clothing, care should be taken to give the exact sizes, and if issued in pairs, as buttons and chevrons and stripes, to give the number of pairs of such articles desired. The latest blank forms, giving the numerical classification of sizes of clothing, should be used.

60. As there are differences in many articles of clothing and supplies pertaining to the different arms of the service, there should always be stated on requisitions the arm of service for which the articles are intended, thus preventing the necessity of returning requisitions for this information.

61. Issues are limited to the standard adopted types and models used in the regular service; experimental or provisional arms, equipments, or stores will not be issued.

62. Invoices of and receipts for stores and supplies furnished under existing laws to the Organized Militia will be made out in the name of the governor of the State or Territory or the commanding general of the District of Columbia Militia, but they will be sent to the officers who are designated to sign the receipts for the stores and supplies. (Circular, No. 7, W. D., 1910.)

63. The War Department has no statutory relations with the naval militia, nor does the naval militia constitute a part of the Organized Militia within the scope of the militia law. The department is, therefore, without authority to sell stores for the use of the naval militia of a State, and the militia law conveys no authority for the exchange

of arms issued to a State by the Navy Department for the use of its naval militia. (Sec. 1, militia law.)

(b) ACCOUNTABILITY.

**64.** The governor of a State or Territory, or the commanding general of the District of Columbia Militia, is accountable to the War Department for all United States property issued to the State, Territory, or District of Columbia by any supply department of the War Department. (Sec. 13, militia law, as amended.)

**65.** It is contrary to the proper relation between the War Department and the States to issue stores where no adequate provision has been made by the State to protect them from deterioration through the action of the elements or from loss or damage through theft or fire. No field artillery material will be issued for the use of any field battery unless it is clearly shown by the State authorities that adequate armory facilities, both for instructional purposes and for safeguarding the material, have been furnished, and that a competent caretaker, who shall be a mechanic, is employed to take care of the material.

**66.** Accountability and responsibility devolve upon any person to whom public property is intrusted and who is required to make returns therefor. Responsibility without accountability devolves upon one to whom such property is intrusted even temporarily, but who is not required to make returns therefor. In cases where formal invoices and receipts are not exchanged memorandum receipts should always be required by the accountable officer and given by the one who is intrusted with the property; an accountable officer is relieved from responsibility for property for which he holds a proper memorandum receipt; a responsible officer is not relieved from responsibility for public property for which he has given a memorandum receipt until he has returned the property to the accountable officer, or has secured memorandum receipt from another, or until he has otherwise been relieved by the operation of regulations or orders.

**67.** The chiefs of the various supply departments will issue the necessary instructions for the safe-keeping, preservation, and accountability of all public property issued. (Par. 2, sec. II, circular, W. D., June 25, 1906.)

**68.** All public property issued to the Organized Militia as a charge against any federal appropriation shall remain the property of the United States, and shall be receipted for by the governor of the State or Territory, or the commanding general, District of Columbia Militia, or by some officer of the Organized Militia thereof who shall be designated by the governor of the State or Territory, or the commanding general, District of Columbia Militia, and shall be accounted for annually by said governor or commanding general as required by

law, under such regulations as the Secretary of War may deem necessary to protect the interests of the United States. (Sec. 13, militia law, as amended.)

69. Unless otherwise prescribed the same regulations that now govern accountability for public property in the Army will govern as to accountability for property issued to the Organized Militia, and the necessary blank forms for making the required returns of said property will be furnished to the governors of the several States and Territories and the commanding general of the militia of the District of Columbia on application to the Chief, Division of Militia Affairs, War Department. The value of such blank forms will constitute a charge against the allotment made to the State or Territory or the District of Columbia under section 1661, Revised Statutes, as amended.

70. Returns of public property will be made annually, showing the accountability on the 31st of December of each year, and must be sent within two months after December 31, direct to the Chief, Division of Militia Affairs, War Department, who will transmit the returns to the chiefs of the bureaus from which the property was obtained.

71. As soon as practicable after receipt of the return by the chief of bureau, it will be examined in his office and the governor, or the commanding general of the militia of the District of Columbia, as the case may be, notified through the Chief, Division of Militia Affairs, of all errors or irregularities found therein with a view to their correction. If the necessary corrections be not made within three months from date of notification, or the chief of bureau advised why the corrections have not been made within that time, the facts will be reported to the Secretary of War, through the Chief, Division of Militia Affairs, in order that no more issues of military stores may be made until the errors or irregularities shall have been corrected or satisfactorily explained.

72. Whenever any property is lost, destroyed, stolen, or rendered unserviceable or unsuitable by reason of the fact that it has not been stored properly, or that reasonable care has not been exercised in regard to its safety or preservation, the United States considers that the State is responsible, under the terms of the law, for such loss, destruction, theft, unserviceability, or unsuitability.

73. The cost of transportation of property issued to the Organized Militia, when returned by the governor of a State or Territory, or the commanding general of the District of Columbia Militia, to a depot or arsenal of the United States, for repair or replacement, must be paid from State funds or from funds appropriated for the support of the militia under section 1661, Revised Statutes, as amended. (Decision, W. D., May 5, 1910.)

74. The responsibility of officers of the Organized Militia for damage to, or loss, theft, or destruction of United States property issued to them by State, Territorial, or District authorities is to the governor of the State or Territory, or to the commanding general of the District of Columbia Militia, who makes return therefor to the War Department, and it must be determined in each case by State, Territorial, or District law or regulation. The War Department can exercise no jurisdiction in regard thereto. It is a matter which does not affect the accountability of the governor or the commanding general to the United States for such property.

75. The keys of storerooms or chests should not be intrusted to enlisted men or civilians without great vigilance on the part of the responsible officer and a resort to every reasonable precaution, including frequent personal inspections, to prevent loss or damage.

76. Where property which has been supplied to a State, Territory, or the District of Columbia, under the provisions of section 1661, Revised Statutes, as amended, and has been charged against that State, Territory, or District of Columbia, is issued in connection with any emergency to persons not members of the militia, and when appropriation is made by the legislature of the State to cover the value of such property, the amount appropriated may be reimbursed to the United States by the State authorities making payment to the United States therefor; the property in question may then be dropped from returns and the State relieved of all liability for it. The amount thus reimbursed by the State to the United States will be credited to the general funds available under section 1661, Revised Statutes, and thereafter be reallocated to the State. (Decision of Comptroller, Jan. 21, 1904.)

77. A transfer of public property involves a change of possession and accountability. In ordinary cases of transfer the transferring officer will furnish the receiving officer with invoices in duplicate accurately enumerating the property, and the latter will return duplicate receipts. In cases in which complete transfer of property occurs, instead of exchanging separate invoices and receipts, as above provided, the receiving officer may make direct entry on the final return (both original and duplicate) of his predecessor that all the property thereon enumerated as on hand and transferred to successor was received by him. The transferring officer may make similar entry on his final return, stating that all the property therein enumerated as on hand and transferred to successor was actually turned over by him. (Par. 669, Army Regulations, 1908.)

78. Whenever the matériel of a field battery, or parts thereof, including range-finding instruments, harness, and equipments, are in need of repairs requiring the services of skilled mechanics of the Ordnance Department, the commanding officer of the battery will

submit, through military channels, to the adjutant-general of the State or Territory, or of the militia of the District of Columbia, a report describing in detail the character and extent of the repairs required and the cause of the damaged condition of each article. The adjutant-general of the State or Territory or of the militia of the District of Columbia, if the making of the repairs is approved, will forward the report to the Chief, Division of Militia Affairs, requesting that the repairs be made by the Ordnance Department, and their cost charged to the allotment of the State or Territory or the District of Columbia, under section 1661 of the Revised Statutes, as amended. Upon receipt of such request, approved by the Secretary of War, the Chief of Ordnance will cause the repairs to be made, and upon their completion will report the cost thereof to the Chief, Division of Militia Affairs. The cost of transportation of materials, tools, and supplies required in making the repairs will be reported to the Chief, Division of Militia Affairs, by the Quartermaster-General of the Army.

**79.** To facilitate the inspection and repair by the Ordnance Department of field artillery material issued to the militia, the States and Territories and the District of Columbia are assigned to territorial districts, and the latter are placed under the charge of officers of the Ordnance Department, as follows:

Of the commanding officer, Watertown Arsenal, at Watertown, Mass.: The States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut.

Of the chief ordnance officer, Department of the East, at New York Arsenal, Governors Island, New York Harbor: The States of New York, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia.

Of the chief ordnance officer, Department of the Gulf, at Augusta Arsenal, Augusta, Ga.: The States of North Carolina, South Carolina, Tennessee, Georgia, Florida, Alabama, and Mississippi.

Of the chief ordnance officer, Department of Texas, at San Antonio, Tex.: The States of Texas, Louisiana, Arkansas, Oklahoma, Colorado, and Utah, and the Territories of New Mexico and Arizona.

Of the chief ordnance officer, Department of California, at Benicia Arsenal, Benicia, Cal.: The States of California, Nevada, Oregon, Washington, and Idaho, and the Territories of Alaska and Hawaii.

Of the commanding officer, Rock Island Arsenal, at Rock Island, Ill.: The States of Ohio, Indiana, Illinois, Kentucky, Michigan, Wisconsin, Minnesota, Iowa, Missouri, Kansas, Nebraska, South Dakota, North Dakota, Montana, and Wyoming. (General Orders, No. 22, W. D., 1908.)

**80.** The field artillery material issued to the Organized Militia will be inspected twice each year by an officer of the Ordnance Depart-

ment designated by the Chief of Ordnance under orders issued by the War Department. One of the inspections will be made between January 1 and May 15, and, if practicable, at the same time as the inspections prescribed in section 14 of the act of Congress approved January 21, 1903; the other inspection will be made between August 15 and December 31. The interval between inspections will be approximately six months.

**81.** Upon receipt of orders to inspect the field artillery material in the possession of any State or Territory or of the District of Columbia, the inspecting officer will notify the adjutant-general of his designation for the duty and the date upon which each battery will be inspected by him. At each inspection all material issued to a battery by the United States will be examined and maneuvered in such manner as will enable the inspecting officer to fully determine its condition. Whenever practicable, not to exceed two rounds will be fired from each field gun by the inspecting officer, the ammunition for this purpose being furnished by the United States. Commanding officers of batteries and State officials should render such assistance as may be required by the inspecting officer in the performance of his duty, including the furnishing of details of men that may be needed for maneuvering, firing, dismounting, and assembling the material. Upon the completion of the inspection of each battery the inspecting officer will submit a report in duplicate on the prescribed form to the Chief of Ordnance, one copy of which will be forwarded through proper channels to the commanding officer of the battery for his information. The report will state in detail the condition of all parts of the equipment of the battery, and if defective in any way the character and extent of the repairs required and the causes of the defective condition of the equipment.

**82.** Upon receipt of instructions from the Chief of Ordnance to make repairs to the material issued to a battery of the militia, a designated officer of the Ordnance Department, by direct communication with the commanding officer of the battery, will arrange for making the repairs at a convenient time and inform the commanding officer of the battery of the probable number of men that will be required to assist the mechanic or mechanics designated to make the repairs. The repairs generally will be made by skilled mechanics of the Ordnance Department sent to the battery for the purpose, who will report their arrival and departure in person to the commanding officer thereof. The commanding officer of the battery, in the absence of an officer of the Ordnance Department, will supervise the work done by the mechanics, keep a record of the number of hours worked each day by each mechanic, and upon the completion of the repairs will forward the time record to the proper officer of the Ordnance Depart-

ment with a statement showing the date and hour of arrival and departure of each mechanic and the manner in which he conducted himself while on the duty.

83. In case the governor of a State or Territory, or the commanding general of the militia of the District of Columbia, should desire to have the cost of the repairs paid out of funds at his disposal instead of out of the allotment under section 1661 of the Revised Statutes, as amended, the adjutant-general is authorized to make request directly to the officer of the Ordnance Department in charge of the district to make the repairs. Upon receipt of such request the latter will submit to the adjutant-general an estimate of the cost of the repairs and request remittance to him of the funds required. Upon receipt of the funds the repairs will be made. When they shall have been completed the adjutant-general will be furnished with an itemized statement in duplicate of the cost of the repairs and any unexpended balance of the funds will be returned. The officer making the repairs will submit to the Chief of Ordnance a report showing in detail the character and extent of the repairs and the serial numbers of the guns and vehicles to which the repairs were made, including a copy of the itemized statement of their cost.

84. In case it should be impracticable for the commanding officer of the battery to furnish men to assist the mechanic or mechanics, the necessary labor will be employed by the officer of the Ordnance Department and the cost thereof charged to the State or Territory or the District of Columbia. (General Orders, No. 22, W. D., 1908.)

85. All material, tools, and supplies required in making repairs to any battery, and the ammunition to be used by the inspecting officer, will be shipped to the commanding officer of the battery, who will be charged with their safe-keeping, and who will immediately report their arrival to the officer of the Ordnance Department in charge of the district.

86. When necessary to ship material, tools, or supplies to any battery for use in making repairs, or to ship any parts to a manufacturing arsenal for repairs that can not be made by ordnance mechanics at the station of the battery, the shipment will be made by freight by the officer of the Ordnance Department in charge of the district, or by the nearest officer of the Quartermaster's Department of the Army, as prescribed in paragraph 1151, Army Regulations, 1908.

87. When the 3-inch field artillery material is received by any battery of the Organized Militia, the commanding officer of the battery will promptly notify the adjutant-general of the State or Territory, or of the militia of the District of Columbia, who in turn will report its receipt to the Chief, Division of Militia Affairs, in order that an officer of the army may be sent by the War Department to instruct the personnel of the battery in the care, preservation, and use of the matériel.

88. The adjutant-general of each State and Territory, and of the militia of the District of Columbia, are requested to issue such orders as may be necessary to insure the carrying out of the foregoing instructions.

(c) INSPECTIONS UNDER SECTION 14, MILITIA LAW.

89. The Secretary of War shall cause to be made at least once each year an inspection of the Organized Militia of each State, Territory, and the District of Columbia, by officers detailed for that purpose, with a view to ascertaining the condition of the Organized Militia in regard to matters of organization and equipment, including the strength of the organizations and the quantity and condition of United States property in the possession of the Organized Militia, and also the armory and storage facilities provided by the States, Territories, and the District of Columbia for the care and preservation of the property, and for indoor instruction.

90. The commanding generals of the various geographical departments of the Regular Army have immediate charge of this inspection within the limits of their departments, and will, as soon as practicable, after the 1st of January of each year, designate such number of experienced officers of the Regular Army, including officers in active service or officers on the retired list of the army who are already on duty with the Organized Militia, as may be necessary to inspect all of the Organized Militia of the States and Territories lying within the limits of their respective commands. (Par. 190, Army Regulations, 1908.)

91. When practicable, officers designated by department commanders under the provisions of paragraph 90 will be selected from the same arm of service as the units which they are designated to inspect.

The number of officers to be designated for this work will depend upon the number of cities and towns in which the militia organizations are located, the object being to perform the work of inspection as expeditiously as practicable, with due consideration for thoroughness and economy of expenses of transportation. All inspections must be completed not later than May 1.

92. Commanding generals of departments will communicate with the adjutants-general of States and Territories and the commanding general of the Militia of the District of Columbia, with a view to arranging all details as to dates and places of the various inspections. They will ascertain the number of inspecting officers that will be necessary to make these inspections, will arrange their itineraries, after consultation with the state or territorial authorities, as to the most advantageous arrangement that can be made in each case, and

will issue such orders and take such further steps as may be necessary to accomplish the inspection.

**93.** Inspecting officers, as soon as they have been designated as such by department commanders, will make application directly to the Chief, Division of Militia Affairs, for the necessary blank forms, indicating, in connection therewith, the number and character of the organizations which they are ordered to inspect. As soon as these forms are received, Form No. 11 will be transmitted by the inspecting officer to the commanding officer of each organization which he is ordered to inspect, with request that page 2 (or 2-a) of the form be filled in as indicated thereon, and that the property enumerated on the other pages be arranged, as far as practicable, in convenient order for inspection. The commanding officer of the organization should also be requested to be prepared to furnish the inspecting officer with the information called for on the last two pages of the blank forms.

**94.** In making arrangements as to date, hours, and places of inspections care should be taken to consult the convenience of the officers and men of the Organized Militia. In the case of regiments composed of scattered companies it is not necessary for these inspections that the units of organizations should be brought together; it will be practicable to carry out all the requirements of the inspection by inspecting the separate units at their home armories.

The inspections should be made as expeditiously as possible, the reports thereof prepared immediately following the inspection and submitted in duplicate promptly to the commanding general of the department. The latter will review the reports as to their completeness and accuracy and will then forward the original, with his comments indorsed thereon, to the War Department for reference to the Chief, Division of Militia Affairs, and for file in his office. The duplicate report will be retained by the department commander for his information and for file at department headquarters.

**95.** Where there are National Guard, division, or brigade headquarters separate from the general headquarters of the militia, the composition of the staff of each should be reported, giving the names and grades of rank of the officers and enlisted men belonging thereto, and making a distinction between those commissioned officers who are actual members of the Organized Militia, and those who are honorary appointees of the governor. It is not required, however, that the personnel of these headquarters shall be paraded for inspection, and this will not be done unless it is so desired by the military authorities of the State or Territory.

96. Members of organizations temporarily absent from their home stations may be attached, by order of competent military authority of the State or Territory, to other organizations of the State or Territory for inspection, and the inspecting officer in submitting his report to the War Department will give credit for the presence of such members in his inspections of the latter organizations, noting the circumstances by remarks in his report.

97. Commanding officers of militia organizations who receive blank forms from inspecting officers, as explained in paragraph 93 above, will submit for inspection to the inspecting officer upon his arrival all property in the possession of the organizations that is enumerated on the blank forms (Form No. 11, D. M. A.), whether United States property or not. This property will be inspected by the inspector on his arrival, who will assure himself, by detailed inventory or otherwise, that the articles enumerated in the report are in the possession of the organization and are in serviceable condition for field service. He will report as available for field service only such articles as conform to the existing standards for the Regular Army for field service. The inspection will include all property in the possession of the organization, available for field service or used in preparation for field service duties, which is of the pattern and quality issued to the Regular Army.

98. Only such property that has been actually seen and examined by the inspector will be included in the report (Form No. 11, D. M. A.). In determining the question of serviceability or unserviceability of property, the inspector will be guided by Regular Army standards. Should the number of articles classified as "serviceable" by the inspector be less than the number required for equipping the minimum authorized strength of the organization (pars. 227-240) the difference will be reported as a deficiency, under the heading "deficient."

99. By personal examination of the records of organizations, inspecting officers will inform themselves whether each State or Territory or the District of Columbia furnished with material of war, during the year next preceding each annual allotment of funds in accordance with section 1661 of the Revised Statutes, as amended, has required every company, troop, and battery in its Organized Militia, not excused by the governor of such State or Territory or the commanding general of the District of Columbia Militia, to participate in practice marches or go into camp of instruction at least five consecutive days, and to assemble for drill and instruction at company, battalion, or regimental armories or rendezvous, or for target practice not less than twenty-four times, as required by section 18 of the militia law.

100. Inspecting officers will ascertain and report the character of physical examination required for enlistment, and in case the standard of physical examination prescribed by circular of the War Department of February 8, 1904, has been adopted, they will ascertain whether or not said examinations are properly made.

101. The inspecting officer will verbally inform the organization commander of all irregularities or deficiencies noted in connection with the subject of organization, armament, and equipment, and will at the same time offer such assistance, advice, or suggestions as may be practicable, looking to their correction.

While no inspection, test, or report will be made as to the degree of instruction or discipline of the organization, as this pertains exclusively to the field inspections and reports made of the summer encampments, it is desired that the inspecting officers take advantage of the opportunity to impart instruction, but only in such subjects and in such manner as is acceptable to the organization commander. The following subjects for instruction are considered especially important: Care of the rifle, particularly the bore and the breech mechanism; necessity for developing squad leadership; care of the feet and selection of good marching shoes; scouting and patrolling, including practice in preparing and transmitting messages.

102. The following conditions will govern inspectors in passing upon the question of conformity to the requirements of section 14 in regard to the strength of organizations, physical condition of the personnel, and sufficiency of arms, uniforms, and equipments for active service in the field:

(a) Each officer and enlisted man should have one complete serviceable uniform, and each officer should have the articles of personal equipment and armament pertaining to his rank and duty as provided in War Department orders for the uniform.

(b) Each organization should be supplied with a sufficient quantity of the articles of personal armament and equipment, as specified in paragraph 242, to arm and equip its minimum strength as given in paragraphs 231 to 240.

(c) Each organization should have on hand, or in storage, the proper kind and amount of tentage as given under (a), paragraph 244, the proper number of tools and utensils as given under (d), paragraph 244; the proper field-cooking outfit as given in paragraph 245; one field desk, and one hand litter.

(d) In addition to the above, each signal corps company should have the articles enumerated in paragraph 246, each battery of field artillery should have the articles enumerated in paragraph 248, each engineer company should have the articles enumerated in paragraph 249.

(e) Medical officers attached to independent troops, companies, batteries, battalions, or squadrons should be supplied with one "medical and surgical chest for detached service" as enumerated in paragraph 606, Medical Manual, 1906, and each sergeant attached to such independent organizations should be supplied with one emergency case as enumerated in paragraph 475, same manual; each regiment should be supplied with the articles enumerated for the regimental hospital in paragraph 592, Medical Manual, 1906, except that the chest, food, enumerated under (a) of that paragraph need not be filled, and the harness, mules, and wagons enumerated under (c) of that paragraph need not be kept on hand.

103. The inquiry and report of inspecting officers are not necessarily limited to the matters specially mentioned, but should be broad enough in scope to enable them to furnish complete information desired under section 14 of the militia law, and to state causes of, and suggest remedies for, deficiencies found to exist.

104. If, in the opinion of the inspecting officer, any organization fails to conform to the requirements of paragraph 102, or if the question of conformity is doubtful in the mind of the inspecting officer, he will make special report in regard thereto. All such cases will be presented to the Secretary of War for his consideration as to whether the defects or deficiencies noted by the inspector are such as to amount to a failure to comply with the requirements of the militia law.

#### DROPPING OF PROPERTY.

105. United States property which has been issued to the governor of a State or Territory, or to the commanding general, District of Columbia Militia, as a charge against a federal appropriation, can only be dropped from the returns of the governor or commanding general in two ways: One, by survey proceedings, as provided in section 4 of the act approved June 22, 1906; and, two, clothing only may be dropped from the returns, without survey proceedings, to the value of the clothing allowance, in cases where such allowance has been fixed by the Secretary of War, under the provisions of section 13 of the militia law.

106. Whenever an officer of the Organized Militia who is responsible for United States property shall discover that any of such property has been lost, stolen, or destroyed, or has become unserviceable or unsuitable, from use in service, or from any other cause, he should report immediately the fact, through proper militia channels, to the adjutant-general of the State or Territory or of the District of Columbia Militia. The governor of the State or Territory or the commanding general of the District of Columbia Militia should, at the earliest practicable date thereafter, appoint a disinterested surveying officer of the

Organized Militia to examine the property, or into the circumstances connected with the loss, theft, or destruction. The report of the surveying officer should be forwarded by the governor or commanding general to the Chief, Division of Militia Affairs, for examination and presentation to the Secretary of War. This report should be made out in triplicate, and a separate report should be made for each class of property involved—Quartermaster's, Subsistence, Medical, Engineer, Ordnance, Signal, and for Publications. The report should be made on Form No. 16, D. M. A., and should, when practicable, include the original invoice value of the property and the date when the stores or supplies were issued to the organization.

**107.** If it shall appear to the Secretary of War from the proceedings of the surveying officer that the property has been lost or destroyed through unavoidable causes, he is authorized to relieve the State, Territory, or District of Columbia from further accountability therefor. If, in the opinion of the Secretary of War, the evidence submitted with the proceedings is not such as to show that the loss or destruction of the property could not have been avoided by the exercise of reasonable care, the money value thereof will be charged against the allotment of said State, Territory, or District of Columbia, as the case may be, under section 1661, Revised Statutes, as amended, unless the property is replaced in kind, by purchase, under the provisions of section 17 of the militia law, in which case further action would be rendered unnecessary.

**108.** Publications issued as a charge against a federal appropriation, with the exception of such manuals and regulations as are rendered obsolete by the issue of later editions, and which may be dropped under the provisions of General Orders, No. 179, War Department, November 28, 1904, are not expendable property, and whenever the action of a surveying officer thereon becomes necessary a report should be made for the consideration of the Secretary of War.

**109.** If the articles surveyed are found to be unserviceable or unsuitable, the surveying officer should so report and the Secretary of War will direct what disposition, by sale or otherwise, shall be made of them, except unserviceable clothing, which must be destroyed, but this action must in all cases await the order of the Secretary of War. An affidavit must be made by a disinterested officer of the Organized Militia on the record of survey that such destruction was accomplished in his presence. The proceeds from sales of articles will be deposited to the credit of the Treasurer of the United States, in the Treasury of the United States, or in a United States depository, as indicated in paragraph 119.

The cost of transportation of unserviceable and unsuitable property turned in to a United States arsenal or depot is a proper charge against the appropriation "Transportation of the Army and its supplies."

110. Each State, Territory, and the District of Columbia shall, on receipt of new arms or equipments, turn in to the War Department, or otherwise dispose of, in accordance with the directions of the Secretary of War, all old arms or equipments theretofore in their possession. (Sec. 13, militia law, as amended.)

111. The report of the surveying officer should show in detail opposite each article on his report in what respect the article is unserviceable or unsuitable. It will also indicate in each case, for the guidance of the Secretary of War, the disposition which, in his opinion, should be made of said property. Should the surveying officer recommend the sale of the property, the recommendation will state whether by auction or by inviting bids from dealers or others likely to purchase said articles, and will give reasons therefor. In case any public property is rendered unserviceable through causes other than the ordinary incidents of service, the surveying officer should investigate fully the circumstances, report the facts, and, if possible, fix the personal responsibility therefor.

112. A surveying officer should elicit all evidence obtainable, and should not limit his inquiries to affidavits or statements presented by interested parties, especially in cases of alleged theft or embezzlement, and he should not recommend the relief of officers or soldiers from responsibility unless fully satisfied that those charged with the care of the property have performed their whole duty in regard to it. He should hear in person or by deposition all persons concerned. Before relief from accountability will be granted on account of the loss or theft of small arms, conclusive evidence must be submitted with the report that every possible precaution had been taken for their safe-keeping. Evidence will be presented, also, to show what steps were taken for the recovery of lost or stolen property.

113. Only an officer on the active list of the Organized Militia can act as surveying officer. An officer of the Army, active or retired, on duty with the Organized Militia, can not so act, unless, in the case of a retired officer, he shall have been commissioned as an officer of the Organized Militia.

114. Officers responsible for property to be surveyed will in all cases furnish the surveying officer with original affidavits by themselves and by such witnesses as they may rely upon to relieve them from responsibility, and three duly attested copies of such affidavits must accompany the report.

115. The following classification of the causes of damage to and of loss and destruction of military property will govern in all survey proceedings:

1. Unavoidable causes are those over which the responsible officers have no control, occurring (*a*) in the ordinary course of service;

(b) as incident to active field service; (c) accident or destruction without fault or neglect of the responsible officer.

2. Avoidable causes are those due to carelessness, willfulness, or neglect.

**116.** Unserviceable property is, with reference to its disposition, divided into classes, as follows:

1. Property worn out in the service and which has no salable value.

2. Property worn out by fair wear and tear in the service which presumably has some salable value.

3. Property which has been rendered unserviceable from causes other than fair wear and tear in the service.

Before United States property can be established as worthless, and be properly dropped from property returns, the report of the surveying officer must have received the approval of the Secretary of War.

Great care should be taken to prevent property once condemned and ordered dropped from the returns from being again presented for inspection. When property is presented to a surveying officer for condemnation the officer responsible will certify in the inventory that the property has not been previously condemned.

**117.** Clothing infected with contagious diseases may be destroyed prior to the action of a surveying officer, provided the necessity for such destruction is certified to by a competent physician cognizant of the facts. Such certificate should set forth the facts and be made a part of the subsequent survey proceedings.

**118.** The order of the Secretary of War directing a sale of condemned property will indicate the method of advertisement, which will generally be by means of circulars posted in public places, and sent by mail to dealers and others likely to purchase. If advertisement in newspapers is indicated the provisions of paragraphs 502 to 512 Army Regulations apply, and request for special authority to advertise must be made upon prescribed forms, designating the newspapers in which advertisement is desired.

**119.** The net proceeds of a sale of condemned property, after deducting necessary and reasonable expenses of advertising and auctioneer's fee, will be deposited by the adjutant-general of the State or Territory or of the Militia of the District of Columbia, in a United States depository to the credit of the Treasurer of the United States; if received from sales of condemned property pertaining to other than the Ordnance Department, the funds must be deposited as "miscellaneous receipts on account of proceeds of government property;" if from sales of condemned ordnance stores, the deposits must be made on account of "sales of condemned ordnance stores."

**120.** Immediately after a sale of condemned property pertaining to any department except the Subsistence Department, an itemized report will be made by the adjutant-general of the State or Territory

or of the Militia of the District of Columbia to the Chief, Division of Militia Affairs, showing date and place of sale, quantity and kind of articles sold, prices obtained, names of purchasers, expenses of sale, and gross and net proceeds. This report will be accompanied by a copy of the order authorizing the sale, and proper vouchers for the expenses of the sale. The report pertaining to quartermaster's supplies will be made on Form No. 9, Division of Militia Affairs, "Account of sales at auction;" that pertaining to ordnance and ordnance stores on Form No. 272, "Abstract of sales, Ordnance Department;" that pertaining to medical supplies on Forms Nos. 15 and 16, Medical Department; that pertaining to engineer property on Form No. 27, Engineer Department, "Account of sales at auction," and that pertaining to signal corps property on Form No. 214, "Inventory of property sold," and Form No. 215, "Account of sales," Signal Corps, all in duplicate. The report of the sale of condemned subsistence property will be made on Form No. 13, Subsistence Department, "Account of sales at auction and on sealed proposals," by the disbursing officer who takes up on his account current the money realized from the sale.

121. Officers of the Organized Militia to whom United States property is issued by governors of the States or Territories or by the commanding general, District of Columbia Militia, and who thus become responsible for the care, preservation, and proper use of such property, should be required to give bond to the state, territory, or district authorities for the proper care and safekeeping of such property, and should be charged by said authorities for any damage thereto or loss or destruction thereof due to avoidable causes. The moneys so collected should be deducted from any state pay that may be due or that may become due such responsible officers for military services, unless they shall show to the satisfaction of the proper authorities, by their own affidavits or by those of other witnesses, that the damage, loss, or destruction was occasioned by unavoidable causes and without fault or neglect on their part. It should be understood, however, that this is a matter solely between the officer involved and the local military authorities. The transactions involved in connection with this procedure do not affect the accountability of governors or the commanding general, District of Columbia Militia, to the United States.

122. The question of the disposition of funds collected by state or territorial authorities from individuals to whom United States property has been issued by governors, as indicated in paragraph 121, and who may become responsible for the loss or destruction of such property is one solely for determination by the state or territorial authorities and not by the War Department; the latter is not in-

position nor authorized by law to decide that individual members of the Organized Militia who are responsible for the loss or destruction of property shall, or shall not, be charged with the value thereof.

**123.** There is no authority of law for depositing to the credit of any federal appropriation funds collected from members of the Organized Militia as indicated in paragraph 121. Funds so received belong to the State or Territory, not to the United States. They may be used by state or territorial authorities, if so desired, to replace the property involved, in kind, under the provisions of section 17 of the militia law.

**124.** After a report of a surveying officer has received the consideration of the Secretary of War, and final action thereon has been taken in the War Department, two copies of the report, having the action of the War Department indorsed thereon, will be returned to the adjutant-general of the State or Territory, one for the retained files of his office and the other for use as a voucher of the next annual return of the governor of the State or Territory, or the commanding general, District of Columbia Militia.

**125.** The Secretary of War may relieve a State, Territory, or the District of Columbia from further accountability for property lost or destroyed without fault or neglect, or that has become unserviceable or unsuitable from use in service, even though the property was lost, destroyed, or rendered unserviceable or unsuitable prior to the passage of the act of June 22, 1906, amending section 1661, Revised Statutes. Likewise, the money value of property lost or destroyed by reason of carelessness or negligence may be charged against the allotment under section 1661, Revised Statutes, as amended, even though such loss or destruction occurred prior to the passage of the act of June 22, 1906, amending section 1661, Revised Statutes. (Decision, W. D., Apr. 18, 1907.)

**126.** The provisions of section 13 of the militia law, which permit the governors of States and Territories and the commanding general of the District of Columbia Militia to drop from their returns each year clothing corresponding in value to the clothing allowance, does not become operative until the governor of such State, Territory, or the commanding general of the District of Columbia Militia has been notified by the War Department that a clothing allowance has been fixed for the State, Territory, or the District of Columbia by the Secretary of War. (Circular, No. 9, D. M. A., 1909.)

**127.** Clothing dropped in accordance with section 13, militia law, will be listed on Form No. 27, Division of Militia Affairs, at the prices listed in Circular, No. 17, D. M. A., 1910. If, in any particular case, a price is not so listed one will be fixed therefor on application to the Chief, Division of Militia Affairs.

## ARTICLE III.

## TARGET RANGES.

## (a) ACQUISITION.

128. With a view to carrying out so much of section 1661, Revised Statutes, as amended, as provides for the use of the militia appropriation for the promotion of rifle practice, including the acquisition, construction, maintenance, and equipment of shooting galleries and suitable target ranges, it is prescribed that not less than 25 per cent of the allotment to the several States and Territories and the District of Columbia shall be used for said purpose. This 25 per cent of the allotment is not available for the use of the militia for any other purpose, except by special approval of the Secretary of War.

129. The initiative in acquiring property for shooting galleries and target ranges rests with the governor of the State or Territory or the commanding general of the District of Columbia Militia, and all purchases of such property are made upon their recommendation, approved by the Secretary of War. Title of such property must be conveyed to the United States; but before payment therefor, the title must be approved by the Attorney-General of the United States, as required by section 355, Revised Statutes, and the deeds and abstracts of title, certificates as to taxes, etc., necessary for the purpose of proving the title must be transmitted to the Chief, Division of Militia Affairs, for reference to the Attorney-General. After the title has been approved and the deeds recorded all title papers must be forwarded to the War Department for file.

Vouchers covering payments for such property must be made in the proper manner and on the proper form (Form No. 22, D. M. A.) and in accordance with printed instructions thereon.

130. If a rifle range be acquired by the use of state, territorial, or district funds, reimbursement to the amount of the purchase money may be made from federal funds accruing to the State, Territory, or the District of Columbia under section 1661, Revised Statutes, as amended, by transferring title in the land to the United States, the title being subject to the approval of the Attorney-General of the United States under section 355, Revised Statutes, as indicated in paragraph 129.

131. Shooting galleries and ranges of the Regular Army shall, so far as practicable, be open to the national guard and organized rifle clubs under regulations prescribed by the Secretary of War. (Circular, No. 28, W. D., series of 1909.)

132. The title to property acquired by the States and Territories or the District of Columbia for shooting galleries or target ranges,

under the authority contained in section 1661, Revised Statutes, as amended, vests in the United States; and the relation of the States, Territories, or District of Columbia to such properties is that of a trustee vested with the use and charged with the administration of them for the purpose for which they were acquired. (Decision, W. D., June 20, 1906.)

**133.** The actual travel and subsistence expenses of an officer of the Organized Militia properly detailed, while engaged in the work of acquiring and developing shooting galleries and target ranges, are properly payable from that portion of the allotment set aside for the promotion of rifle practice. (Decision of Comptroller, July 30, 1906.)

**134.** An officer of the Organized Militia while engaged in acquiring and developing shooting galleries and ranges is not entitled to receive the pay of his rank from federal funds. (Decision, W. D., Jan. 18, 1907.)

**135.** The expenses of procuring or preparing abstracts and title papers to lands to be purchased for target ranges and shooting galleries, the cost of necessary surveys, and any other legitimate expenses entailed in securing the consent of owners to sell, are proper charges against that portion of the allotment set aside for the promotion of rifle practice, provided the purchase of the land involved is accomplished. (Decision, W. D., Jan. 3, 1907.)

**136.** In case any buildings pertain to ground leased as a target range, and these buildings are to be used in connection with the use of such ground for range purposes, the rental of such buildings must in every case be covered by the lease.

Payment of rent in advance, by the month, year, or quarter, for naked lands leased to the Government, of which it has been placed in possession by the lessor, is not a violation of the terms of section 3648, Revised Statutes, as the Government obtains all its contracts for when it is placed in possession under the lease. (Decision of Comptroller of the Treasury, June 22, 1906.)

**137.** The lease for a target range should be approved by the governor of the State or Territory, or the commanding general, District of Columbia Militia, and forwarded to the Chief, Division of Militia Affairs, for consideration as to its correctness and sufficiency. The lease should be executed in quadruplicate, one copy for the lessor, one for the disbursing officer, one for the Division of Militia Affairs, and one for the Auditor for the War Department.

**138.** The expenses of renting target ranges for the use of the Organized Militia at State encampments are properly payable from that portion of the allotment set aside for the promotion of rifle practice.

(b) MAINTENANCE.

139. The construction of any buildings which are essential for storage purposes on target ranges or for housing caretakers is a proper charge against that portion of the allotment set aside for the promotion of rifle practice. The erection of barracks for the accommodation of the troops or of buildings to be used conjointly as shooting galleries and armories is not a proper charge against this allotment. (Decisions, W. D., Dec. 22, 1906, and Oct. 24, 1906.)

140. Pit men, markers, caretakers, etc., and other civilians employed for work upon ranges built and heretofore maintained by the States on leased ground with money appropriated from the treasury of the State, may be paid from that portion of the allotment set aside for the promotion of rifle practice. (Decision, W. D., Sept. 5, 1906.)

141. It should be clearly understood that the rental stipulated for in the lease (Form No. 17, D. M. A.) covers the use of the property and all damages thereto which can be clearly foreseen as incident to its use for the purposes for which leased; and that the provision in the lease for the ascertainment and payment of damages has reference only to casual and unforeseen damages, such as are not ordinarily incident to the contemplated use.

142. The expenses necessary to adapt premises rented at State encampments for use as target ranges are properly payable from that portion of the allotment set aside for the promotion of rifle practice.

143. After supplies for target ranges have been delivered to the military authorities of a State, Territory, or the District of Columbia, and taken up on their returns, any expenses incident either to storage or transportation are not chargeable to the allotment provided by section 1661, Revised Statutes, as amended.

144. There is no authority of law under which purchase of animals for work on a target range may be made from funds accruing under section 1661, Revised Statutes, as amended.

145. There is no authority of law under which the insurance for public buildings can be met from federal funds, and the buildings that may be on land acquired for a rifle range can not be insured as a charge against an allotment made under section 1661, Revised Statutes, as amended.

**ARTICLE IV.**

UNITED STATES FUNDS ALLOTTED UNDER THE PROVISIONS OF SECTION 1661, REVISED STATUTES, AS AMENDED.

(a) ACQUISITION.

146. The appropriation provided by section 1661, Revised Statutes, as amended, is annually apportioned under the direction of the Sec-

retary of War as follows: (a) Among the several States according to the number of Senators and Representatives to which each State respectively is entitled in the Congress of the United States; (b) to the Territories and the District of Columbia in such amount and under such regulations as the Secretary of War may prescribe.

147. The proper amount of this appropriation as above apportioned is credited to the several States and Territories and the District of Columbia on the books of the Division of Militia Affairs.

148. The following conditions must be fulfilled to enable a State or Territory to avail itself of the allotment of the annual appropriation made by section 1661, Revised Statutes, as amended:

(a) A State must have 100 regularly enlisted, organized, and uniformed active militia for each Senator and Representative to which it is entitled. (Sec. 2, R. S., 1661, as amended.)

(b) Unless excused by the governor of the State or Territory or the commanding general of the District of Columbia Militia, each company, troop, and battery of the Organized Militia must have had in the year next preceding the annual allotment practice marches for five consecutive days, or a camp of instruction for five consecutive days, or a combination of these two for five consecutive days. (Sec. 18, militia law.)

(c) Each company, troop, and battery must have assembled, during the year next preceding the annual allotment, for drill and instruction at company, battalion, or regimental armories or rendezvous or for target practice, not less than twenty-four times. (Sec. 18, militia law.)

(d) Each company, troop, and battery must have been inspected during such preceding year by an officer of the Regular Army or of the Organized Militia. (Sec. 18, militia law.)

(e) The conditions set forth in the foregoing paragraphs apply also to ambulance companies and field hospitals.

149. The governor of the State or Territory, or the commanding general of the District of Columbia Militia, may designate to the Secretary of War an officer of the Organized Militia of said State, Territory, or District of Columbia, to act as a disbursing officer of federal funds appropriated by Congress and allotted to the State, Territory, or District of Columbia, under section 1661, Revised Statutes, as amended. The officer so designated becomes a disbursing officer of the United States, and must render his accounts monthly (in the manner prescribed by par. 184), through the Chief, Division of Militia Affairs, to the proper accounting officers of the Treasury for settlement, and is required to give good and sufficient bond to the United States in such sum as the Secretary of War may direct, faithfully to account for the safe-keeping and payment of the public moneys intrusted to him for disbursement.

150. Upon receipt at the War Department of the letter designating the disbursing officer, a blank form of bond will be sent to the officer, to be executed. Especial attention should be given in the preparation of the bond and to the notes printed thereon to prevent unnecessary delay in the transaction. Disbursing officers of the Organized Militia are required to renew the bonds given by them, after a period of four years. Steps should be taken by disbursing officers to renew their bonds prior to the expiration of the four-year limit in order to prevent delays and complications in filling requisitions for funds at the end of the bond-limit period.

151. The bond required by paragraph 149 should be made out for an amount approximating one-half that which it is expected will be required at any one time, as the rules of the War Department do not authorize the placing to the credit of disbursing officers more than double the amount of the bond.

152. Sureties to bonds given by disbursing officers will be bound jointly and severally for the whole amount expressed therein, and must satisfy the Secretary of War that they are worth, jointly, double such amount, each surety making affidavit that he is worth that sum over and above his debts and liabilities, and stating in the affidavit his place of residence. (Par. 570, Army Regulations, 1908.)

153. A company incorporated under the laws of the United States, or of any State, and legally authorized to guarantee bonds, may be accepted as surety, subject to the limitations prescribed in Regulations of the War Department governing the acceptance of corporate sureties on bonds, as published from time to time in circulars of the department, which circulars also give a list of companies that are authorized to guarantee bonds.

154. No provision is made for expenses in connection with the furnishing of a bond, and such cost can not be paid from the funds appropriated by section 1661, Revised Statutes, as amended. (Decision of Comptroller, Nov. 4, 1903.)

155. The act of Congress approved August 5, 1909 (36 Stat. L., 125), prescribes that, until otherwise provided by law, no bond shall be accepted from any surety or bonding company for any officer or employee of the United States which shall cost more than 35 per cent in excess of the rate of premium charged for a like bond during the calendar year 1908.

156. In respect to bonds of disbursing officers of allotments from militia appropriations, the rate of \$2.50 a thousand will be accepted as the standard of comparison; any bond falling within this class will be approved if the rate charged therefor does not exceed \$3.37 a thousand, excepting that a minimum charge of \$10 will be approved.

157. When the completed bond required by paragraph 149 is approved by the Secretary of War, and upon receipt of the request

for funds, made in accordance with paragraph 159, the Secretary of War will make requisition on the Secretary of the Treasury to place in the United States Treasury, one of the subtreasuries, or in a designated national depository, to the credit of the designated disbursing officer, the amount called for.

**158.** Officers of the Organized Militia who may be furnished under proper authority with funds for the purchase of coffee, or other components of the travel ration for the use of their respective commands, are not required to furnish bonds for the safe-keeping and disbursement of the same. (35 Stats. L., 117.)

**159.** The governor of the State or Territory or the commanding general of the District of Columbia Militia should make request on the Secretary of War for sufficient funds to meet the expenses of the acquisition and development of shooting galleries or target ranges, or of camp service, to be placed to the credit of the disbursing officer designated.

**160.** The request of the governor, or of the commanding general, District of Columbia Militia, must be accompanied by an approximate estimate of the cost of the property to be acquired for shooting galleries or target ranges and for their construction and maintenance. Similar estimates must accompany the request of the governor, or the commanding general, District of Columbia Militia, for funds for camp purposes, showing the number of officers of all grades and enlisted men taking part, with the number of days of their service; the average or actual distance covered in the transportation of the command, and the approximate cost of same; the approximate amount necessary to pay the command on the basis of the pay of the Regular Army without increase for length of service; the approximate cost of the subsistence of the command for the specified number of days, on the basis of 25 cents a day for each enlisted man when rations in kind can be issued; 40 cents a day while traveling and when travel rations can be supplied, and not to exceed 75 cents a day when traveling and it is necessary to supply cooked meals; also estimated amount of incidental expenses, such as hiring of horses and draft animals for use of mounted troops, batteries, and wagons in connection with encampments, maneuvers, and field instruction, and estimated cost of miscellaneous supplies that are necessary for camps, such as wood for cooking and heating purposes, straw for bedding, forage for animals, and other similar articles.

**161.** Requisitions will be made a sufficient time in advance of the time the funds shall be needed for disbursement to enable them to be acted on by the officials of the Treasury Department; the average time required for the Treasury Department to act on requisitions

for funds and to have the funds placed in the depository to the credit of the state disbursing officer is ten days.

162. Requisitions for funds will not be made more than fifteen days in advance of their actual need by the disbursing officer, except in the case of Hawaii and the States on the Pacific Coast, when the limit will be one month.

(b) ACCOUNTABILITY.

163. Accounts of disbursing officers must be kept separately under each bond. When a new bond is given, the disbursing officer should close his account under his former bond, by depositing any unexpended balance to the official credit of the Treasurer of the United States (in the manner prescribed by paragraphs 210 and 215) before a request for funds is made under the new bond, in order that the liability of the sureties on the respective bonds may be definitely fixed.

164. Every disbursing officer having any public money intrusted to him for disbursement must deposit it with the Treasurer of the United States, one of the subtreasurers, or a designated national depository, and draw on the deposit only as funds may be required for payments to be made by him in pursuance of law (and only in favor of the persons to whom payment is made). (Sec. 3620, R. S.)

165. Whenever any disbursing officer makes a deposit to the credit of the Treasurer of the United States, he should at once notify the Chief, Division of Militia Affairs, of the fact, stating the name of the depository, the amount of the deposit, the allotment to which the money pertains, whether the amount represents a repayment of an unexpended balance or a refundment of overpayments or disallowances, and the number of the certificate of deposit. The duplicates of all certificates of deposit should be retained by the depositor for his future protection.

166. Whoever, being a disbursing officer of the United States, or a person acting as such, shall in any manner convert to his own use, or loan with or without interest, or deposit in any place or in any manner, except as authorized by law, any public money intrusted to him, or shall for any purpose not prescribed by law, withdraw from the treasurer or any assistant treasurer, or any authorized depository, or transfer, or apply, any portion of the public money intrusted to him, shall be deemed guilty of an embezzlement of the money so converted, loaned, deposited, withdrawn, transferred, or applied, and shall be fined not more than the amount embezzled, or imprisoned not more than ten years, or both. (Sec. 87 of Criminal Code, act of Mar. 4, 1909, 35 Stats., 1088.)

167. When funds are deposited in the Treasury the disbursing officer will apply to the Treasurer of the United States for an official

check book; when deposited in one of the subtreasuries, to the subtreasurer, and when in a designated depository, to the Chief, Division of Militia Affairs.

**168.** The Chief, Division of Militia Affairs, when issuing a check book on an authorized depository will keep a complete record of its size, its character, the serial number of its checks, and when and to whom issued. The officer in whose official possession a check book may come is responsible, while it is in his charge, for any misuse, by anyone, of the blank checks contained therein. The greatest care should be exercised in their custody. They should be kept under lock and key when not in use and counted at frequent intervals.

**169.** The disbursing officer when first opening his account and before issuing any checks shall furnish the depository on whom checks are to be drawn with his official signature, duly verified by some officer whose signature is known to the depository.

**170.** The purposes for which funds allotted to the State under the provisions of section 1661, Revised Statutes, may be used, are—

(a) For any stores and supplies or publications which are supplied to the army. In this connection it should be noted that the funds are available for the supply of articles of dress-uniform clothing, whereas clothing issued under the act of May 27, 1908, can only be of field-service uniform.

(b) For the payment, subsistence, and transportation of such portions of the Organized Militia as shall engage in actual field or camp service for instruction.

(c) For the actual excess of expenses of travel incurred by officers of the Regular Army in connection with the inspections of the Organized Militia prescribed in section 14 of the militia law, over the authorized mileage allowances of said officers in traveling under War Department orders.

(d) At least 25 per cent of the allotment must be used for the promotion of rifle practice, including the acquisition, construction, maintenance, and equipment of shooting galleries and suitable target ranges. (Decision, War Department, on sec. 2, R. S. 1661, as amended.)

(e) For the hire of horses and draft animals for the use of mounted troops, batteries, and wagons in connection with field exercises for instruction purposes.

(f) For forage for horses and draft animals in connection with field exercises and instruction purposes.

(g) For such incidental expenses as may be deemed necessary by the Secretary of War, in connection with encampments, maneuvers, and field instruction provided for in section 14 of the militia law, and for the same in connection with joint maneuvers or exercises with regular troops under section 15 of this law.

171. Disbursing officers are not authorized to make purchases of supplies in the open market for the use of the Organized Militia; supplies must in all cases be obtained by requisition, as provided in paragraphs 45, 46, and 47.

172. A disbursing officer, before making any payments whatever from funds placed to his credit, must carefully observe all regulations governing expenditures and money accountability. These regulations are binding and will be strictly followed in passing upon the officer's money accounts; any departure therefrom will involve the disbursing officer in difficulty with the accounting officers of the Treasury Department.

173. In making all payments for purchases and for services rendered, only official checks will be used, payable to the order of the person to whom the money is due, and on each voucher will be noted the number of the check, the date of its issue, the parties in whose favor the check is drawn, and the amount; also the object or purpose for which it is drawn must be entered on the face or back of the check. This statement of purpose may be made in brief form, but must clearly indicate the object of the expenditure, as, for instance, "pay," "pay roll," or "payment of troops" adding the post or station; "purchase of subsistence," or other supplies; "purchase of land," etc.

174. Disbursing officers must identify their official checks with the vouchers upon which they are issued in payment, by noting on each check the number of the voucher and the object of the expenditure. A single check may be drawn in payment of more than one voucher.

175. Checks will not be returned to the drawer after their payment, but the depositary with whom the account is kept will furnish the disbursing officer with a monthly statement of his deposit account.

176. Depositaries will also render statements to officers having public funds on deposit to their official credit, upon request of said officers, to enable them to close their accounts. These statements will show a full and true account, including the date, number, and amount of each check paid, and the date and amount of each item placed to the disbursing officers' official credit during the period of such statement. They should be applied for in ample time to enable the disbursing officers to use the information contained therein, in analyzing their balances in the manner provided at the foot of the account current. (Form No. 1, D. M. A.)

177. Mutilated or spoiled checks upon the United States Treasurer, or an assistant treasurer, will be forwarded promptly to the office to which they pertain, and those upon any other depositary will be forwarded promptly to the Chief, Division of Militia Affairs, who will acknowledge the receipt of such checks. In either case, a record of the dates of both cancellation and transmission will be entered on the stub.

178. Whenever any original disbursing officer's check is lost, stolen, or destroyed, the Secretary of the Treasury may authorize the officer issuing the same, after the expiration of six months and within three years from the date of such disbursing officer's check, to issue a duplicate thereof upon the execution of such bond to indemnify the United States as the Secretary of the Treasury may prescribe: *Provided*, That when such original disbursing officer's check does not exceed in amount the sum of fifty dollars the Secretary of the Treasury may authorize the issuance of a duplicate at any time after the expiration of thirty days and within three years from the date of such disbursing officer's check. (Sec. 3646, R. S., as amended.)

179. In case the disbursing officer or agent by whom such lost, destroyed, or stolen original check was issued is dead or no longer in the service of the United States, it shall be the duty of the proper accounting officer, under such regulations as the Secretary of the Treasury may prescribe, to state an account in favor of the owner of such original check for the amount thereof and to charge such amount to the account of such officer or agent. (Sec. 3647, R. S., as amended.)

180. No allowance will be made to any disbursing officer for expenses charged for collecting money on checks.

181. Disbursing officers are not authorized to transfer funds standing to their official credit with one depository to their credit with another depository; such transfers will be made only by the Secretary of the Treasury upon the recommendation of the Secretary of War.

182. Transfers from the allotment for "Arms, equipments, and camp purposes" to that for "Promotion of rifle practice" of funds in the hands of disbursing officers of the Organized Militia are made on the books kept in the office of the Chief, Division of Militia Affairs, only on authority of the Secretary of War, after a request therefor has been presented by the governor of the State, or the adjutant-general, in the name of the governor, setting forth the necessity for the transfer.

183. Disbursing officers of the Organized Militia should settle promptly all correct and just claims that are authorized by law, which are outstanding and which are turned over by their predecessors, provided the vouchers for the services contain certificates that the services have been rendered as stated, and are approved by the governor, or the adjutant-general of the State, in the name of the governor. The vouchers should describe specifically the position of the claimant, rate of compensation, and the period covered. The check of the disbursing officer should state on its face the object of the expenditure and the number of the voucher.

184. Every disbursing officer must send, by indorsement, to the Chief, Division of Militia Affairs, within twenty days following the

end of the month to which it relates, an account current (Form No. 1, D. M. A.), of all moneys received and remaining on hand during the month. This account current will be made in duplicate; one copy will be retained by the disbursing officer as his record of the financial transactions comprised therein, and the other, accompanied by the necessary abstracts of expenditures and all vouchers, will be forwarded to the Chief, Division of Militia Affairs, as stated above, for administrative examination and for reference to the Auditor for the War Department. With the account current will be forwarded all orders of commanding officers and other papers upon which the disbursing officer relies to have himself relieved from responsibility for funds placed to his credit.

**185.** The account current must show, under credits, the balance on hand according to last account, together with all moneys received during the month, with dates thereof and from whom received; under debits, the total amounts expended under the headings pay, subsistence, transportation, incidental expenses of encampments, and expenditures chargeable to the allotment for the promotion of rifle practice, and that the balance due the United States is held as indicated in the certificate on the account current.

Deposits of unexpended balances, refundment of overpayments or disallowances must be shown on the account current, under their respective heads.

Accounts current must be rendered promptly monthly, whether disbursements have been made or not, until final settlement with the Treasury Department has been effected.

Final accounts current must include all moneys in the possession of a disbursing officer on account of the United States. These accounts must be rendered in one consolidated account current, irrespective of the number of headings of account involved.

**186.** Blank forms for rendering accounts and returns, as required under the provisions of these regulations, may be obtained by requisition on the Chief, Division of Militia Affairs; the cost of all such forms will constitute a charge against the allotment to the State, Territory, or the District of Columbia from the appropriation made under section 1661, Revised Statutes, as amended.

**187.** Disbursing officers should anticipate their needs sufficiently in advance to meet all payments as they shall become due, and excessive balances must not be held by them in the various depositories. Requisitions for funds should be restricted to amounts sufficient to discharge payments due, or presently to become due, and to effect this purpose requisitions should be made frequently and only for such amounts as may be required for immediate use.

**188.** Every disbursing officer will forward to the Chief, Division of Militia Affairs of the War Department, on Form No. 29, D. M. A., a

weekly statement of the balance remaining to his credit, of funds allotted under section 1661 of the Revised Statutes, as amended. The balance under each of the two allotments, i. e., "Arms, equipments, and camp purposes," and "Promotion of rifle practice," must be distinctly stated. The weekly statement is additional to the account current and in no way takes the place of the latter or of any of the entries which should properly appear therein.

189. In the accounting for funds issued to the Organized Militia under section 1661, Revised Statutes, as amended, the distinction of the fiscal year is not required inasmuch as the appropriation is a continuing one; any unexpended balance thereof on the 30th day of June in any one year is carried forward to the next fiscal year.

190. When disbursing officers receive notice from the Auditor of the Treasury for the War Department of a disallowance in the settlement of their accounts, they should submit with the least delay practicable such explanation and additional vouchers or authority as may be required. If the action of the Auditor is not acquiesced in, the disbursing officers may, if they so desire, file an appeal with the Comptroller of the Treasury. Unless it is their intention to file such an appeal or to submit additional evidence with a view to the removal of the disallowance, they should promptly concede the disallowance and make, if necessary, a deposit of the amount involved to the credit of the Treasurer of the United States in the depository where the United States funds for which they are responsible are deposited, under the appropriation "Arming and equipping the militia." Such deposits should be duly reported on the next account current.

191. Disbursing officers should make prompt replies to and explanation of any suspension which may be made in the settlement of their accounts by the Auditor for the War Department.

192. The balances acknowledged by disbursing officers and their analyses thereof must actually represent the state of their business at the close of the last day for which the accounts are rendered. They must so order their business that they may, whenever called upon so to do, close immediately their accounts and analyze their acknowledged balances.

193. In the event that there should be any cash balance, i. e., currency, in the hands of a disbursing officer at the time of the rendition of his account current, such cash balance should be counted, verified, and certified to by a disinterested officer of the Organized Militia duly ordered to so act by the governor of the State.

194. Every disbursing officer is required to keep a cash book showing the amount disbursed under each allotment and the total funds on hand. Such cash book should be balanced monthly and the totals must agree with the account current.

The cash book is the property of the Federal Government and shall not be removed from the office of the disbursing officer. The dis-

bursing officer will see that it is carefully preserved as a part of the records of the Federal Government, for which he is responsible; that the entries therein are properly made; and that the book is transferred to his successor. In connection with this transfer the disbursing officer should take a memorandum receipt therefor from his successor.

**195.** Disbursing officers who do not, for any reason, receive from their depositaries the monthly statements which should be rendered to them in time for them to analyze their balances in the manner contemplated by the standard form of account current, should not delay the rendition of their accounts, but should compute their net balances from their check stubs, state that such balances are so computed, and make a further statement in explanation, that the balances have been computed from check stubs for the reason that no monthly statement had been received from the depository.

**196.** All transactions coming within the time covered by an account shall be reported therein. No payments or collections not actually made during the period of an account shall be included therein. (Par. 13, Treasury Circular 52, July 29, 1907.)

**197.** The abstract of pay (Form No. 2, D. M. A.) will always be the first voucher of expenditure to the account current. This abstract is a summary of all disbursements made during the month on account of the pay of troops, and all the data for its preparation will be obtained from the pay roll, each roll being a voucher for each particular amount entered on the abstract. Care must be taken to enter the correct number of voucher, date, individual, the organization, the period paid for, and the gross amount of United States funds paid out on the roll. No mention should be made of any expenditures from state funds.

**198.** The pay rolls (Form No. 3, D. M. A.) are vouchers to abstract of pay, and will be prepared according to the notes thereon. In the columns for "Each day for which pay is due" should be entered the figure "1;" the letter "A" will be entered for each day for which no pay is due. At the conclusion of the camp or service the sum of the days of duty will constitute the time for which pay is due and will be entered in the column of "Total days." The signature of each person who receives cash payment must appear on the roll and must be the same as that entered in the column of names. When payment is made by check the number of the check must be stated on the roll. A witness to a signature is necessary only when the person is unable to write and signs by mark. The numbers in brackets will indicate where names and signatures should be placed to complete the roll. The monthly and per diem pay of all grades in the United States Army are given in the table and notes on the rolls.

**199.** Signatures on rolls in receipt for pay must be the actual personal signatures of the soldiers. A signature made by any person

other than the one to whom the payment is made does not furnish a valid acquittance to the United States, and payment should not be made on such signature.

If officers or men were ordered to camp in advance of the period of encampment or held there subsequently thereto, the authority in each instance must appear on the roll.

**200.** Form No. 18, Division of Militia Affairs, should be used in accounting for all personal services other than the military services rendered by members of the Organized Militia. Funds expended for purchases or services other than personal must be accounted for on Form No. 21, Division of Militia Affairs, which is the abstract for payments of purchases and services other than personal. The details of such purchases and services are entered on subvouchers, Forms Nos. 22 and 26, which are made inclosures to Form No. 21. On Form No. 22 should be entered expenditure of funds on account of hire of horses, pack mules, for transportation of men, equipment, for all necessary incidental expenses in connection with encampments which are authorized by section 1661, Revised Statutes, as amended; for expenses connected with the acquisition, equipment, construction and maintenance of target ranges and shooting galleries. On Form No. 26 should be entered receipts for subsistence issued in all cases where such subsistence has been purchased by funds provided under the provisions of section 1661, Revised Statutes, as amended.

In preparing the abstract required by Form No. 21 a summary should be made, showing the total amounts expended under each of the heads transportation, incidental camp expenses, promotion of rifle practice, issue of subsistence, and each total should be carried to the proper line on the debit side of the account current.

**201.** Vouchers for purchases and services other than personal (Forms 22 and 26) should show, in the brief on the first fold of the form, whether the purchases were made or the services engaged without advertisement or after advertising. In the latter case it should be stated whether the advertisement was in newspaper, by posters, or by circular letters. The voucher should show also what particular form of agreement was entered into—whether verbal, written, or formal contract. In case it be a formal, written contract, it should be made in triplicate, one copy to be retained by the disbursing officer, one by the party from whom the purchases are made or the services engaged, and one sent to the War Department for file. Each voucher should be accompanied by a copy of the public notice which solicited the bids (newspaper clipping, poster, or circular letter), the accepted bid, and a copy of the letter accepting the bid. In case the voucher be for services rendered involving continued payments, engaged as the result of a written contract, reference should be made in subsequent vouchers to the original voucher with

which was inclosed a copy of the public notice, accepted bid, and copy of the letter accepting the bid. No reference should be made to any agreement which has not been transmitted to the War Department with some voucher.

**202.** Payments for personal services must be accounted for on Form No. 18, Division of Militia Affairs, which is a voucher to the account current. It will be accompanied by subvouchers, giving the details of the payments made. In case the payment is made for personal services involving the services of more than one person, the account will be stated on Form No. 19, Division of Militia Affairs. In case the account is for the personal services of a single person, it will be stated on Form No. 20. Expenditures carried on these forms pertain particularly to personal services rendered on account of promotion of rifle practice, including those connected with the acquisition, construction, equipment, and maintenance of shooting galleries and target ranges.

**203.** Vouchers Nos. 19, 20, 22, and 26, Division of Militia Affairs, are used in all cases where payments are made by check. In case payments are made by cash, Form No. 23, Division of Militia Affairs, will be used, both for purchases and services. In each case where cash payment is made the voucher must be accompanied by a formal written receipt by the person to whom the cash payment was made.

**204.** Only one copy of a voucher, the original, shall contain signed certification, approval, and receipt (Par. 7, Treasury Circular 52, July 29, 1907); duplicate or triplicate copies of vouchers required for filing with retained papers should be initialed only. The original voucher will be sent in all cases to the Chief, Division of Militia Affairs, for transmission to the Auditor for the War Department.

**205.** Formal, written receipts for payments from federal funds are required when payment is made in cash (currency); when payments are made by check, receipts are not required. (Par. 1, Treasury Circular 52, July 29, 1907.)

**206.** Vouchers should be numbered consecutively and so recorded on abstract of payments. Such numbers should not be repeated during any fiscal year.

Vouchers written with pencil, unless of an indelible character, will not be accepted. Vouchers which show erasures will not be accepted.

When more than one article of the same kind and quality is billed, the unit price must be shown.

**207.** Signatures to the certification as to the justness and correctness of claims must in all cases literally agree with the name of the creditor in whose favor the account is rendered as shown at the head of the voucher. Examples as to proper manner of signing are given below.

Individuals will affix their autograph signatures in ink. The autograph signature of a duly empowered attorney will be accepted only after an approved power of attorney has been filed with the disbursing officer paying the account. Example:

JOHN DOE,  
By RICHARD ROE, *Attorney.*

Copartnership should have the name of the firm stamped or written and be followed by the autograph signature of a member of the firm, or other authorized person. Example:

JOHN DOE & Co.,  
By RICHARD ROE, *A Member of the Firm.*

Incorporated companies should have the name of the company stamped or written, followed by the autograph signature of an authorized officer or person showing his official position. Example:

JOHN DOE & Co. (Incorporated),  
By RICHARD ROE, *Treasurer.*

Companies or trade names not incorporated should have the name of such company stamped or written, and followed by the autograph signature of the sole owner, sole proprietor, or other authorized person. Example:

THE JOHN DOE IRON WORKS,  
By RICHARD ROE, *Sole Owner.*

**208.** A signature by mark must be witnessed by a disinterested person, with address.

**209.** All vouchers for payment by disbursing officers must be certified by the claimant as correct and just. (Par. 3, Treasury Circular 52, July 29, 1907.)

**210.** Deposits to the official credit of the Treasurer of the United States on account of unexpended balances, refundment of overpayments, or of disallowances made in the accounts of a disbursing officer, must be made by the latter with the Treasurer of the United States or an assistant treasurer, or with the depository where the funds of the disbursing officer are kept, showing to what particular appropriation the amount pertains.

**211.** A disbursing officer appointed under section 14, militia law, is not authorized to hire the services of a clerk.

**212.** A disbursing officer is not entitled to pay the cost of his transportation from federal funds except when actually engaged in the acquisition of target ranges or in field service for instruction under specific orders in each case of the governor of the State or Territory or the commanding general of the District of Columbia Militia.

**213.** Alterations or erasures on a transportation request can only be made by a person who has authority to issue the request.

Allowance for extra services rendered in accordance with an unauthorized alteration of a transportation request can not be made unless such services are specifically ratified and approved by proper authority.

The approval of an account containing items for transportation furnished in accordance with an altered request is not an approval of the alteration unless specifically mentioned.

**214.** The accounting officers of the Treasury are without jurisdiction to receive and settle claims of individual officers and enlisted men of the Organized Militia. The state disbursing officer must settle all such claims; he may properly pay the amount due an officer or enlisted man in case of death of either without signing pay roll, without requiring administration, provided no demand is presented by a duly appointed legal representative, and that proper certificate as to the identity of the payee accompanies the payment, following the rule prescribed by the act approved June 30, 1906, which provides that: Hereafter the settlement of the accounts of deceased officers or enlisted men of the Army, where the amount due the decedent's estate is less than \$500, and no demand is presented by a duly appointed legal representative of the estate, accounting officers may allow the amount found due to the decedent's widow or legal heirs. (Decision, War Department, Nov. 3, 1906.)

(c) CLOSING OF ACCOUNTS.

**215.** If a disbursing officer desires to close his accounts with the Treasury, so much of the funds remaining on hand as are not represented by outstanding checks must be deposited to the official credit of the Treasurer of the United States, with the depositary in which such funds are kept by the disbursing officer. Funds so deposited will be covered in to the credit of the appropriation "Arming and equipping the militia," with the request that they be credited to the disbursing officer making the deposit.

**216.** Should a disbursing officer die while serving as such, the Secretary of War will, upon the request of the governor of the State or Territory or the commanding general of the Militia of the District of Columbia, recommend to the Secretary of the Treasury to cause so much of the money remaining to his credit as is not represented by outstanding checks to be deposited to the credit of the Treasurer of the United States, to be covered in to the credit of the appropriation "Arming and equipping the militia."

**217.** Whenever any disbursing officer of the United States shall cease to act in that capacity he will at once inform the Secretary of the Treasury whether he has any public funds to his credit in any office or bank, and, if so, what checks, if any, he has drawn against the same, which are still outstanding and unpaid. Until satisfactory information of this character shall have been furnished, the whole

amount of such moneys will be held to meet the payment of his checks properly payable therefrom. (Treasury Circular, No. 102, Dec. 7, 1906.)

218. When a disbursing officer ceases to act as such, he should transfer to his successor, if one be appointed, all unused checks in his possession, and take duplicate receipts for the checks by their numbers and make an immediate report of such transfer to the Chief, Division of Militia Affairs, accompanied by a copy of the receipt, in order that necessary change in the record may be made. If no successor as disbursing officer be appointed, all unused checks must be returned promptly to the Treasurer of the United States, the sub-treasurer, or to the Chief, Division of Militia Affairs, by whomsoever issued.

219. Should any disbursing officer make an erasure or alteration of any of his checks, however slight, he will certify to the correctness of such erasure or alteration on the upper margin of the check.

220. In case of the death, resignation, or removal of any disbursing officer, checks previously drawn by him will be paid from the funds to his credit, unless such checks have been drawn more than four months before their presentation, or reasons exist for suspecting fraud. Any check drawn by him and not presented for payment within four months of its date will not be paid until its correctness shall have been attested by the Comptroller of the Treasury or his chief clerk. (Treasury Circular, No. 102, Dec. 7, 1906.)

## ARTICLE V.

### PERSONNEL.

#### (a) ORGANIZATION.<sup>a</sup>

221. The militia consists of—

(a) Every able-bodied male citizen of the respective States, Territories, and the District of Columbia who is more than eighteen and less than forty-five years of age;

(b) Every able-bodied male of foreign birth who has declared his intention to become a citizen and who is more than eighteen and less than forty-five years of age. (Sec. 1, militia law, as amended.)

The militia is divided into two classes—

(a) The Organized Militia, to be known as the National Guard of the State, Territory, or the District of Columbia, or by such other designation as may be given them by the laws of the respective States and Territories, consisting of the regularly enlisted and uniformed active militia of the several States and Territories and the District of Columbia that is organized as a land force and has hereto-

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<sup>a</sup>The organization given under this heading is that prescribed by law and regulations for peace conditions. The organization prescribed for war conditions is given in Article I, Field Service Regulations, 1910.

fore participated or shall hereafter participate in the apportionment of the annual appropriation provided by section 1661, Revised Statutes of the United States, as amended, which shall have the same organization, armament, and discipline as that which is now or may hereafter be prescribed for the Regular Army of the United States, and a minimum strength fixed by the President of the United States, subject in time of peace to such general exceptions as may be authorized by the Secretary of War.

(b) The reserve militia, consisting of the remainder of the male population of the United States, subject, under the laws of the United States, to military service.

**222.** The following persons are exempt from militia duty, without regard to age:

- (a) The Vice-President of the United States.
- (b) Officers, judicial and executive, of the United States.
- (c) Members and officers of each House of Congress.
- (d) Persons in the military or naval service of the United States.
- (e) Custom-house officers and their clerks.
- (f) Postmasters and persons employed by the United States in the transmission of mail.
- (g) Ferry-men employed at any ferry on a post road.
- (h) Artificers and workmen in the armories and arsenals of the United States.
- (i) Pilots.
- (j) Mariners actually employed in the service of any citizen or merchant within the United States.
- (k) All persons who are exempted by the laws of the respective States and Territories.
- (l) Members of any well-recognized and now existing religious sect whose creed and whose religious convictions under said creed are against war in any form and forbid participation therein. (Sec. 3, militia law, as amended.)

**223.** Any military organization which existed in any of the States at the passage of the act of May 8, 1792, and which, by the laws, customs, or usages of the said States, has been in continuous existence under the provisions of said act and under the provisions of section 232 and sections 1625 to 1660, both inclusive, of title 16, Revised Statutes, is allowed to retain its accustomed privileges, subject, nevertheless, to all other duties required by law in like manner as the other militia. (Sec. 3, militia law.)

**224.** There shall be appointed in each State and Territory and in the District of Columbia an adjutant-general, who shall perform such duties as may be prescribed by the laws of such State, Territory, and District, respectively, and make to the Secretary of War such reports and such returns of the strength of the Organized Militia as may be required. (Sec. 12, militia law.)

**225.** The Organized Militia comprises the general officers commanding divisions and brigades where such units are organized; the staff corps and departments necessary to provide proper staff officers and enlisted men, viz, an adjutant-general's department, an inspector-general's department, a judge-advocate-general's department, a quartermaster's department, a subsistence department, a medical department, a pay department, a corps of engineers, an ordnance department, and a signal corps, and such bodies of cavalry, infantry, field artillery, and coast artillery as may be provided by the laws of the State or Territory, or by Federal law for the District of Columbia.

**226.** Officers who are authorized by State or Territorial laws for the staffs of governors, but who do not form an integral and proper part of one of the staff corps or departments mentioned in the preceding paragraph, or of the line of the Organized Militia, are not considered a part of such Organized Militia in so far as the benefits conferred by section 1661, Revised Statutes, as amended, or the act approved January 21, 1903, as amended, are concerned; nor are they considered in determining whether or not the organization of the Organized Militia conforms to that prescribed for the Regular Army of the United States.

**227.** Where two or more brigades are organized, such brigades and the other units of the Organized Militia may be constituted a division, which should be commanded by a major-general or, in case of his absence or disability, by the senior officer of the line who is present for duty with the division.

The staff of a division should consist of officers detailed from the various staff corps and departments as follows:

One adjutant-general, lieutenant-colonel, adjutant-general's department.

One inspector-general, lieutenant-colonel, inspector-general's department.

One judge-advocate, lieutenant-colonel, judge-advocate-general's department.

One chief quartermaster, lieutenant-colonel, quartermaster's department.

One chief commissary, lieutenant-colonel, subsistence department.

One chief surgeon, lieutenant-colonel, medical corps.

One chief engineer, lieutenant-colonel, corps of engineers.

One chief ordnance officer, lieutenant-colonel, ordnance department.

One chief signal officer, lieutenant-colonel, signal corps.

The staff of a division may also include one inspector of small-arms practice with the rank of lieutenant-colonel.

Three aids, captains or lieutenants, of the Organized Militia.

In addition to the staff officers enumerated in the foregoing list, such other officers as are considered necessary may be designated

for duty on the staff of a division, but officers so designated must belong to some staff corps or department, or to the line, and be detailed for duty on the division staff.

228. A brigade will ordinarily consist of two or more regiments of infantry, three being the normal organization, but separate battalions and separate companies may be assigned thereto. A brigadier-general is the proper commander for a brigade; but in case of the absence or disability of the brigadier-general the command will devolve upon the senior officer of the line who is present for duty with the brigade.

The staff of a brigade shall consist of officers detailed from the several staff corps and departments as follows:

One adjutant-general, major, adjutant-general's department.

One quartermaster, major, quartermaster's department.

One commissary, major, subsistence department.

One surgeon, major, medical corps.

The staff of a brigade may also include one inspector of small-arms practice with the rank of major.

Two aids, lieutenants, of the Organized Militia.

In addition to the staff officers enumerated in the foregoing list, such other staff officers as are considered necessary may be designated for duty on the staff of a brigade, but officers so designated must belong to some staff corps or department, or to the line, and be detailed for duty on the brigade staff.

At camps of instruction, or when deemed necessary, the governor may attach to a brigade such troops of cavalry, batteries of artillery, and organizations of special troops as may appear to him to be advisable.

229. The adjutant-general's department, the inspector-general's department, the judge-advocate-general's department, the quartermaster's department, the subsistence department, the pay department, and the ordnance department should each consist of the staff officers, of grades authorized in the similar staff corps and departments of the Regular Army, necessary to perform the duties pertaining to the respective corps and departments on the staffs of brigades and divisions and at camps, depots, and other similar military establishments. Officers of the ordnance department may be detailed as inspectors of small-arms practice of divisions and brigades and as assistant inspectors of small-arms practice of regiments and separate squadrons and battalions.

Post quartermaster-sergeants, post commissary-sergeants, and ordnance sergeants should belong, respectively, to the quartermaster's department, the subsistence department, and the ordnance department.

230. The medical department of the Organized Militia should consist of—

(a) The medical corps, comprising the officers necessary for detail on the staffs of brigades and divisions; at camps, depots, and other similar military establishments; with regiments, separate squadrons and battalions, troops, batteries, and companies, for the purpose of furnishing medical attendance; of the officers requisite for the organization of such ambulance companies and field hospitals as may be authorized.

(b) The hospital corps, comprising the sergeants, first class, sergeants, acting cooks, corporals, privates first class, and privates of the corps assigned for duty to the different regiments, squadrons, battalions, troops, batteries, and companies, and at camps, depots, and other similar military establishments, or belonging to such ambulance companies and field hospitals as may be organized. (Act approved Apr. 23, 1908.)

231. The minimum enlisted strength of an ambulance company shall be as follows:

Sergeants, first class.....	2
Sergeants.....	7
Privates, first class, and privates.....	34
Total enlisted (minimum).....	43

One captain and four first lieutenants of the medical corps are usually assigned to duty with an ambulance company.

232. The minimum enlisted strength of a field hospital shall be as follows:

Sergeants, first class.....	3
Sergeants.....	6
Privates, first class, and privates.....	24
Total enlisted (minimum).....	33

One major and four captains or first lieutenants of the medical corps are usually assigned to duty with a field hospital.

233. The organization prescribed hereinafter for companies, batteries, troops, battalions, squadrons, regiments, and corps must be followed, but a few temporary vacancies will not be regarded as constituting nonconformity to the organization prescribed for similar units of the Regular Army.

234. *Corps of engineers.*—The corps of engineers should consist of the officers necessary for detail as engineer officers on the several staffs; of officers assigned to duty with the engineer troops; of officers performing other duties pertaining to the corps of engineers; and of such engineer troops as may be deemed advisable. One band, organized as prescribed hereinafter for an infantry band, is authorized for the corps. Four or more companies of engineers should be organized into as many battalions of four companies each as is possible, the remaining companies being maintained as separate companies.

Three battalions may be organized as a regiment for purposes of administration, drill, and instruction.

The minimum enlisted strength in the different grades for a company of engineers shall be as follows:

First sergeant.....	1
Quartermaster-sergeant.....	1
Sergeants.....	4
Corporals.....	6
Cooks.....	2
Musicians.....	2
Privates, first class.....	21
Privates, second class.....	21
Total enlisted (minimum).....	58

The maximum enlisted strength of a company may be as high as 164, as prescribed in section 11 of the act of Congress approved February 2, 1901.

A company of engineers shall have 1 captain, 1 first lieutenant, 1 second lieutenant.

A battalion of engineers shall have—

Major.....	1
Adjutant (first lieutenant).....	1
Quartermaster and commissary (second lieutenant).....	1
Sergeant-major.....	1
Quartermaster-sergeant.....	1
Companies.....	4
Total enlisted (minimum).....	234

Where engineer troops are organized as a corps, all the company and battalion officers enumerated above shall belong to the corps and be assigned to the different companies and battalions for duty therewith.

A separate or unassigned battalion of engineers may have one assistant inspector of small-arms practice with the rank of first lieutenant.

**235. Signal corps.**—The signal corps should consist of the commissioned officers necessary for the performance of the duties of signal officers on the different staffs and other duties properly pertaining to the signal corps; of the officers assigned to duty with companies of the signal corps; and of such enlisted men of the grades named hereinafter as may be deemed necessary, viz, master signal electricians; sergeants, first class; sergeants; corporals; cooks; privates, first class; and privates.

For the purpose of administration, companies of the signal corps may be organized. The minimum enlisted strength of the different grades for such a company shall be as follows:

Sergeants, first class.....	5
Sergeants.....	5
Corporals.....	10
Cooks.....	2
Privates, first class.....	18
Privates.....	18
Total enlisted (minimum).....	58

The normal quota of commissioned officers for a company of the signal corps is one captain and two first lieutenants. The grade of second lieutenant is not authorized for the signal corps.

At least two-thirds of the officers and enlisted men of a company should be expert telegraphers and electricians.

For service in war signal corps companies are classified according to their duties and designated as field companies, telegraph companies, and base line companies, the duties of the field company being to lay and recover tactical lines very rapidly for telegraph and telephone communication during combat or movements of troops. The telegraph company is equipped for installing and operating camp telephone and telegraph systems, using lance pole line construction. The duties of the base line company are the construction and operation of permanent telephone and telegraph lines from the base of an army along the lines of supply and communication, also the establishment of signal corps property depots at suitable bases.

**236. Infantry.**—The minimum strength in the different grades for a company of infantry should be as follows:

Captain.....	1
First lieutenant.....	1
Second lieutenant.....	1
First sergeant.....	1
Quartermaster-sergeant.....	1
Sergeants.....	4
Corporals.....	6
Cooks.....	2
Musicians.....	2
Privates.....	42
Total enlisted (minimum).....	58

The maximum enlisted strength of a company may be as high as 150, as prescribed in section 10 of the act of Congress approved February 2, 1901.

A battalion of infantry should consist of—

Major.....	1
Adjutant (first lieutenant).....	1
Quartermaster and commissary (second lieutenant).....	1
Sergeant-major.....	1
Companies.....	4
Total enlisted (minimum).....	233

A separate or unassigned battalion of infantry may have one assistant inspector of small-arms practice with the rank of first lieutenant.

A regiment of infantry should consist of—

Colonel.....	1
Lieutenant-colonel.....	1
Adjutant (captain).....	1
Quartermaster (captain).....	1
Commissary (captain).....	1
Chaplain.....	1
Sergeant-major.....	1
Quartermaster-sergeant.....	1
Commissary-sergeant.....	1
Color sergeants.....	2
Chief musician.....	1
Principal musician.....	1
Drum major.....	1
Sergeants.....	4
Corporals.....	8
Cook.....	1
Privates.....	12
Battalions.....	3
Total enlisted (minimum).....	732

A regiment of infantry may have one assistant inspector of small-arms practice with the rank of captain.

A regiment of infantry may have assigned to it by detail from the Medical Corps, in addition to the commissioned officers enumerated above, one major and three captains or first lieutenants and, by detail from the Hospital Corps, in addition to the enlisted men enumerated above, one sergeant, first class, two or three sergeants or corporals, and from nine to twenty privates, first class, or privates.

The infantry shall be organized, so far as possible, into regiments of three battalions of four companies each. After as many regiments as possible have been formed the remaining companies shall be organized, as far as possible, into separate battalions of four companies each. After as many regiments and separate battalions as possible have been formed, the companies still remaining shall be maintained as separate companies. The separate battalions and separate companies shall be organized as prescribed hereinbefore for a battalion and a company, respectively.

The formation of separate machine-gun companies in infantry regiments of the Organized Militia as a provisional form of organization pending the adoption in the army of a permanent type is authorized, subject, however, to the application of the following general principles of organization:

(a) Machine-gun companies may be most advantageously employed tactically when organized as integral parts of regiments rather than as separate organizations attached to higher units and only at the disposal of higher commanders.

(b) For convenience of instruction and administration, as well as tactical use, machine guns should be grouped in units, the manning personnel of which should be approximately equal to that of a company or troop.

(c) Machine-gun organizations must be capable of ready subdivision into small units of not less than two guns for detached service with battalions or smaller commands.

(d) The mobility of machine-gun organizations must not be inferior to that of the arm to which they are attached. (Circular No. 16, D. M. A., Dec. 31, 1909.)

**237. Cavalry.**—The minimum strength in the different grades for a troop of cavalry should be as follows:

Captain.....	1
First lieutenant.....	1
Second lieutenant.....	1
First sergeant.....	1
Quartermaster-sergeant.....	1
Sergeants.....	4
Corporals.....	6
Cooks.....	2
Farrier.....	1
Horseshoer.....	1
Saddler.....	1
Trumpeters.....	2
Privates.....	39
Total enlisted (minimum).....	58

The maximum enlisted strength of a troop may be as high as 100, as prescribed in section 2 of the act of Congress approved February 2, 1901.

A squadron of cavalry should consist of—

Major.....	1
Adjutant (first lieutenant).....	1
Quartermaster and commissary (second lieutenant).....	1
Sergeant-major.....	1
Troops.....	4
Total enlisted (minimum).....	233

A separate or unassigned squadron of cavalry may have one assistant inspector of small-arms practice with the rank of first lieutenant.

A regiment of cavalry should consist of—

Colonel.....	1
Lieutenant-colonel.....	1
Adjutant (captain).....	1
Quartermaster (captain).....	1
Commissary (captain).....	1
Chaplain.....	1
Veterinarians (appointed, but are neither commissioned officers nor enlisted men).....	2
Sergeant-major.....	1
Quartermaster-sergeant.....	1
Commissary-sergeant.....	1

Color sergeants.....		2
Chief musician.....	} Band, 28 enlisted.....	1
Chief trumpeter.....		1
Principal musician.....		1
Drum major.....		1
Sergeants.....		4
Corporals.....		8
Cook.....		1
Privates.....		11
Squadrons.....		3
Total enlisted (minimum).....		732

A regiment of cavalry may have assigned to it by detail from the Medical Corps, in addition to the commissioned officers enumerated above, one major and three captains or lieutenants and, by detail from the Hospital Corps, in addition to the enlisted men enumerated above, one sergeant, first class, two or three sergeants or corporals, and from nine to twenty privates, first class, or privates.

A regiment of cavalry may have one assistant inspector of small-arms practice with the rank of captain.

The cavalry shall be organized, so far as possible, into regiments of three squadrons of four troops each. After as many regiments as possible have been formed, the remaining troops shall be organized, as far as possible, into separate squadrons of four troops each. After as many regiments and separate squadrons as possible have been formed, the troops still remaining shall be maintained as separate troops. The separate squadrons and separate troops shall be organized as prescribed hereinbefore for a squadron and a troop, respectively.

The formation of separate machine-gun companies in cavalry regiments of the Organized Militia as a provisional form of organization pending the adoption in the army of a permanent type is authorized, subject, however, to the application of the following general principles of organization:

(a) Machine-gun troops may be most advantageously employed tactically when organized as integral parts of regiments rather than as separate organizations attached to higher units and only at the disposal of higher commanders.

(b) For convenience of instruction and administration, as well as tactical use, machine guns should be grouped in units, the manning personnel of which should be approximately equal to that of a company or troop.

(c) Machine-gun organizations must be capable of ready subdivision into small units of not less than two guns for detached service with battalions or smaller commands.

(d) The mobility of machine-gun organizations must not be inferior to that of the arm to which they are attached. (Circular No. 16, D. M. A., Dec. 31, 1909.)

**238. Field artillery.**—The minimum strength in the different grades for a battery of field artillery should be as follows:

Captain.....	1
First lieutenants.....	2
Second lieutenants.....	2
First sergeant.....	1
Quartermaster-sergeant.....	1
Stable sergeant.....	1
Sergeants.....	6
Corporals.....	12
Cooks.....	3
Chief mechanic <sup>a</sup> .....	1
Mechanics.....	4
Musicians.....	2
Privates.....	102
Total enlisted (minimum).....	133

The maximum enlisted strength for a battery of field artillery may be as high as 190, as prescribed in section 8 of the act of Congress approved January 25, 1907.

A battalion of field artillery should consist of—

Major.....	1
Adjutant (captain).....	1
Quartermaster and commissary (lieutenant).....	1
Sergeant-major.....	1
Quartermaster-sergeant.....	1
Batteries.....	3
Total enlisted (minimum).....	401

A regiment of field artillery should consist of—

Colonel.....	1
Lieutenant-colonel.....	1
Adjutant (captain).....	1
Quartermaster (captain).....	1
Commissary (captain).....	1
Veterinarians (appointed, but are neither commissioned officers nor enlisted men).....	2
Sergeant-major.....	1
Quartermaster-sergeant.....	1
Commissary-sergeant.....	1
Color sergeants.....	2
Chief musician.....	1
Chief trumpeter.....	1
Principal musician.....	1
Drum major.....	1
Sergeants.....	4
Corporals.....	8
Cook.....	1
Privates.....	11
Battalions.....	2
Total enlisted (minimum).....	835

<sup>a</sup> A chief mechanic of a battery of field artillery does not have the rank of sergeant. His name will be borne on the muster and pay rolls immediately preceding the names of the mechanics. (Cir. No. 29, W. D., 1907.)

In addition to the commissioned officers enumerated above, a regiment of field artillery may have assigned to it by detail from the Medical Corps one major and two captains or first lieutenants, and by detail from the Hospital Corps, in addition to the enlisted men enumerated above, one sergeant, first class, two sergeants and corporals, eighteen privates, first class, or privates.

The field artillery should be organized, so far as possible, into regiments of two battalions of three batteries each. After as many regiments as possible have been formed, the remaining batteries should be organized, as far as possible, into separate battalions of three batteries each. After as many regiments and separate battalions as possible have been formed, the batteries still remaining should be maintained as separate batteries. The separate battalions and separate batteries should be organized as provided hereinbefore for a battalion and a battery, respectively.

**239. Coast artillery.**—The coast artillery should be organized as a corps, and should consist of such number of colonels, lieutenant-colonels, majors, captains, first lieutenants, second lieutenants, sergeants-major (senior grade), master electricians, engineers, electrician sergeants, first class, electrician sergeants, second class, master gunners, sergeants-major (junior grade), and firemen, and of such number of companies as may be authorized; and such numbers of medical officers, sergeants, first class, sergeants, privates, first class, and privates of the hospital corps as may be deemed necessary to assure an effective sanitary service.

The number of colonels, lieutenant-colonels, majors, and sergeants-major of coast artillery should be in approximately the same proportion to the number of companies as obtains in the Coast Artillery Corps of the Regular Army.

While the number of master electricians, engineers, electrician sergeants, first class, electrician sergeants, second class, master gunners, and firemen necessary in any coast artillery corps will depend largely upon the emplacements the said corps may be required to man, it is desirable to have as many of these expert men as possible. (See Circular, No. 29, W. D., 1907.)

The minimum number of these experts that should be included in any coast artillery corps is as follows:

For each company of coast artillery: One electrician sergeant (first class or second class), one engineer, one fireman.

For each four companies of coast artillery: One master gunner.

**240.** The minimum strength in the different grades for a company of coast artillery should be as follows:

Captain.....	1
First lieutenant.....	1
Second lieutenant.....	1
First sergeant.....	1
Quartermaster-sergeant.....	1

Sergeants.....	4
Corporals.....	6
Cooks.....	2
Mechanics.....	2
Musicians.....	2
Privates.....	45
Total enlisted (minimum).....	63

The maximum number of enlisted men in a company of coast artillery may be varied according to the service the company may possibly be called upon to perform.

(b) EQUIPMENT (UNIFORMS, ARMS, ACCESSORIES).

241. The regulations of the army as to uniform should be followed by the Organized Militia in so far as they are applicable. Regulations on this subject are published in general orders and circulars of the War Department.

242. The arms and equipments of troops of the Organized Militia for field service are prescribed as follows:

(a) Arms and equipments of first sergeants, company quartermaster-sergeants, sergeants, corporals, and privates (including cooks, artificers, or mechanics) of infantry, coast artillery, engineers, and ordnance:

- 1 U. S. magazine rifle, caliber .30.
- 1 bayonet.
- 1 bayonet scabbard.
- 1 gun sling.
- 1 rifle cartridge belt and fasteners.
- 1 pair rifle cartridge belt suspenders.
- 1 first-aid packet.
- 1 pouch for first-aid packet.
- 1 canteen.
- 1 canteen strap.
- 1 set blanket-roll straps.
- 1 haversack.
- 1 meat can.
- 1 cup.
- 1 knife.
- 1 fork.
- 1 spoon.
- 1 shelter tent, half.
- 1 shelter tent pole.
- 5 shelter tent pins.

And for engineers when mounted:

- 1 rifle scabbard.
- 2 spurs.
- 2 spur straps.

(b) Arms and equipments of sergeants-major, regimental quartermaster-sergeants, regimental commissary-sergeants, color sergeants

of all foot troops, battalion quartermaster-sergeants of engineers, master electricians, engineers, sergeants, first class, Coast Artillery Corps; master signal electricians, ordnance sergeants, post commissary-sergeants, post quartermaster-sergeants, electrician sergeants, second class, master gunners, and firemen, Coast Artillery Corps, and signal sergeants, first class:

- 1 noncommissioned officer's sword and scabbard.
- 1 revolver.
- 1 revolver holster.
- 1 revolver cartridge box for garrison service.
- 1 canteen.
- 2 canteen haversack straps.
- 1 set blanket-roll straps.
- 1 revolver cartridge belt.
- 1 first-aid packet.
- 1 frog.
- 1 pouch for first-aid packet.
- 1 haversack.
- 1 meat can.
- 1 cup.
- 1 knife.
- 1 fork.
- 1 spoon.
- 1 shelter tent, half.
- 1 shelter tent pole.
- 5 shelter tent pins.

(c) Arms and equipments of all enlisted men of cavalry (except trumpeters and members of bands):

- 1 U. S. magazine rifle, caliber .30, model of 1903.
- 1 revolver.
- 1 revolver holster.
- 1 cavalry saber and scabbard.
- 1 saber attachment and slide.
- 1 gun sling.
- 1 rifle cartridge belt and fasteners and loop for saber attachment.
- 1 revolver lanyard.
- 1 canteen.
- 1 canteen strap.
- 2 spurs.
- 2 spur straps.
- 2 saber straps.
- 1 rifle or carbine scabbard.
- 1 pair rifle cartridge belt suspenders.
- 1 first-aid packet.
- 1 pouch for first-aid packet.

- 1 saber knot.
- 1 meat can.
- 1 cup.
- 1 knife.
- 1 fork.
- 1 spoon.
- 1 shelter tent, half.
- 1 shelter tent pole.
- 5 shelter tent pins.

The foregoing are also the arms and equipment of a sergeant, a corporal, and a private of signal corps, excepting:

- 1 cavalry saber and scabbard.
- 1 saber attachment and slide.
- 1 loop for saber attachment on rifle cartridge belt.
- 2 saber straps.
- 1 saber knot.

(d) Arms and equipments of enlisted men of field artillery:

(1) For each enlisted man—

- 1 revolver.
- 1 revolver holster.
- 1 revolver cartridge belt and fastener.
- 1 first-aid packet.
- 1 pouch for first-aid packet.
- 1 artillery knapsack.
- 1 canteen.
- 1 meat can.
- 1 cup.
- 1 knife.
- 1 fork.
- 1 spoon.
- 1 shelter tent, half.
- 1 shelter tent pole.
- 5 shelter tent pins.

(2) For each enlisted man individually mounted, in addition to (1)—

- 1 saddle, cavalry, complete.
- 1 saddle cover.
- 1 saddle bag.
- 2 spurs.
- 2 spur straps.
- 1 curb bridle, complete.
- 1 currycomb.
- 1 horse brush.
- 1 canteen strap.
- 1 link.
- 1 watering bridle.

- (3) For each driver in addition to (1)—  
 1 currycomb.  
 1 horse brush.  
 2 spurs.  
 2 spur straps.  
 1 canteen strap.  
 1 saddle bag.  
 1 watering bridle.
- (4) For each cannoneer, except for mounted cannoneers of horse batteries, in addition to (1)—  
 1 haversack.  
 2 canteen-haversack straps.
- (5) For regimental and battalion noncommissioned staff officers, in addition to 2—  
 1 cavalry saber and scabbard, 1 saber knot.  
 1 saber attachment.

The revolver cartridge belt will be provided with loop for saber attachment.

- (6) The following horse equipment is prescribed for each horse of field artillery—  
 1 saddle blanket.  
 1 halter, complete.  
 1 nosebag.  
 1 surcingle.

(e) Arms and equipments of noncommissioned officers and privates of bands of all arms of service and of trumpeters and musicians:

- 1 revolver.  
 1 revolver holster.  
 1 revolver cartridge belt with fastener.  
 1 revolver lanyard (if mounted).  
 1 first-aid packet.  
 1 pouch for first-aid packet.  
 2 spurs (if mounted).  
 2 spur straps (if mounted).  
 1 canteen.  
 1 haversack (if dismounted).  
 2 canteen haversack straps (if dismounted).  
 1 canteen strap (if mounted).  
 1 set blanket-roll straps (if dismounted).  
 1 meat can.  
 1 cup.  
 1 knife.  
 1 fork.  
 1 spoon.  
 1 shelter tent, half.

1 shelter tent pole.

5 shelter tent pins.

In addition to the above, a drum major of a mounted band will have:

1 cavalry saber and scabbard.

1 saber knot.

1 saber attachment.

The revolver cartridge belt issued to mounted drum majors will have the loop for saber attachment.

(f) Arms and equipments for enlisted men of the hospital corps:

(1) For each enlisted man—

1 waist belt.

1 haversack (if dismantled).

1 set blanket-roll straps (if dismantled).

1 first-aid packet.

1 pouch for first-aid packet.

1 canteen.

1 canteen strap (if mounted).

2 spurs (if mounted).

2 spur straps (if mounted).

1 meat can.

1 cup.

1 knife.

1 fork.

1 spoon.

1 hospital corps knife.

1 hospital corps knife scabbard.

1 shelter tent, half.

1 shelter tent pole.

5 shelter tent pins.

2 canteen haversack straps (if dismantled).

(2) For each noncommissioned officer in addition to (1)—

1 emergency case.

1 emergency case strap.

(3) For each private, first class, each private, and each acting cook, in addition to (1)—

1 hospital corps pouch or orderly pouch.

(g) Horse equipment for each enlisted man individually mounted, except for field artillery:

1 curb bridle, complete.

1 watering bridle, complete.

1 currycomb.

1 horse brush.

1 halter, complete.

1 link.

- 1 lariat.
- 1 lariat strap.
- 1 nosebag.
- 1 picket pin.
- 1 saddle, cavalry, complete.
- 1 saddle bag.
- 1 saddle blanket.
- 1 surcingle.

And when especially required:

- 1 stirrup, with socket for guidon.

**243.** The following kits are prescribed for service in the field:

(a) The field kit for infantry, in addition to the underclothing worn on the person, is composed of the following articles:

*Clothing, etc.*

- 1 service uniform, as prescribed in general orders of the War Department, including overcoat.
- 1 change of underclothing.
- 1 blanket.
- 1 comb.
- 1 housewife.
- 1 rubber poncho.
- 1 cake soap.
- 1 toothbrush.
- 1 pair marching shoes.
- 1 pair stockings.
- 1 towel.

An aluminum identification tag, the size of a silver half dollar and of suitable thickness, stamped with the name, rank, company, regiment, or corps of the wearer, will be worn by each officer and enlisted man of the Army whenever the field kit is worn, the tag to be suspended from the neck, underneath the clothing, by a cord or thong passed through a small hole in the tag. It is prescribed as part of the uniform and when not worn as directed herein will be habitually kept in the possession of the owner.

*Arms and equipments.*

As prescribed in (a), paragraph 242.

*Ammunition.*

- 90 rounds ball cartridges, caliber .30.

*Rations.*

- 2 haversack rations.
- 1 emergency ration.

*Intrenching tools.*

- 1 2-foot folding rule per company.
- 4 hand axes per company, with carriers.
- 1 pick mattock per squad, with carrier.
- 3 shovels, intrenching, per squad, with carriers.
- 3 wire cutters per company.

(b) The field kit for cavalry, in addition to the underclothing worn on the person, is composed of the following articles:

*Clothing, etc.*

The same as for infantry, substituting a slicker for a poncho, if desired.

*Arms and equipments.*

As prescribed in (c) and (e), paragraph 242.

*Ammunition.*

- 80 rounds ball cartridges, caliber .30.
- 24 rounds revolver ball cartridges.

*Rations.*

The same as for infantry.

The saddle is to be packed as prescribed in paragraph 289, Cavalry Drill Regulations.

(c) The field kit for field artillery, in addition to the underclothing worn on the person, is composed of the following articles:

*Clothing, etc.*

The same as for infantry, substituting a slicker for a poncho, if desired.

*Arms and equipments.*

As prescribed in (d), paragraph 242.

*Ammunition.*

- 20 rounds revolver ball cartridges.

*Rations.*

The same as for infantry.

(d) The field kit for special arms and special grades of noncommissioned officers, if mounted, will consist of clothing, ammunition, and rations, as prescribed for cavalry; if dismounted, as prescribed for infantry, with appropriate arms and equipments for the special arm or grade. (General Orders, No. 23, W. D., 1906.)

244. The following tables give the allowance of tentage for permanent or maneuver camps, the field allowance of tentage, and the

allowance of tools and utensils for camp and garrison purposes authorized by General Orders, No. 119, W. D., 1910:

(a) Allowance of tentage for permanent or maneuver camps.

	Conical wall tents for—		Wall tents for—				Common tents for—		Hospital tents.
	Quarters.	Office.	Quarters.	Office.	Mess.	Storage.	Quarters.	Storage.	
A general officer.....			2	1					
Field officers and staff officers above rank of captain.....			1	1					
Other staff officers or captains.....			1						
Subalterns of companies, to every 2.....			1						
Officers of each troop, battery, or company.....					1				
To every 2 foot or 2 mounted men.....			1						
To every 8 foot or 8 mounted men.....	1								
For each first sergeant, for use as troop, battery, or company office, in addition to allowance for other men.....		1							
For each battery, troop, company, or noncommissioned staff and band.....							1		
For each squadron or battalion headquarters.....					1				
For each regimental headquarters.....				1	1		1		
For each regimental commissary (Manual for the Subsistence Department).....				2			1		1
For each regimental quartermaster.....				2					2
For each corps, division, or brigade headquarters.....					1				1
For each regimental hospital (Manual for the Medical Department).....			2						6

(b) Field allowance of tentage.

	Wall tents for quarters.	Common tents for sinks.
Lieutenant-general.....	a 2	
Major-general.....	a 2	
Brigadier-general.....	a 2	
Field officer.....	a 1	
Captain.....	a 1	
Below the grade of captain, for each 2 officers.....	a 1	
Veterinarian, or dental surgeon, for each 2.....	a 1	
Company.....	2	1
Troop.....	2	1
Battery.....	3	1
Band and regimental noncommissioned staff.....		1
Battalion or squadron headquarters.....	2	1
Regimental headquarters.....	5	1
Brigade headquarters.....	7	2
Division headquarters.....	17	2
Corps headquarters.....	22	2

<sup>a</sup> Included in organization and headquarters allowance.

(c) Field allowance of tents for the sick, their attendants, and hospital supplies.

	Hospital tents.
For command of 1 company.....	1
For command of 2 companies.....	1
For command of 3 companies.....	2
For command of 4 companies.....	2
For command of 5 companies.....	2
For command of 6 companies.....	2
For command of 7 companies.....	2
For command of 8 companies.....	2
For command of 9 companies.....	2
For command of 10 companies.....	2
For command of 11 companies.....	2
For command of 12 companies.....	2

## (d) Allowance of tools and utensils for camp and garrison purposes.

	Axes.	Hatch-ets.	Spades.	Pick-axes.
A general officer.....	1	1	.....	.....
Field and staff officer above the rank of captain.....	1	1	.....	.....
Other staff officers or captains.....	1	1	.....	.....
Subalterns of troops, batteries, or companies, to every 2.....	1	1	.....	.....
To every 15 foot or 13 mounted men.....	2	2	2	2

(General Orders, No. 119, W. D., 1910).

245. The proper field cooking outfit for use of the Organized Militia is the standard field cooking outfit furnished by the Subsistence Department of the Army. The Manual for the Subsistence Department, United States Army, latest edition, should be followed as nearly as practicable, in so far as the equipment of the Organized Militia as to subsistence property is concerned.

246. The equipment of signal corps companies is as follows:

A field company of 75 men is equipped to operate four wire carts, each carrying 9 miles of field wire, two small wireless telegraph stations, and four visual signal stations.

Each wire cart is served by a detachment of twelve men, called a "wire section."

*Necessary equipment for one wire section.*

- 1 wire cart.
- 3 buzzers, cavalry.
- 3 buzzers, field.
- 20 cells, dry, No. 4-0, reserve (extra).
- 5 cells, dry, for cavalry buzzers (extra).
- 2 kits, inspector's pocket.
- 4 pikes, wire.
- 9 wire, 11 strands, field, miles.
- 10 books, field message.
- 5 connectors, buzzer, with cord.
- 1 pliers, 6-inch.
- 1 pliers, 8-inch.

*Tools with each wire cart.*

- 1 oil-can, steel, pint.
- 1 chisel, cold, 6-inch.
- 1 crank, reel cart.
- 1 hammer, carpenter's.
- 2 pads, hand, leather.
- 1 paulin.
- 2 pliers, side cutting, 6-inch.

- 1 screw-driver, 6-inch.
- 1 wheel, spare.
- 1 wrench, alligator, 8-inch.
- 1 wrench, cart wheel.
- 1 wrench, monkey, 8-inch.

Each wire section should have means of transportation for visual signal equipment, extra instruments, buzzer wire, tools, etc. A vehicle for carrying these supplies with each section is now being designed, but will not be ready for issue to the Organized Militia for at least one year. It is expected that when such transportation is provided each wire section will carry the following in addition to the necessary equipment enumerated above:

- 1 ax.
- 1 belt, lineman's tool.
- 20 books, field message.
- 1 buzzer, cavalry, extra.
- 1 buzzer, field, extra.
- 20 cartridges, carbide.
- 6 cartridges, Very, red.
- 6 cartridges, Very, white.
- 6 cartridges, Very, green.
- 20 cells, dry, No. 4-0, reserve.
- 5 cells, dry, for cavalry buzzers.
- 1 compass, pocket.
- 5 connectors, buzzer, with cord.
- 1 disk, cipher, celluloid.
- 100 envelopes, message.
- 2 glasses, field, 3½ x 5½.
- 2 handles, pay-out.
- 1 hatchet.
- 1 heliograph, complete, with tripod.
- 2 kits, inspector's pocket.
- 1 kit, flag, 4-foot.
- 1 kit, flag, 2-foot.
- 2 knives, brush cutting.
- 6 knives, electrician's.
- 1 lantern, candle.
- 1 lantern, field, acetylene.
- 1 dozen pencils, copying.
- 1 pistol, Very.
- 2 reels, breast.
- 2 rockets, sequence.
- 2 rockets, smoke.
- 5 rods, ground.
- 2 spectacles, smoked.

- 1 telescope, complete, with holder.
- 1 voltmeter, pocket, 0-6 volts.
- 4 miles wire, buzzer.
- 7 miles wire, field, 11-strand.

Each company of Signal Corps should have one instrument wagon for transportation of extra instruments, tools, etc., pertaining exclusively to the technical equipment, transportation for which is not provided by the Quartermaster's Department field wagons allowed to each company.

The headquarters of each field company should be provided with the following articles carried, as far as practicable, in the pack chests on one instrument wagon:

- 3 boards, letter clip.
- 50 cartridges, carbide.
- 50 cells, dry, 4-0 reserve.
- 30 cells, dry, for cavalry buzzer.
- 1 chest, post tool.
- 3 chests, pack.
- 2 clamps, splicing, combination wire and sleeve.
- 2 climbers and straps complete, pairs.
- 4 cords, Samson spot,  $\frac{3}{8}$ -inch.
- 6 disks, cipher.
- 500 envelopes, message.
- 2 glasses, field, 10 Terlux.
- 2 grips, Buffalo, with pulleys.
- 6 handles, extra for hatchets.
- 6 helves, extra for axes.
- 2 lanterns, railroad, coal-oil.
- 25 pounds nails (assorted).
- 1 oil can, 5-gallon.
- 6 pikes, wire.
- 6 pliers, 6-inch.
- 3 pliers, 8-inch.
- 3 relays, pocket, 150-ohm.
- 10 rods, ground.
- 4 rockets, sequence.
- 4 rockets, smoke.
- 2 sets induction field telegraph.
- 1 soldering outfit, small.
- 4 spectacles, smoked.
- 2 telephones, field.
- 1 wagon, instrument.
- 10 miles wire, field, 11 strand.
- 5 miles wire, buzzer.

500 feet wire, outside twisted, pair.  
2 bugles.  
1 guidon, service.  
1 guidon, silk.

The amount of equipment for camp telephone systems and telegraph lines depends entirely upon the number of troops and extent of the camp ground. The following list shows the articles usually required for such service:

Arresters, lightning, Mason, fuse type.  
Axes.  
Bars, crow-  
Bars, digging.  
Belts, linemen's tool.  
Blanks, message, sending or receiving.  
Boards, letter-clip.  
Brackets, insulator, oak.  
Cabinet, lightning arrester, for portable field switch board.  
Cells, type V.  
Cells, dry, No. 5, reserve.  
Cells, dry, No. 6, reserve.  
Cells, dry, No. 4-0, reserve.  
Chest, post-tool.  
Chest, electrical engineer's.  
Clamps, splicing, combination wire and sleeve.  
Clock, alarm.  
Climbers, complete, with straps.  
Cord, Samson spot,  $\frac{3}{8}$ -inch.  
Envelopes, message.  
Fuses, for Mason lightning arresters.  
Grips, Buffalo, with pulley.  
Hatchet.  
Hooks, message.  
Insulators, clamp.  
Insulators, pigtail.  
Lantern, coal-oil.  
Lance trucks.  
Nail puller.  
Nails, 10-penny.  
Nails, 20-penny.  
Pliers, 8-inch.  
Picks, 7-pound, with handle.  
Pencils, lead, copy.  
Poles, lance.  
Reels, pay-out.  
Reels, pick-up.

Relays, standard, 150-ohm.  
 Relays, box-sounding, 150-ohm.  
 Renewals for type V cells.  
 Rods, ground.  
 Screw-driver, 10-inch.  
 Shovels, 6-foot.  
 Sounders, 4-ohm.  
 Switchboard, telegraph, 3-line.  
 Switchboard, portable, telephone, 10-drop, cordless.  
 Switchboard, telephone, 50-drop.  
 Switchboard, telegraph, 1-line.  
 Tables, folding, telegraph.  
 Telephones, desk set, L. B.  
 Telephones, field.  
 Typewriters.  
 Voltmeter, pocket, Eldridge.  
 Wire, galvanized-iron, No. 14.  
 Wire, outside twisted pair.  
 Wringer and pan for copying.

(Cir. No. 1, Signal Office, W. D., Jan. 10, 1910.)

The foregoing lists give the minimum equipment of a signal company. A more comprehensive list of the articles enumerated as necessary for a more complete equipment of a signal company can be obtained upon application to the Chief, Division of Militia Affairs.

247. The Manual for the Medical Department of the United States Army, latest edition, should be followed as nearly as practicable, so far as the equipment of the Organized Militia as to medical supplies, appurtenances, etc., is concerned.

248. The following is the equipment of field batteries armed with 3-inch field guns:

(a) *Wheeled equipment.*

4 guns and gun carriages.  
 4 gun limbers.  
 8 caissons.  
 8 caisson limbers.  
 1 battery wagon.  
 1 forge limber.  
 1 store wagon.  
 1 store-wagon limber.  
 2 kit or escort wagons.

(b) *Battery fire-control equipment.*

3 telephones, field artillery type.  
 2 hand reels.  
 2 spools buzzer wire.

- 3 ground rods.
- 3 inspector's pocket kits.
- 2 flag kits, 2-foot.
- 2 megaphones, aluminum, 18 inches.
- 6 field glasses, field artillery type.
- 3 buzzer connectors, model A.

(c) *Battalion fire-control equipment*

- 2 telephones, field artillery type.
- 2 ground rods.
- 2 pay out handles.
- 2 breast reels.
- 6 spools buzzer wire.
- 2 inspector's pocket kits.
- 2 rolls insulating tape.
- 1 pliers, 8-inch.
- 1 field acetylene lantern.
- 1 heliograph and tripod, complete.
- 1 flag kit, 4-foot.
- 1 field glass, field artillery type.
- 3 miles twin conductor cable, field artillery type.
- 2 buzzer connectors, model B.

Until a suitable pack reel is adopted and issued no twin conductor cable, field artillery type, will be issued as a part of the battalion equipment of mountain artillery regiments.

(d) *Regimental fire-control equipment.*

- 2 telephones, field artillery type.
- 2 ground rods.
- 2 inspector's pocket kits.
- 1 field acetylene lantern.
- 1 heliograph and tripod, complete.
- 1 flag kit, 4-foot.
- 1 field glass, field artillery type.
- 3 miles twin conductor cable, field artillery type.
- 2 buzzer connectors, model B.
- 1 pliers, 8-inch.
- 2 rolls insulating tape.

(General Orders, No. 150, W. D., 1909.)

249. The following is the equipment of an engineer company, in addition to personal equipment:

*Carpenter outfit, section.*

- 3 augers, ship.
- 1 awl, scratch.
- 1 axe, broad.

- 1 axe, single bitted.
- 1 bit, expansion.
- 7 bits, auger.
- 1 brace, ratchet.
- 2 chalk lines.
- $\frac{1}{4}$  chalk, white, pound.
- 1 chisel, cold.
- 3 chisels, framing.
- 1 dividers, wing.
- 1 drawknife.
- 1 file, flat, bastard.
- 4 files, saw, taper.
- 1 hammer, claw.
- 5 hatchets.
- 1 level, carpenter's.
- 1 mallet.
- 6 pencils, carpenter's.
- 1 oiler.
- 1 oilstone.
- 1 plane, jack.
- 1 pliers, nose-cutting.
- 1 plumb bob, 6-ounce.
- 4 rules, 2-foot.
- 1 saw, compass.
- 2 saws, hand, crosscut.
- 1 saw, rip.
- 1 saw-set.
- 1 screw-driver.
- 1 square, try.
- 1 square, steel, carpenter's.
- 1 tape, metallic, 50-foot.
- 1 T bevel.
- 1 wire cutters.
- 1 wrench, monkey.

*Map reproduction outfit.*

- 1 board, drawing.
- 2 candlesticks.
- 1 castor oil, quart.
- 6 erasers.
- 6 ink, drawing, black, bottles.
- 6 ink, drawing, colored, bottles.
- 12 scratch pads.
- 1 paper, drawing, roll.
- 1 tube paste.

2 pens, crowquill, dozens.  
 6 protractors, circular, paper.  
 1 instruments, drawing, field set.  
 1 lamp, acetylene.  
 25 carbide of calcium, pounds.  
 1 map measurer.  
 2 frames, printing.  
 3 paper, blueprint, prep., light, rolls.  
 4 trays, zinc.  
 2 triangles.  
 2 tubes, tin.  
 1 paper, Vandyke, light, roll.  
 2 paper, tracing, rolls.  
 1 paper, photographic, carbon, 16 inches by 20 inches, gross.  
 25 developer, boxes.  
 10 hyposulphite, boxes.  
 12 pencils, drawing.  
 3 penholders, crowquill.  
 3 penholders, mapping.  
 3 penholders, ordinary.  
 1 paper, blotting, dozen.  
 2 pens, mapping, dozen.  
 2 pens, writing, dozen.  
 2 pins, boxes.  
 2 scales, engineer.  
 1 straightedge.  
 2 tacks, thumb, dozen.

*Mining, blasting, and demolition outfit.*

1 auger, earth.  
 1 bar, crow.  
 2 bars, wood, tamping.  
 1 box, match.  
 50 caps, detonating.  
 1 circuit detector.  
 1 crimper.  
 1 drill, double bit.  
 4 drills, plug.  
 50 explosive, pounds.  
 50 fuses, electric.  
 100 fuse, Bickford, feet.  
 100 fuse, instantaneous, feet.  
 2 hammers, drilling, 4 pounds.  
 1 magneto exploder.  
 1 marline, coil.

- 5 plugs and feathers, sets.
- 1 spoon, drilling.
- 1 tape, insulated, roll.
- 1 twine, ball, hemp.
- 500 wire, insulated, No. 16, feet (double lead).

*Pioneer and intrenching outfit.*

- 2 adzes.
- 6 augers, ship.
- 9 axes, single-bitted.
- 1 bar, claw.
- 1 bar, pinch.
- 1 block, 8-inch, double.
- 1 block, 8-inch, triple.
- 1 block, snatch, 8-inch.
- 1 brand, burning.
- 1 brush, stencil.
- 6 buckets, galvanized-iron.
- 2 cant hooks.
- 1 chain, log.
- 3 chisels, cold.
- 1 climbing iron.
- 2 come-alongs.
- 1 pin plate.
- 2 pliers, nose-cutting.
- 2 points, pike and hook.
- 2 post hole diggers.
- 1,000 rope, manila, feet, 1-inch,  $\frac{3}{4}$ -inch, and  $\frac{5}{16}$ -inch.
- 1 saw, crosscut, 1-man.
- 2 saws, crosscut, 2-man.
- 2 saw tools.
- 2 screw jacks.
- 3 files, crosscut, saw.
- 1 grindstone.
- 2 hammers, engineer's.
- 2 hammers, sledge.
- 3 hatchets.
- 1 ink, stencil, box.
- 6 knives, gabion.
- 4 lanterns, dark.
- 3 lanterns, Dietz.
- 12 machetes and sheaths.
- 1 marline spike.
- 2 mauls, wooden.
- 6 needles, sail.

1 palm, sail.  
 12 picks, mining.  
 3 picks, large.  
 3 pick mattocks.  
 18 shovels, mining.  
 6 shovels, large.  
 1 stamps, steel, set.  
 1 stencil, set.  
 1 tape, steel, 100-foot.  
 3,000 tape, tracing, feet.  
 20 wire cutters.  
 2 wrenches, monkey.  
 1 wrench, Stillson, 24-inch.

*Photographic outfit.*

5 alum, pounds.  
 2 books, note, blank.  
 2 buckets, canvas.  
 1 camera, complete.  
 2 candlesticks.  
 36 clips, photographer's.  
 1 cloth, focusing.  
 40 developer, boxes.  
 1 developer tank, 5-inch.  
 30 developing powders, pyro, boxes.  
 2 envelopes, dozen.  
 24 films, cartridge.  
 30 fixing powders, acid, boxes.  
 1 graduate, glass.  
 2 frames, printing, photo.  
 1 manual.  
 6 pads, letter.  
 1 pad, rubber-stamp.  
 1 paper, blotting, dozen.  
 4 paper, photo, gross (3¼ inches by 5½ inches).  
 1 paste, 8-ounce jar.  
 1 pins, kodak, push, dozen.  
 2 ponchos, rubber.  
 1 shears, 8-inch.  
 1 stamp, rubber.  
 4 towels.  
 4 trays, agate.  
 1 tripod, camera.

*Reconnaissance outfit.*

2 barometers, aneroid.  
 12 books, topographical.  
 6 cases, sketching.  
 6 clinometers, service.  
 4 compasses, box.  
 4 compasses, prismatic.  
 12 erasers.  
 1 field glass.  
 2 odometers.  
 6 pace tallies.  
 12 pads, sketching.  
 24 paper, sketching case, rolls.  
 36 pencils, drawing.  
 36 pencils, colored.  
 8 protractors, rectangular.  
 2 tapes, metallic, 100-foot.  
 1 tape, steel, 50-foot.

*Books of reference.*

6 copies Engineer Field Manual, latest edition.

The foregoing lists give the minimum equipment for an engineer company. A more comprehensive list of articles regarded as necessary for the more complete equipment of an engineer company can be obtained upon application to the Chief, Division of Militia Affairs.

## (c) INSTRUCTION.

1. *Field instruction.*

**250.** When from the inspections made under paragraph 90 it appears that the Organized Militia of a State, Territory, or the District of Columbia is sufficiently armed, uniformed, and equipped for active duty in the field, the Secretary of War is authorized, on the requisition of the governor of such State, Territory, or District, to pay to the quartermaster-general thereof, or to such other officer of the militia as the governor or commanding general may designate for the purpose, so much of its allotment of the annual appropriation under section 1661, Revised Statutes, as amended, as is necessary for the payment, subsistence, and transportation of such portions of its Organized Militia as shall engage in actual field or camp service for instruction. (Sec. 14, militia law.)

Officers and men of the Organized Militia while so engaged are entitled to the same pay, subsistence, and transportation or travel allowances as officers and enlisted men of corresponding grades of the Regular Army, from the time they start from their home rendezvous until their return thereto. In computing pay, previous service in the regular or volunteer forces of the United States is not to be considered. (Decision of Comptroller, Aug. 20, 1903.)

**251.** Upon the application of the governor of any State or Territory furnished with material of war under the laws of Congress, the Secretary of War may detail one or more officers of the army to attend any encampment of Organized Militia for the purpose of giving such instruction as the governor may request. Officers so detailed shall make a report of the encampment to the Secretary of War, who shall furnish a copy thereof to the governor of the State or Territory. (Sec. 19, militia law.)

**252.** It is entirely within the discretion of the governor of a State or Territory to select the place where actual field or camp service for instruction of the Organized Militia shall be held, and to determine what portion of its Organized Militia shall engage in such instruction. (Decisions, W. D., Dec. 22, 1903; May 2, 1905.)

**253.** The funds for the payment, subsistence, and transportation of such of the Organized Militia as engage in actual field or camp service for instruction are disbursed by the United States disbursing officer of the State, upon the order of the governor. The character and the amount of instruction and the manner in which it is imparted to the troops are matters within the control of the governor; if camps are so established and conducted as to accomplish some collateral purpose, it is a matter with which the War Department has no concern, so long as the proper military instruction is imparted. (Decision, W. D., Sept. 1, 1905.)

**254.** A body composed of youths under the age of 18 is not, under the law, a part of the Organized Militia, and its being organized and uniformed by or in a State does not make it so; such a body is therefore not entitled to receive any benefits provided for the Organized Militia by federal laws.

**255.** Officers or enlisted men attending an army school under the provisions of section 16 of the militia law are not considered as engaged in actual camp or field service, and their expenses can not be paid under section 14, militia law. (Decision, W. D., Jan. 13, 1904.)

**256.** Payment of the transportation of mounted officers who take part in the actual field or camp service for instruction, pursuant to the provisions of section 14 of the militia law, and for the horses of these officers, may be made from funds allotted to the State or Territory or the District of Columbia under section 1661, Revised

Statutes, as amended, from the home station of the officers to the place of encampment, and, returning, from the place of encampment to the home stations of the officers.

**257.** Officers and enlisted men serving as provided in section 14, militia law, are entitled to be paid for the actual number of days they are engaged in service at the same rates of pay as officers and enlisted men of the corresponding grades of the Regular Army. The act of March 2, 1903, defining division of yearly time and computation for fractional parts of months is limited in its application to payments made to the Regular Army. (Decision of Comptroller, Oct. 30, 1903.)

**258.** Where troops engage in a practice march for instruction, the cost of wagon transportation sufficient to carry the rations, tentage, and bedding is a proper charge against the State's allotment of funds under section 1661, Revised Statutes, as amended. Therefore where the expenditure is reasonable and necessary to the movements of the troops that are engaged in a practice march the same will be allowed. (Decision, W. D., Oct. 18, 1905.)

**259.** Officers and men of the District of Columbia Militia who shall engage in actual field or camp service for instruction under the provisions of section 14, militia law, will be paid as provided in that act, notwithstanding they may be civil employees of the United States. (Decision of Comptroller, July 27, 1903.)

**260.** Under section 14, militia law, which provides that the Organized Militia of a State which "shall engage in actual field or camp service for instruction" shall be entitled to receive the same pay to which officers and enlisted men of the Regular Army are entitled by law, it is beyond the power of the War Department to authorize payments of any other rates from appropriations provided by Congress for the militia. (Decision, W. D., Sept. 11, 1905.)

**261.** If a militia force is encamped under the provisions of section 14, militia law, and fines are imposed by a summary court for derelictions of duty, the amounts of such fines should be entered on the pay rolls; the officer paying the troops should deduct the amounts of the fines from the pay of the men, deposit the amounts collected to the credit of the appropriation from which the payment was made, and take up the same on his abstract of collections. (Decision, W. D., Sept. 19, 1904.)

**262.** An officer of the Organized Militia is entitled to pay only when on duty, and not while on leave, during the period of encampment of the militia of which he is a member. (Decision, W. D., Aug. 25, 1905.)

**263.** Claims for damages done to crops during a state encampment do not constitute a lawful charge against the allotment of the State in the operation of section 1661, Revised Statutes, as amended, unless

before the encampment and maneuvers are held and the grounds are occupied a lease has been executed providing for the placing of the leased premises in the same condition in which they were at the beginning of the encampment and maneuvers, charging the State with the cost of such restoration. In case such lease is made the claims can be paid—not as damage cases, but as claims arising in the execution of a contractual obligation.

The extent of the damages should be ascertained by a board of award consisting of three persons—one selected by the State, one by the lessor, and the third by these two. Payment of the amount due to the lessor should be made on Form No. 22, D. M. A., and the report of the board should be attached thereto as a subvoucher. (Circular, No. 13, D. M. A., 1909.)

**264.** The Secretary of War is authorized to provide for participation by any part of the Organized Militia of any State, Territory, or of the District of Columbia, on the request of the governor of the State or Territory or the commanding general of the militia of the District of Columbia, in the encampment, maneuvers, and field instruction of any part of the Regular Army at or near any military post or camp or lake or seacoast defenses of the United States. (Sec. 15, militia law.)

**265.** It is the custom of Congress to make an annual special appropriation to defray the expenses of the Organized Militia participating in joint instructional exercises with the Regular Army. This appropriation is designated "Encampment and Maneuvers, Organized Militia" by the Treasury Department. The pay, subsistence, and transportation furnished the Organized Militia in connection with such joint instructional exercises may be paid from this appropriation; if so paid the disbursements are made by officers of the supply departments of the Regular Army.

These expenses may also be defrayed from funds allotted to the State under section 1661, Revised Statutes, and if this is done, the disbursements must be made by the United States disbursing officer of the State.

**266.** The appropriation "Encampment and Maneuvers, Organized Militia," is properly chargeable with claims for damages done property during joint encampments of state and regular troops, if it shall appear that the damage was caused by the movement of the troops as a whole and not by the act of an individual.

Where unexpected movements necessitate the entering of a demesne not covered by lease, the property so occupied is occupied subject to the rights of the owners of the land, and the law implies a contract to pay rent to those owning the premises so used. (Decision of Comptroller, Mar. 10, 1910.)

**267.** No bills should be contracted or obligations incurred by any officer of the militia, in connection with the participation of the Organized Militia in joint camps of instruction or maneuvers, providing for payment to be made by the United States, except in accordance with the provisions of paragraphs 265 and 266.

**268.** Requisitions for supplies for joint encampments of instruction must be made to the proper supply officers of the Regular Army in charge of issuing supplies thereat, and should specify as near as possible the exact quantities of supplies that will be required. The military authorities of the States, Territories, and the District of Columbia should inform the Chief, Division of Militia Affairs, as far as possible in advance of the date of joint exercises or encampments, the probable quantities of supplies of each kind that will be required in anticipation of the requisitions that will be submitted to the supply officers later at the encampments.

**269.** Members of the Organized Militia, while participating in the encampments, maneuvers, and field service with any part of the Regular Army, under the provisions of section 15 of the militia law, are entitled to pay, subsistence, and transportation at the same rate as officers and men of corresponding grades in the Regular Army from the time of departure from their home stations to the time of return thereto, both dates inclusive; disbursements on this account may be made either by regular officers, from the appropriation "Encampment and Maneuvers, Organized Militia," or by the United States disbursing officer of the State, from funds allotted to the State under section 1661, Revised Statutes, in accordance with agreement made in regard thereto between the military authorities of the States, Territories, and District of Columbia and the Secretary of War.

**270.** In case, as result of conference between the military authorities of the State, Territory, or District of Columbia and the Secretary of War, it is agreed that the State shall bear a portion of the expenses of the pay of officers and enlisted men, the parts carried by the rolls will clearly indicate the obligations which rest against the federal funds and those which rest against state funds. In case payment is made from both federal and state funds, the former shall not exceed the excess of federal pay over state pay; if state pay is in excess of federal pay, no payment will be made from federal funds, either those appropriated under "Encampment and Maneuvers, Organized Militia," or those allotted to the States under the provisions of section 1661, Revised Statutes.

**271.** In computing pay, previous service in the regular or volunteer forces of the United States is not to be considered. If there shall be paid, from funds appropriated by the legislature of a State, to the troops of its Organized Militia participating in such joint encamp-

ments, maneuvers, and field instruction, an amount equal to, or exceeding, that paid to the officers and men of corresponding grades of the Regular Army, no allowance for pay shall be made from the appropriation provided by Congress for the purpose of defraying the expenses of the encampments and maneuvers of the Organized Militia, and in no case shall the total of the allowance from United States funds for pay, and the amount expended for the same purpose from state funds, exceed the rate of pay authorized and allowed by the laws of such State to be paid to the troops of its Organized Militia. (Sec. 15, militia law; decisions of Comptroller, Aug. 20, 1903, and July 7, 1903.)

**272.** The Organized Militia when traveling with a view to participating in encampments, or maneuvers, for field instruction with the Regular Army, under the provisions of section 15 of the militia law, is included in the term "troops" as used in the land-grant act of July 25, 1866 (14 Stat., 241), and similar acts, and payment by the United States for transportation of officers and men of the Organized Militia so traveling is subject to the same restrictions under land-grant acts as the transportation of regular troops.

**274.** The command of a military post or camp where joint exercises or maneuvers are held in connection with United States troops there stationed remains with the regular commander of the post or camp without regard to the rank of any officer of the militia encamped within its limits or in its vicinity. (Sec. 15, militia law, as amended.)

**275.** Troops of the Organized Militia encamped at any military post or camp of the United States may be furnished with such amounts of ammunition for instruction in firing and target practice as may be prescribed by the Secretary of War without charge against funds allotted to the State, Territory, or District of Columbia, under the provisions of section 1661 of the Revised Statutes, as amended, or the issue value allotted to the State, under the provisions of section 13 of the act approved May 27, 1908. Such instructions shall be carried on under the direction of an officer of the Regular Army selected for that purpose by the commanding officer of the military post or camp. (Sec. 21, militia law, as amended.)

**276.** As the militia forces while participating in joint maneuvers or encampment are not "called forth" in the manner or for any of the purposes prescribed in the Constitution, they continue to be state forces, and do not at any time pass into the service of the United States. Claims for damages on account of injuries sustained during participation in these joint exercises can not be adjusted by the War Department, and should be presented to the State in whose service the parties were when the injuries were received. (Decision, W. D., Feb. 15, 1904.)

**277.** Officers and enlisted men of the Organized Militia while attending national rifle contests or joint camps of instruction may be

admitted to field hospitals of the army on the approval, respectively, of the executive officer of the national matches or the commanding officer of the joint camp of instruction. The charges for subsistence to reimburse hospital funds will be at the rate of 50 cents a day for each officer and 30 cents a day for each enlisted man of the militia. The hospital charges for subsistence of enlisted men and the cost of the medicines used in the treatment of officers and enlisted men will constitute charges against the allotments, under section 1661, Revised Statutes, to the State, Territory, or District of Columbia, to the militia of which the patients respectively belong. (A. R. 1478, as amended by G. O., No. 36, W. D., 1910.)

**278.** Officers of the Organized Militia not belonging to organizations attending maneuvers may be assigned to duties of grades corresponding to those held by them, respectively, to fill vacancies which may exist temporarily in such organizations, and may be paid the pay due their grade from federal funds for the performance of such duties. They shall be entered on pay rolls, in red ink, after the roll proper, and reported as "attached."

**279.** Where officers, in case of necessity, expend moneys from their own private funds for supplies for their companies while en route to maneuvers, they shall in all cases take written receipts for such expenditures. Accounts may then be presented subsequently, with these receipts as vouchers, and the officers reimbursed for expenditures made by them.

**280.** When any portion of the Organized Militia of any State, Territory, or the District of Columbia participates in the encampment, maneuvers, and field instruction of any part of the Regular Army, under the provisions of section 15 of the militia law, they may, after being duly mustered by an officer of the Regular Army, be paid from any authorized federal funds at any time after such muster for the period from the date of leaving the home rendezvous to date of return thereto as determined in advance, both dates inclusive. The muster rolls will have entered opposite the name of each enlisted man the date of his enlistment, and no enlisted man will be mustered for pay who has not been a bona fide member of the organization for at least three months prior to the date of the encampment, maneuvers, or exercises, or has not had equivalent service in the Army, Marine Corps, or Organized Militia of the United States, or who has not been a student at an educational institution at which military instruction is given, or who has not otherwise received the elementary instruction of recruits prescribed as requisite by the War Department. The muster and inspection prescribed herein will be made as near as practicable at the close of the joint encampment, maneuvers, or exercises, and at a time that will interfere as little as possible with the execution of the programme of instruction. (Circular, No. 2, D.M.A., 1910.)

281. The law makes no provision for payment of mileage to officers of the Organized Militia. The transportation for which provision is made by the law is either transportation in kind or the cost thereof when it can not be furnished by the United States.

## 2. *Target practice.*

282. In an engagement of all arms, rifle fire must always be the most important factor, and by it will the results of battles be most frequently decided.

283. As the effect of rifle fire depends upon the number of hits made, not upon the number of shots fired, it follows that troops untrained in fire discipline, fire direction, and fire control, and who can not hit what they shoot at, are of little value on the field of battle. To send troops into battle without thorough preparatory training in the use of their arms is to expose them to death uselessly.

284. The sole purpose of rifle training for the soldier is to make of him a good shot under war conditions, and a scheme of instructions will be effective in so far as it tends to produce that result. Such a scheme should be progressive in character, beginning with simple and easy exercises and advancing by stages to the more complex and difficult field firing exercises which represent as nearly as possible conditions which will confront the officer and soldier in action. The preliminary drills and the range practice, in sequence, are a preparation for field practice in which war conditions are simulated, and in each of these classes of instruction the idea of progression from the simple to the more difficult is kept in view.

285. Special Course C is prescribed for the use of the Organized Militia of the United States, so far as conditions permit, and will be preceded by the preliminary instruction and drills prescribed in Part II, Provisional Small-Arms Firing Manual, 1909, using the methods and rules prescribed in that Manual, as far as they are applicable. Proficiency in estimating distances will not be requisite for qualification. If facilities are available and the allowance of ammunition permits, such field practice of the nature of that prescribed in Part IV, Provisional Small-Arms Firing Manual, 1909, as the state authorities may prescribe, may be held and a proficiency test adopted, if desired.

Although Special Course C is prescribed for the Organized Militia, the War Department desires that the course prescribed for the Regular Army be followed when it is considered practicable to do so by the military authorities of any State, Territory, or District of Columbia.

286. The funds appropriated under section 1661, Revised Statutes, as amended, may be expended by State disbursing officers for defraying the expenses of pay and transportation of officers, and pay, transportation, and subsistence of enlisted men, of bodies of troops of the Organized Militia participating in rifle practice, provided that the following conditions are observed:

1. That the practice shall take place pursuant to specific orders published by the proper state authorities.

2. That the practice shall be conducted according to the rules, regulations, and suggestions given in the Provisional Small-Arms Firing Manual, 1909, or other authorized regulations.

3. That no practice shall take place except under the immediate personal supervision of a commissioned officer of the Organized Militia, in his presence, and that this officer shall be responsible that the requirements of the two preceding sections of this paragraph are observed.

4. That when the preceding conditions have been complied with, the practice may be given to any detachment or body of the Organized Militia regularly armed with the small arm used by the United States Army, which shall consist of eight or more enlisted men and one or more commissioned officers.

5. That all ammunition shall be expended so as to give the greatest possible amount of instruction.

6. That no expenditure of ammunition shall be made except in accordance with the requirements of paragraph 2 above.

7. That a record of the expenditure of each round of ammunition and the results of the firing shall be kept in all cases, and that this record shall be signed officially by the officer supervising the firing immediately after the detachment or other separate body has completed its firing.

Troops engaged in rifle practice need not necessarily be quartered in tents during the period of the practice, but no allowance can be made from funds allotted to the State under section 1661, Revised Statutes, as amended, for hire or rent of rooms or other quarters. (Circular, No. 14, D. M. A., 1909.)

**287.** Members of the Organized Militia participating in the National Match or engaged under proper orders in a camp for instruction in rifle practice, regimental teams of the Organized Militia in rifle matches, and troops ordered to rifle ranges for class practice are entitled to pay, subsistence, and transportation, to be paid from funds appropriated under section 1661, Revised Statutes, as amended, and authorized to be expended for such purposes by section 14 of the militia law, but they are not entitled to increase of pay for length of service.

The incidental expenses of carrying on rifle matches, including pay of men working targets, and prizes are properly chargeable to that portion of the allotment set aside for the promotion of rifle practice. (Decisions of Comptroller, July 7 and Dec. 14, 1903; decisions, W. D., Aug. 23, 1905; Sept. 5, 1906, and Feb. 11, 1907.)

**288.** Uniform insignia will be issued by the War Department to the individuals of the Organized Militia of the States, Territories, and the

District of Columbia qualifying in the course of target firing prescribed by the Provisional Small-Arms Firing Manual, 1909, as follows:

(a) To those qualifying in the course prescribed for the Regular Army, the standard insignia of silver provided for issue to regular troops.

(b) To those qualifying in Special Course "C," insignia of the same pattern as the standard insignia issued to the Regular Army, but made of bronze.

(c) To those qualifying in Special Course "A," the insignia prescribed for regular troops qualifying in that course.

(d) To those who qualify in the course of pistol firing prescribed in the Provisional Small-Arms Firing Manual, 1909, the bronze insignia provided for therein will be issued.

All of these insignia may be obtained by the governors of the States or Territories or by the commanding general of the militia of the District of Columbia on requisition approved by the Secretary of War, either as a charge against the allotment of the State or Territory or the District of Columbia, under section 1661, Revised Statutes, as amended, or as a purchase for cash under the provisions of section 17 of the militia law. (Circular, No. 3, D. M. A., 1909.)

**289.** There are two classes of competitions—state and national. State competitions, if practicable, are held annually. The national competition, which is held each year, will be at such place as shall be designated by the Secretary of War. The state teams participating in the national competition may, under section 14, militia law, receive pay, subsistence, and transportation from funds appropriated under section 1661, Revised Statutes, as amended.

The results of the national competition are published by the War Department.

**290.** The national competition was instituted and exists for the purpose of fostering interest in target practice, of furnishing the means for the exchange of ideas among those who excel in small-arms firing, and for classifying the best shots according to merit shown under similar conditions.

**291.** Congress makes annual appropriations to cover the cost of trophies, medals, and prizes for the national competition, and the conditions under which it is to be held are published annually in orders from the War Department.

**292.** Troops of the Organized Militia encamped at any military post or camp of the United States may be furnished such amounts of ammunition for instruction in firing and target practice as may be prescribed by the Secretary of War, and such instruction in firing shall be carried on under the direction of an officer selected for that purpose by the proper military commander. (Sec. 21, militia law.)

**293.** Twenty-five per cent of the annual allowance of ammunition for the Regular Army will be issued to the States, Territories, and the

District of Columbia according to the organized enlisted strength as shown by the last inspection reports of the United States Army officers on requisitions duly made out and submitted by the States to the proper supply department of the War Department through the Chief, Division of Militia Affairs. (Circular, No. 9, D. M. A., 1909.)

An additional 25 per cent of ammunition will be issued on other requisitions, similarly submitted, provided the reports of small-arms firing of the troops in the State, Territory, and the District of Columbia, made on Form No. 15, D. M. A., copies of which should accompany the requisitions, give evidence, satisfactory to the Secretary of War, that the ammunition previously issued has been judiciously expended, the issues made hereunder being without charge to the state's allotment from the appropriation under section 1661, Revised Statutes, as amended. (Sec. 13, militia law.)

In no event can the total allowance for ammunition be exceeded, but any portion or all of said allowance, if not utilized for ammunition, may be expended in the procurement from the department of other military stores and supplies. (Sec. 13, militia law.)

**294.** The allowance of ammunition used in target practice is fixed by the State or Territory. (Par. 160, Provisional Small-Arms Firing Manual, 1909.)

**295.** The governors of the various States and Territories and the commanding general of the District of Columbia Militia will be permitted to turn in empty cartridge cases, empty zinc-lined packing boxes for ball cartridges, caliber .30, model of 1906, bandoleers, and clips, and will receive credit therefor to the extent provided for in this paragraph. The empty cartridge cases, empty zinc-lined packing boxes for ball cartridges, caliber .30, model of 1906, bandoleers, and clips turned in by the various States and Territories or by the District of Columbia Militia, should be shipped by the governors of the States or Territories or by the commanding general of the District of Columbia Militia, as follows:

From the States of Washington, Oregon, Idaho, California, and Nevada, and the Territory of Hawaii, to the commanding officer, Benicia Arsenal, Benicia, Cal.

From the remaining States and Territories west of the Mississippi River, and from Wisconsin and Illinois, to the commanding officer of the Rock Island Arsenal, Rock Island, Ill.

From the remaining States and the District of Columbia, to the commanding officer of the Frankford Arsenal, Bridesburg, Pa.

After the expenditure of ammunition in target practice with field guns, the empty cases should be taken up on the property return of the State as "Empty metallic cartridge cases," under the heading provided for that purpose. Immediately after firing the cases should be decapped, well cleaned by washing inside and out, and dried.

The empty cartridge cases and empty packing boxes with zinc linings, remaining after the ammunition has been fired, are the property of the United States, but as their original value was charged against the State's allotment, when this material is turned in, the State's allotment will be credited with the value thereof. The value will be determined by an inspection of the articles when received at Frankford Arsenal, to which depot they will be sent when received by the commanding officers of other ordnance establishments, as provided for in this paragraph. Care should be taken to keep such material in good condition, as the amount of the credit to the State's allotment will depend upon the condition of the material when received at the ordnance establishments.

This material should be turned in by the governors of the various States and Territories and the commanding general of the District of Columbia Militia, and not by individual organizations.

In case the governor of a State or Territory, or the commanding general of the Militia of the District of Columbia, should desire to have the cartridge cases resized for saluting purposes, they should be turned in to the Frankford Arsenal, where such work will be done at a nominal cost. (General Orders, Nos. 17 and 72, W. D., series 1910.)

**296.** The portion of the allotment set aside in paragraph 170 for the promotion of rifle practice, including the acquisition, construction, maintenance, and equipment of shooting galleries and target ranges, must be entirely devoted to that purpose, any unexpended balance thereof being carried forward to the next fiscal year for application to the same object. These amounts constitute the minimum limits of expenditure for the promotion of rifle practice required by the War Department, but it should be expressly understood that no maximum limit has been fixed, the governors of the States and Territories having discretionary authority to expend for this purpose in excess of such minimum requirements any amount of the balance of the allotment to the State or Territory for other purposes as, in their judgment, may be deemed proper. (Note (c) on page 3, Circular, No. 8, D. M. A., 1910.)

**297.** Rifle teams of the Organized Militia of the different States, Territories, and the District of Columbia, traveling over fifty per centum land-grant lines under competent orders sanctioned by the War Department, are entitled to transportation at a rate not to exceed fifty per centum of that which at that time is charged to and paid by private parties to any such company for like and similar transportation; they are also entitled to authorized deductions over the Central Pacific bond-aided lines. (Decision of Comptroller, published in Circular, No. 41, W. D., 1907; opinion of Judge-Advocate-General, Aug. 8, 1907.)

**298.** Enlisted men of a team which is to represent a State or Territory or the District of Columbia in the national match may be paid commutation of rations at the rate of \$1.50 a day for each man while traveling to and from the place of contest. The cost of the commutation in question is a proper charge against the allotment under the operation of section 14, militia law. The cost of the subsistence of enlisted members of teams while in attendance at the match will be defrayed from the appropriation made by Congress for the purpose, the cost of such subsistence not to exceed \$1.50 a day for each man. The expenditures for the period while traveling will be made by the United States disbursing officer of the State or Territory or the District of Columbia; those for the period at the target range by the executive officer of the match.

**299.** Commissioned officers of the Organized Militia who are members of a state rifle team, while traveling to and from the place at which the National Match is held, are entitled to sleeping-car accommodations; and noncommissioned officers and other enlisted men may be furnished with similar accommodations, provided that the cost thereof, together with the travel fare, does not exceed the cost of a first-class limited ticket. (Decisions, W. D., Sept. 21, 1903; Aug. 2, 1905.)

**300.** The expenses of members of the Organized Militia attending, as representatives of the militia authorities of a State or Territory, though not as members of the team which represents such State or Territory in the national match, the annual small-arms firing competitions for the national trophy and other prizes provided for by act of Congress, can not be defrayed from the allotment to the State or Territory under the provisions of section 1661, Revised Statutes, as amended. (Decision, W. D., June 6, 1905.)

**301.** The services of officers or enlisted men of the Organized Militia, in connection with the acquisition, maintenance, and operation of target ranges, or in connection with the construction work or betterments; range officers, scorers, target pasters on field ranges, or in connection with regular practice in armories, can not be paid from funds allotted to the State, Territory, or District of Columbia, under the provisions of section 1661 of the Revised Statutes, as amended, as such services are regarded as proper military duties and should be voluntary and rendered gratuitously by officers and enlisted men of the Organized Militia.

**302.** Entrance fees for teams of the Organized Militia participating in competitions conducted under the direction of the National Rifle Association of America or of any State rifle and revolver association constitute a proper charge against the allotment for the promotion of rifle practice under section 1661, Revised Statutes, as amended. (Decisions, W. D., Jan. 19, 1910; Comptroller, Aug., 1910.)

**303.** No portion of the allotment set aside for the promotion of rifle practice can be used to pay officers and enlisted men of the Organized Militia a stipulated sum for shots fired on the target range, even though the laws of any State or Territory may provide for such payment. (Decision, W. D., Sept. 5, 1906.)

**304.** No part of the allotment set aside for the promotion of rifle practice can be used to pay the salary and expenses of inspector or inspectors of rifle practice engaged in the work of promoting rifle practice. (Decision, W. D., Sept. 5, 1906.)

**305.** Under section twenty-one, militia law, it is within the discretion of the Secretary of War to authorize the issue of seacoast artillery ammunition for the instruction of "troops of the militia \* \* \* in firing and target practice." Ammunition for the use of such portion of the militia of a State as is to receive instruction in coast artillery practice would constitute a proper charge against its allotment under section 1661, Revised Statutes, as amended; but such use of the allotment is discretionary with the governor of the State, and the ammunition could only be charged with his consent as expressed in a proper requisition therefor. (Decision, W. D., June 11, 1903.)

**306.** The target practice of field batteries of the Organized Militia should be confined to practice with the field guns and revolvers. The regulations now governing the regular field batteries require such practice only.

Commanding officers of field batteries and companies or detachments of coast artillery of the Organized Militia will forward, through military channels, to the Chief, Division of Militia Affairs, reports, on prescribed blanks, which will be furnished on application, of all firings with cannon, including subcaliber tubes, done under their supervision, immediately after such firing takes place. (Decision, W. D., Dec. 15, 1903; General Orders, No. 64, W. D., 1905.)

**307.** The course of revolver firing prepared by a special committee of the National Guard Association of the United States, published in the Provisional Small-Arms Firing Manual, 1909, is approved by the War Department for all purposes for the expenditure of ammunition and instruction referred to in these regulations.

### 3. *Schools.*

#### (a) FOR OFFICERS.

**308.** When authorized by the President, upon the recommendation of the governors of their respective States or Territories, or of the commanding general of the Militia of the District of Columbia, officers of the Organized Militia may attend and pursue a regular course of study at any military school or college of the United States, except the Military Academy at West Point. (Sec. 16, militia law, as amended.)

1. *Army service schools.*

**309.** Under existing orders, officers of the Organized Militia are allowed to attend the following army service schools:

The Army School of the Line, Fort Leavenworth, Kans.

The Army Signal School, Fort Leavenworth, Kans.

The Army Staff College, Fort Leavenworth, Kans.

The Coast Artillery School, Fort Monroe, Va.

The Army Medical School, Washington, D. C.

The Army Field Service School for Medical Officers, Fort Leavenworth, Kans.

**310.** Regulations governing these schools and rules as to the courses of study, proficiency, examination, order of merit, etc., are published in orders from the War Department. As now existing this information is contained in the following orders:

Concerning the Army School of the Line, the Army Signal School, the Engineering School, the Army Staff College, in General Orders, No. 69, War Department, 1910.

Concerning the Coast Artillery School, in General Orders, No. 143, War Department, 1910.

Concerning the Army Medical School, in General Orders, No. 139, War Department, 1905, and in General Orders, No. 134, War Department, 1907.

Concerning the Army Field Service School for Medical Officers, in General Orders, No. 132, War Department, 1910.

*General requirements concerning attendance of militia officers at army service schools, and allowances while attending.*

**311.** An officer must be not less than 21 nor more than 35 years of age; must not be above the grade of colonel; must be of sound health and of good moral character; must be a citizen of the United States; must have such preliminary educational qualifications as will enable him to participate profitably in the course of instruction, and must be nominated to the Secretary of War by the governor of his State or Territory, or by the commanding general of the Militia of the District of Columbia, not later than January 1 of each year.

**312.** The nomination of the governor or general commanding must, in each case, be accompanied by the following papers: An affidavit of the nominee, stating his age, citizenship, and length of service in the Organized Militia, and agreeing, in case the course is once entered upon, to attend and pursue the course of study at the school designated, and to be bound by and conform to the rules and discipline imposed by its regulations; a certificate of a medical officer of the Organized Militia, or of any other physician in good standing, showing the physical condition of the nominee, and a certificate from the colonel of the regiment, or other satisfactory person, as to the good moral character and preliminary educational qualifications of the

nominee. If the number of militia officers nominated by the governors of the various States be in excess of the number that can be accommodated at the schools designated, the number authorized from each State will be in proportion to the strength of its Organized Militia.

**313.** Each militia officer attending a school must provide himself, at his own expense, with the proper uniform of his own State, Territory, or District, and with the required text-books. He shall wear his proper uniform during recitations.

**314.** The expense to the Government on account of militia officers attending service schools is limited to travel allowances, commutation of quarters, and subsistence. The travel allowances consist of the mileage or transportation allowed by law. Commutation of quarters will be the same as provided by law for officers of the corresponding grade in the army. Militia officers can not be furnished with quarters in kind. For subsistence each militia officer will be paid \$1 a day while in actual attendance at a school. Officers of the militia are entitled to allowances for quarters and subsistence only while they are actually in attendance at a school and pursuing a course of study. They are not entitled to any allowances while absent on either ordinary leave or on sick leave. The method of granting sick and ordinary leaves of absence will be the same as that prescribed in Army Regulations for officers of the regular establishment. The former will be limited to thirty days and the latter to ten days within any one school term.

**315.** The attendance of officers of the Organized Militia pursuing a course of study at a service school shall be certified to by the commanding officer or by the commandant. If officers attend all sessions of a school during the month the certificates shall cover the entire month. The inclusive dates of all absences shall be stated in the certificates and these certificates will be filed with the officers' accounts for commutation of quarters and subsistence. The first account will also be accompanied by a copy of the authority under which the officers reported at the school.

*Special requirements concerning the Army School of the Line.*

**316.** No married militia officer shall be admitted to this school without the especial authority of the Secretary of War in each case. The affidavit required by paragraph 312 will state whether or not the applicant is married, and the nomination required by the same paragraph must be made not later than January 1 of each year.

**317.** Such militia officers as have complied with the necessary preliminary requirements and who may be selected by the Secretary of War as candidates will be authorized to report at posts nearest their homes on the second Tuesday in July for preliminary examination. The physical examination will first be conducted. If a candidate be found physically deficient, a report in the case will be made at once to The Adjutant-General of the Army by telegraph and no further

examination will be conducted without special authority from the Secretary of War.

**318.** If the physical examination be satisfactory, the candidates will then be examined in certain general educational subjects. The scope of this general educational examination can be found in paragraph 8, General Orders, No. 69, War Department, series of 1910.

In lieu of this general educational examination a graduating diploma from a high school or other educational institution of recognized standing whose curriculum embraces the subjects in question will be accepted.

**319.** The candidates will then be examined in certain military subjects. The scope of this military examination can be found in paragraph 9, General Orders, No. 69, War Department, series of 1910.

In lieu of this military examination a certificate of proficiency from a garrison school in these subjects will be accepted.

**320.** The examination will be written, will take place in the presence of a designated officer, and the questions will be prepared by the staff of the Army School of the Line. At the close of this examination candidates will return to their homes. The examination papers will be forwarded to the commandant, who, after having them marked by a board consisting of three officers, will report to The Adjutant-General of the Army the names of those who have successfully passed. From the names thus submitted the selection of militia student officers will be made by the Secretary of War. The examination papers in each case shall be filed with the school records.

**321.** Militia officers shall be subject to the rules governing examinations and proficiency prescribed in paragraphs 19 to 24, inclusive, General Orders, No. 69, War Department, 1910. Any militia officer showing neglect of his studies or a disregard of orders, will, upon the recommendation of the academic board, approved by the commandant, be deprived of the privilege of further attendance at the school.

**322.** The course of instruction for militia officers will be the same as that for officers of the army, and they will, upon graduation, receive a diploma and be classified in the same manner. They will receive certificates of proficiency in such subjects as have been satisfactorily completed by them, and will be eligible, if their class standing is sufficiently high, for selection as students at the Army Signal School or Army Staff College. Militia graduates of the School of the Line, recommended for the Staff College or Signal School of the following year, will be authorized to proceed to their homes by direction of the Secretary of War. If subsequently detailed by the War Department to take the further course for which recommended, they will be authorized to proceed to Fort Leavenworth at the proper time.

**323.** When a militia officer is graduated from the school, the fact of his graduation will be reported by the commandant to the governor of his State or Territory or to the commanding general of the militia of the District of Columbia, who will also be notified in regard to the positions in the militia for which the officer is considered qualified.

**324.** The names of militia graduates will also be reported to The Adjutant-General of the Army and will be entered in the register at the War Department in accordance with section 23, militia law, as well or especially well qualified for such commands or duties as may be recommended by the academic board, approved by the commandant.

*Special requirements concerning the Army Signal School.*

**325.** The student officers at this school shall consist of the regular officers properly detailed thereto and of such militia officers, graduates from the latest class of the Army School of the Line, as desire the course and as shall have been recommended by the academic board, and approved by the commandant; and of such militia officers of signal organizations as may apply for entrance. However, those militia officers who apply for entrance and who have not graduated from the Army School of the Line must fulfill the general requirements for attendance at the Army School of the Line and must be examined physically, in general educational subjects, and in certain military subjects. The scope of this examination can be found in paragraphs 7, 8, and 31, General Orders, No. 69, War Department, series of 1910.

*Special requirements concerning the Army Staff College.*

**326.** Student officers for the Army Staff College will be detailed annually, by the War Department, from the highest graduates of the latest class of the Army School of the Line, who receive the recommendation of the academic board, approved by the commandant, and who desire to take the course. But no officer of the army will be detailed who did not graduate with a standing as high as No. 24, exclusive of militia officers, and no militia officer will be detailed who did not graduate with a percentage at least as high as that of the lowest eligible regular officer.

*Special requirements concerning the Coast Artillery School.*

**327.** Officers of militia coast artillery organizations may attend this school under regulations identical with those providing for attendance of militia officers at the Army School of the Line, except that they will not be required to be examined in the subject of hippology.

*Special requirements concerning the Army Medical School.*

**328.** The affidavit required by paragraph 312 must show the medical school from which the applicant received his degree and the date of his graduation.

**329.** The course of instruction for militia officers shall be the same as that for student candidates, and they shall upon graduation be classified in the same manner.

**330.** A militia officer found deficient during the course in any subject may be conditioned by the president of the school upon the recommendation of the academic staff, and continued at the school with a view to making good his deficiency at the final examination. Without such recommendation he shall be reported to The Adjutant-General of the Army with a view to the withdrawal of the authority to attend the school. Any officer showing neglect of his studies or a disregard of orders shall, upon the recommendation of the president of the school, be deprived of the privilege of further attendance at the school.

**331.** When a militia officer graduates from the school the fact of his graduation shall be reported to the governor of his State or Territory or the commanding general of the militia of the District of Columbia, who shall also be notified in regard to the positions in the medical service of the militia for which the officer is especially qualified.

**332.** The names of militia graduates shall be entered in the register at the War Department in accordance with section 23, militia law, as qualified for such duties as the staff of the school may recommend.

*Attendance of officers of the Organized Militia—Garrison schools.*

**333.** By direction of the President, the following regulations govern the attendance of officers of the Organized Militia as students at garrison schools, as contemplated in section 16 of the act of Congress approved January 21, 1903, as amended by the act of Congress approved May 27, 1908:

**334.** In order to be eligible to attend a garrison school, officers of the Organized Militia must be recommended to the Secretary of War by the governors of their respective States or Territories, or by the commanding general of the District of Columbia militia; must be citizens of the United States, not less than 21 nor more than 35 years of age, and not above the grade of colonel. They must have been members of the Organized Militia at least one year prior to making application; must be of sound health and of good moral character, and must have such educational qualifications as will enable them to participate profitably in the course of instruction.

**335.** Applications of officers of the Organized Militia to attend garrison schools, with the recommendations of the governors of their respective States or Territories or of the commanding general of the District of Columbia militia thereon, must reach the War Department not later than September 1 of the year in which the officers desire to enter upon the course of instruction. The application in each case must be accompanied by the following papers:

(a) An affidavit of the applicant stating his age, citizenship, and length of service in the Organized Militia.

(b) An agreement signed by the applicant that in the event of his being authorized to attend and pursue the regular course of study at a garrison school he will be bound by and conform to the rules and regulations governing the school.

(c) A certificate of a medical officer of the Organized Militia, or of any physician of good standing, showing the physical condition of the applicant.

(d) A certificate of an officer of the Organized Militia above the grade of captain as to the moral character and educational qualifications of the applicant.

**336.** The details of officers to attend the garrison schools and the posts to which they are to report will be announced by the War Department about October 1 of each year. As far as practicable the officers will be assigned to posts where the school pertains to the arm of the service to which they belong. If the number of applicants be in excess of the number that can be accommodated at the schools designated, the number to be authorized from each State or Territory or from the District of Columbia will be in proportion to the strength of its Organized Militia.

**337.** Upon receipt of authority to attend a garrison school an officer of the Organized Militia will report by letter for instructions to the commanding officer of the military post to which assigned. The officer will report in person at the post on the date designated by the commanding officer and will be admitted to the school without examination.

**338.** Officers of the Organized Militia attending garrison schools will pursue the regular course prescribed in this order for officers of the army and will be furnished with certificates of proficiency in subjects satisfactorily completed by them. They can not be authorized to pursue the preliminary course, nor to continue in attendance at the garrison schools after they have completed the regular course. While pursuing the regular garrison school course they may be permitted to participate in the preliminary instruction and in post-graduate work where they can do so without interfering with their regular school work.

**339.** An officer of the Organized Militia found deficient in a subject may, in the discretion of the department commander, be reex-

amined. If the officer is deficient upon reexamination, or if he is not reexamined, a report will be made to The Adjutant-General of the Army, with a view to the withdrawal of the authority for the officer to attend the school. Any officer of the Organized Militia showing neglect of his studies or a disregard of orders will, upon the recommendation of the department commander, be deprived of the privilege of further attendance at the school.

**340.** At the close of the school year officers of the Organized Militia attending garrison schools will be ordered to their homes by post commanders. Those officers who desire to continue the course during the next school year will report by letter, through proper militia channels, to the Chief of the Division of Militia Affairs, not later than September 1.

**341.** Officers of the Organized Militia while actually attending and pursuing the regular course of study at garrison schools are entitled to the same allowances for travel, commutation of quarters, heat, and light, as are now provided by law for officers of corresponding grades in the army. The allowance for subsistence will be at the rate of \$1 per day. They are not entitled to any of the above allowances while absent sick, or with or without leave, nor during the interval between the school years. Quarters in kind can not be furnished to officers of the Organized Militia.

**342.** The expense to the United States on account of officers of the Organized Militia attending garrison schools is limited strictly to the allowances specified in paragraph 341 of these regulations. Each officer must provide himself at his own expense with the proper uniforms of his State, Territory, or District, and with the required text-books.

**343.** Leave of absence of not to exceed ten days in one school year may be granted an officer of the Organized Militia under the same rules and regulations, except as to pay and allowances, as are prescribed for officers of the Army. In case of sickness of the officer, such leaves may be extended by the department commander. All cases of absence without authority will be reported to the department commander for such action as he may deem appropriate. Officers of the Organized Militia are not required to report on days when no instruction is to be conducted.

**344.** The monthly account for commutation of quarters and subsistence, and the quartermaster's vouchers for heat and light of officers of the Organized Militia pursuing the regular course at garrison schools will be accompanied by certificates of attendance, signed by the post commanders. If the officer has attended all sessions of the school during the month, the certificate will so specify. If the officer has been absent during the month, the inclusive dates of such absence will be stated. The first account of the officer will

also be accompanied by a copy of the authority under which he is attending the school.

**345.** At the close of the school the department commanders will submit to The Adjutant-General of the Army a report of the work of each officer of the Organized Militia attending garrison schools in their departments. The report will include a recommendation as to whether or not the officer should be authorized to continue the course during the next school year.

(b) FOR ENLISTED MEN.

**346.** When authorized by the President, upon the recommendation of the governors of their respective States or Territories, or of the commanding general of the militia of the District of Columbia, enlisted men of the Organized Militia may attend and pursue a regular course of study at certain service schools. (Sec. 16, militia law, as amended.)

**347.** Under existing orders or regulations, enlisted men of the Organized Militia are allowed to attend the following service schools:

Coast Artillery School (enlisted men's division), Fort Monroe, Va. (G. O. 143, W. D., 1910.)

Mounted Service School, Fort Riley, Kans., including the Training School for Farriers and Horseshoers and the Training School for Bakers and Cooks. (G. O. 140, W. D., 1910.)

The Training School for Saddlers and for Battery Mechanics of Field Artillery, Rock Island Arsenal, Ill. (G. O. 80, W. D., 1909.)

The School for Bakers and Cooks, Washington Barracks, D. C. (G. O. 126, W. D., 1909.)

The School for Bakers and Cooks, the Presidio of San Francisco, Cal. (G. O. 127, W. D., 1910.)

**348.** The following regulations govern the attendance of enlisted men of the Organized Militia of the several States and Territories and the District of Columbia as students at service schools, as contemplated in section 16 of the militia law:

1. Enlisted men of the Organized Militia of suitable qualifications may attend and pursue regular courses of instruction, when facilities therefor are available, at the service schools for enlisted men announced by the War Department as being comprised in the military educational system of the United States.

2. In order to be eligible for detail to attend a service school enlisted men of the Organized Militia must be citizens of the United States, of sound health, of good moral character, and must have such educational qualifications as will enable them to participate profitably in the regular course of instruction at the school.

3. As a necessary preliminary to obtaining permission to attend a service school enlisted men of the Organized Militia must be recommended to the Secretary of War by the governors of their respective States or Territories or by the commanding general of the militia of the District of Columbia. The recommendation in each case should be accompanied (1) by information as to the age and citizenship of the applicant, the length of his service in the militia, the course he desires to pursue, the length of time he agrees to devote to it, his educational qualifications, and his experience and instruction, if any, in the kind of work for which he requests instruction; (2) by an agreement signed by the applicant that in the event he is detailed to attend a service school he will attend and pursue a regular course of study thereat, and will be bound by and conform to the rules and discipline imposed by the regulations for the school, and (3) by satisfactory evidence that the applicant is of sound health and of good moral character.

4. The expense to the Government on account of enlisted men of the Organized Militia attending a service school is limited strictly to the travel allowance, quarters, and subsistence provided for them in section 16 of the militia law.

5. Enlisted men of the Organized Militia attending a service school must provide themselves with the proper uniforms of the organizations to which they belong.

6. Certificates of proficiency will be given to enlisted men of the Organized Militia in those subjects of the courses that they pursue which may be satisfactorily completed by them or in which they pass satisfactory examinations at a service school.

7. If any enlisted men of the Organized Militia attending a service school show inability to take the prescribed course with profit, or neglect their school work, or disregard orders, or show themselves as being otherwise unsuitable to remain at the school, the commandant thereof will make full report of such facts to The Adjutant-General of the Army as soon as practicable.

8. When enlisted men of the Organized Militia are relieved from attendance at a service school the commandant thereof will inform The Adjutant-General of the Army as to the subjects of the course in which such enlisted men are proficient, with a view to conveying information to that effect to the governors of the respective States or Territories or the commanding general of the militia of the District of Columbia, as the case may be. (General Orders, No. 247, W. D., 1909.)

*4. Instruction by noncommissioned officers of the Regular Army.*

349. Applications from governors of States and Territories, and the commanding general, District of Columbia Militia, for the

detail of enlisted men of the Regular Army for duty with the Organized Militia of the States, Territories, and the District of Columbia, pursuant to the provisions of section 20, militia law, as amended by the act of Congress approved May 27, 1908, should state in detail the nature of the duties it is desired that the enlisted men should perform and the arm of the service from which it is desired they should be detailed. Applications should further specify the places at which the soldiers should report<sup>2</sup> for duty and, by name and rank, the person to whom they should report.

Soldiers detailed upon this duty will be paid and clothed, and will have their rations commuted by the proper staff officers of the Regular Army at the headquarters of the department in which they may be detailed. The descriptive lists and accounts of pay and clothing of enlisted men so detailed will be kept at department headquarters.

It being impracticable for the United States to furnish quarters, fuel, light, medicines, medical attendance, and transportation connected with travel within the limits of the State in the execution of their duties, it will be necessary for the State, Territory, or District of Columbia to bear all expenses connected with these items from funds other than those appropriated under section 1661, Revised Statutes, as amended. The willingness of the State or Territory or the District of Columbia to bear these expenses should be set forth in the original application made for the detail.

**350.** The duties of enlisted men of the Regular Army detailed for service with the Organized Militia pursuant to the foregoing paragraph include all matters pertaining to the theoretical and practical instruction of the Organized Militia of the State which may be assigned to them by the officer of the State under whose orders they are serving. The department desires that the State military authorities shall take every advantage possible of the experience the enlisted men so detailed may have had in, and the knowledge they may have of, matters of drill, instruction, discipline, and customs of the regular service. It is to be clearly understood, however, that enlisted men detailed under the provisions of the foregoing paragraph shall not, without the consent of the noncommissioned officer, be employed in any other than a military capacity.

The period of time for which these enlisted men will ordinarily be detailed is three years, and a soldier will not be eligible for redetail until he shall have served at least two years again with the Regular Army.

The adjutant-general of the State, Territory, or District of Columbia in which enlisted men detailed under the provisions of the foregoing paragraph may be serving will submit, quarterly, to the

Chief, Division of Militia Affairs, in the office of the Secretary of War, a report setting forth the manner in which the enlisted men have performed their duties during the past quarter, and, if not in all respects satisfactory, specifying in what particulars it is not so. Blanks for these reports will be furnished adjutants-general by the Chief, Division of Militia Affairs.

Enlisted men detailed to duty with the Organized Militia in accordance with the foregoing provisions will, in addition to the bimonthly personal report made by them to The Adjutant-General of the Army, report quarterly, on September 30, December 31, March 31, and June 30, directly to the Chief, Division of Militia Affairs, War Department, Washington, complete details of all drills and instruction given by them, and other work, if any, performed by direction or at the request of the state authorities. (Circular, No. 6, D. M. A., 1909.)

(d) INSPECTIONS UNDER SECTION 3, MILITIA LAW.

**351.** There will be made by officers of the army, during the time that militia organizations are engaged in field exercises at the summer encampments, an inspection with a view to reporting upon the organization, armament, and discipline (instruction and training) of the Organized Militia of the several States, Territories, and the District of Columbia, in order that the War Department may have the best obtainable information as to the military efficiency of the Organized Militia for field service.

**352.** The inspecting officers will report as to the completeness of the equipment of the organizations inspected for field service, including tentage, camp equipage, and personal equipment of officers and men; as to the ability of the organization to execute maneuvers as a component part of the next higher unit; as to the individual instruction of officers and noncommissioned officers in the field service duties of their grades, respectively; as to the character, zeal, and efficiency of the men, and as to whether a physical examination of enlisted men was made prior to leaving their home stations for the encampment.

**353.** The inquiry and report of inspecting officers is not necessarily limited to the matters specially mentioned, but should be broad enough in scope to enable them to furnish complete information desired under section 3 of the militia law, and to state causes of, and suggest remedies for, deficiencies found to exist.

**354.** The commanding generals of the various geographical departments of the Regular Army will have immediate charge of this inspection within the limits of their respective departments.

**355.** Department commanders will communicate with the adjutants-general of the States and Territories within their respective de-

partments with a view to arranging all the details for the inspection during the time that the several organizations of the Organized Militia are engaged in field exercises. They will select the number of inspecting officers that will be necessary, arrange their itineraries, and communicate to them the character of the information desired in their reports. The names of the inspecting officers selected by the department commanders, together with a statement of the organizations they are to inspect and approximately the times at which the inspections are to be made, will be furnished directly to the Chief, Division of Militia Affairs.

**356.** Blank forms (Form No. 33, Division of Militia Affairs) will be furnished directly to inspecting officers by the Chief, Division of Militia Affairs, on receipt of notification from department commanders of their designation as such.

**357.** Inspecting officers will send their reports to the proper department commanders immediately after the completion of their inspections, and the department commanders will, after the reports have been examined, forward them at the earliest practicable date, with such remarks as they may desire to make, to the Chief, Division of Militia Affairs. (Instructions of Secretary of War, May 21, 1909.)

**358.** The object of this inspection is primarily to determine the military efficiency of the Organized Militia for field service, if called to the service of the United States under the provisions of section 4 of the militia law, and inspecting officers will confine their inspection to such matters as will enable them to report upon this matter. In connection therewith, it is desirable that inspectors, whenever practicable and while in camp, have the closest possible relation with the officers and enlisted men of the units to which they are assigned, and that they shall act, in addition to the duties assigned as inspectors, as instructors, coaches, and military advisers. The relations thus established will give ample opportunity to inspectors, through their associations with the personnel of the organization to which they are attached, to note in a general way the facts required to be reported by paragraph 352 and provided for in the inspection form No. 33, Division of Militia Affairs, and to arrive at conclusions as to the military efficiency of the organization for field service. As soon as officers have been designated by department commanders for the performance of these duties, they will at once enter into correspondence with the State military authorities, with a view to making the necessary arrangements for their attendance at the camp and for their duties as inspectors and instructors in connection therewith.

(e) MOBILIZATION UNDER SECTION 4, MILITIA LAW.

**359.** Whenever the militia is called into the service of the United States, the Organized Militia will be designated first, and in apportioning quotas according to representative population they will, to the

extent practicable, be so adjusted as not to leave any State or Territory or the District of Columbia unprovided with a reserve force sufficient to meet any emergency then existing or imminent within such State or Territory or the District of Columbia. Except in cases where the Organized Militia has been called out by direct order of the President, requisition will be made by the War Department upon governors of the States or Territories or the commanding general of the Militia of the District of Columbia, and the arm of the service and the number of organizations thereof required will be stated in the requisitions. (Par. 455, Army Regulations, 1910.)

**360.** The President's authority over the Organized Militia is derived from the Constitution and from the legislation of Congress in furtherance of its provisions and he can order it out in those cases which are specifically provided by law. The Organized Militia then becomes national in character and the President its commander in chief.

The President is the exclusive judge of the existence of an emergency justifying the ordering out of the Organized Militia, and the measures necessary for giving effect to the order are executive acts which the Secretary of War may perform as the representative of the President. (Par. 456, Army Regulations, 1910.)

**361.** No organization will be accepted into the service of the United States which, in the number of its officers and enlisted men, is below the minimum prescribed by the President, or above the maximum strength fixed by law for such organizations; and whenever any organization which is ordered out, or called upon, is below the minimum, it shall be immediately recruited to at least that standard before leaving its home station. (Par. 458, Army Regulations, 1910.)

**362.** From the day that any portion of the Organized Militia ordered into actual service of the United States appears at the place of company rendezvous, the men will be provided with the necessary clothing, equipment, armament, and ammunition, subsisted, and transported to the place of concentration, under the following plan:

(a) Governors of States and Territories and the commanding general of the Militia of the District of Columbia will be required to keep on hand, either at the various company armories or in suitable storehouses, a sufficient supply of arms, clothing, etc., to completely equip for the field the minimum number of men prescribed by the President for each organization, so that on being called into the service any organization will be completely equipped from the stores on hand in the State or Territory or the District of Columbia without calling on the War Department for assistance; any organization which is below the minimum, and which is obliged to recruit to its proper standard, is thus enabled to immediately uniform, arm, and equip the recruits before proceeding to the place of concentration where they will eventually be mustered into the service of the United States.

(b) The various locations of company rendezvous rendering it impossible to issue rations in kind economically, the commanding officer of any portion of the Organized Militia called into the actual service of the United States will purchase cooked meals for his command while at the company rendezvous, and thereafter until arrival at the State camp or other place of concentration where rations in kind are available for issue. An expense not exceeding 60 cents a man a day is authorized for such meals, except for the time consumed in traveling to the State camp or other place of concentration, during which time not exceeding 75 cents a man a day is authorized. The purchase of cooked meals, as above, should be made after advertising (paragraph 552, Army Regulations, 1910), or, if conditions do not permit of advertising, in open market under paragraph 553, Army Regulations, 1910, the accounts to be prepared on Form 7, Subsistence Department, and if the amount of the purchase exceeds \$100, to be accompanied by a report on Form 18, Subsistence Department, as indicated in paragraph 556, Army Regulations, 1910 (the voucher covering the travel period to show places between which, and dates when, travel was performed), certified by the officer procuring the meals, and sent to the chief commissary of the department for payment.

As soon as rations in kind are available for issue to the militia called into the service of the United States, they will be furnished in like manner as to the Regular Army (paragraph 316, Subsistence Manual).

(c) When the Organized Militia is ordered into the service of the United States, the quartermaster-general of the State or Territory or of the Militia of the District of Columbia, or an officer designated by the governor or the commanding general of the Militia of the District of Columbia, will arrange for the necessary transportation from the company rendezvous to the place of concentration. He will ascertain the number of officers and men, the number of animals, and approximate weight of the property for which transportation will be required, and submit the data to competing lines of transportation with a view to securing the best rates obtainable from starting points to the place of concentration. (Form of circular for this purpose is given in paragraph 693, Quartermaster's Manual, 1904.) Blank forms of contracts, transportation requests, and bills of lading, to cover the cost of the movements, on which are printed full instructions, will be furnished by the chief quartermaster of the military department in which the State or Territory or the District of Columbia is located, on application. All accounts for the transportation of the Organized Militia ordered out will be submitted by the carriers to the officer of the State or Territory or of the Militia of the District of Columbia making the contract, who will examine them, and, if found correct, transmit them duly certified, together with the transportation requests, bills of lading, and contracts, to the chief quartermaster

of the military department in which the State or Territory or the District of Columbia is located, for adjustment and settlement.

(d) Ammunition will be supplied under orders of the War Department upon arrival at place of concentration. (Par. 459, Army Regulations, 1910.)

**363.** To expedite the mobilization of the Organized Militia ordered into the service of the United States, the War Department, after consultation with the governors, or the commanding general of the Militia of the District of Columbia, will designate convenient places in the State or Territory or in the District of Columbia for assembling companies, batteries, etc., the United States Government meeting, as hereinbefore provided, all authorized expenses incident to this preliminary concentration from the day the militia appear at their places of company rendezvous. The Organized Militia called into the service of the United States will be mustered in at these designated places of concentration by officers of the army detailed for this purpose by the War Department. The extent of the physical examination upon said muster in will be in accordance with the length and character of the service for which the organizations are called out and will be prescribed in orders from the War Department: *Provided*, That in such States or Territories or the District of Columbia as shall have adopted a standard of physical examination for enlistment and reenlistment of the Organized Militia, approved by the Secretary of War, such militia shall be deemed under the law "fit for military service," and shall be duly mustered into the service of the United States as such. Under these conditions, as soon as practicable after such muster in, without interfering with the supreme duty of the militia—the defense of the country—and in such a manner as not to prevent their employment against an enemy, a physical examination will be made by a medical officer of the army, detailed for the purpose, who shall note all cases of defect and cause the same to be entered on the muster roll against the name of each individual, stating in each case whether the defect so noted existed prior to the muster in of the soldier. (Par. 460, Army Regulations, 1910.)

**364.** It shall be the duty of every officer designated to muster into the service of the United States any of the militia of the several States or Territories or of the District of Columbia, to see that the muster rolls contain all information that might in any way affect pay or which it might be necessary to consider in the settlement of claims for pensions. Blank forms and detailed instructions will be forwarded to mustering officers by the War Department. Upon completion of the muster in of any organization the mustering officer shall forward the rolls promptly to their proper destination as given in his detailed instructions. (Par. 461, Army Regulations, 1910.)

**365.** 1. As soon as a regiment or other separate organization has been mustered into the service of the United States, the governor of

the State to which the organization belongs will invoice all property belonging to the United States taken by such troops into the service, as follows:

(a) All clothing, camp and garrison equipage, and quartermaster supplies to the quartermaster of the organization.

(b) All property pertaining to the Subsistence Department to the commissary of the organization.

(c) All property pertaining to the Medical Department to the senior medical officer on duty with the organization.

(d) All property pertaining to the Engineer Department, the Ordnance Department, and the Signal Corps to the company or detachment commanders.

2. The property pertaining to each department will be invoiced separately. On receipt of the stores invoiced to the several officers hereinbefore specified from the governor of the State, such officers will use the invoices received by them from the governor as vouchers for taking up such property on their returns, and will furnish the usual receipts to the governor of the State for the property received. The receipts will be used as vouchers to the governor's next property returns rendered to the several chiefs of bureaus of the War Department.

3. On receipt of the clothing, camp and garrison equipage, and other quartermaster supplies from the State, the quartermaster, under the direction of the commanding officer of the organization, will turn over to each company or detachment commander the stores required by each company or detachment, taking memorandum receipts therefor; but the quartermaster will continue to carry such supplies on his returns until they shall have been transferred or expended and duly accounted for as required by Army Regulations. This provision will also apply in the case of subsistence property for which the commissary of an organization is accountable.

4. As soon as practicable after a regiment or other separate organization has been mustered into the service, the commanding officer thereof will convene a board of officers of his command to make an inventory of all United States property received from the governor of the State or Territory to which his command is credited, and make report which will conform to the following requirements:

(a) The report to be prepared in duplicate and submitted to the commanding officer for his action.

(b) Separate reports to be made for each staff department concerned.

(c) Each report to contain an itemized list of the property pertaining to one staff department and a statement as to its condition and value at the time the property was received from the State.

(d) In the case of clothing the report to show the price (average) at which each article should be charged to enlisted men.

The report of the board, after approval by the commanding officer, will be forwarded directly to the chief of the bureau to which the property pertains. The duplicate copy of the report will be forwarded to the governor of the State. (Par. 462, Army Regulations, 1910.)

**366.** In all cases payments to militia mustered into the service of the United States will be made in the same manner as to organizations of the Regular Army. (Par. 463, Army Regulations, 1910.)

**367.** When the militia is called into the actual service of the United States, or any portion of the militia is called forth under the provisions of this act, their pay shall commence from the day of their appearing at the place of company rendezvous, but this provision shall not be construed to authorize any species of expenditure previous to arriving at such places of rendezvous which is not provided by existing laws to be paid after their arrival at such places of rendezvous. (Sec. 11, militia law, as amended.)

**368.** At the termination of the period for which the President called the militia forces into the service of the United States, they shall be mustered out by an officer of the army, detailed for the purpose, at such rendezvous favorable to all interests concerned as may be directed by the War Department. The mustering officer will be provided by the War Department with blanks and detailed instructions. (Par. 464, Army Regulations, 1910.)

**369.** To facilitate the settlement of claims that may be made for pensions on account of disability incurred in the military service; that is, to establish the rights of persons under the pension laws as well as to protect the interests of the United States, a thorough physical examination of all officers and enlisted men of the militia will be made immediately prior to their discharge or their muster out. (Par. 465, Army Regulations, 1910.)

**370.** Specific regulations for mustering the militia into the service of the United States and for its muster out will be published by the War Department when the necessity arises. (Par. 466, Army Regulations, 1910.)

**371.** When any company, troop, battery, battalion, or regiment of the Organized Militia of any State or Territory or of the District of Columbia is called into the service of the United States, such organization modifies its relations for the time being to the State, Territory, or District of Columbia, and during the period of such service becomes a part of the land forces of the United States. As such, it must comply with all the conditions and requirements prescribed for similar organizations of the army as to strength, medical examination, etc. If the President, under authority vested in him by law, has called forth any of the Organized Militia, no part of the organization so called forth is eligible for enlistment in the Volunteer Army, should one be raised, until properly mustered out of the service of the United States.

**372.** The militia, when called into active service of the United States, is subject to the same Rules and Articles of War as the regular troops of the United States. (Sec. 9, militia law, as amended.)

**373.** The majority membership of courts-martial for the trial of officers or men of the militia when in the service of the United States shall be composed of militia officers. (Sec. 8, militia law, as amended.)

**374.** When any officer, noncommissioned officer, or private of the militia is disabled by reason of wounds or disability received or incurred in the service of the United States, he shall be entitled to all the benefits of the pension laws existing at the time of his service, and in case such officer, noncommissioned officer, or private dies in the service of the United States or in returning to his place of residence after being mustered out of such service, or at any time, in consequence of wounds or disabilities received in such service, his widow and children, if any, shall be entitled to all the benefits of such pension laws. (Sec. 22, militia law.)

#### COMMISSIONS IN VOLUNTEER FORCES.

**375.** For the purpose of securing a list of persons specially qualified to hold commissions in any volunteer force which may hereafter be organized under the authority of Congress, other than a force composed of Organized Militia, the Secretary of War is authorized from time to time to convene boards of officers at suitable and convenient posts for the purpose of examining as to their qualifications for the command of troops or for the performance of staff duties applicants from any of the following classes of persons, viz:

(a) Those who have served in the Regular Army of the United States.

(b) Those who have served in any volunteer force of the United States or in the Organized Militia of any State, Territory, or the District of Columbia.

(c) Those who, being citizens of the United States, have attended a regular course of instruction at any military school or college of the United States Army.

(d) Those who, being citizens of the United States, have graduated from any educational institution to which an officer of the army or navy has been detailed as superintendent or professor after having creditably pursued the course of military instruction given at such institution. (Sec. 23, militia law.)

**376.** This examination will be under rules and regulations prescribed by the Secretary of War and will be especially directed to ascertain the practical capacity of the applicant. The applicant's record of previous service will be considered as part of the examination. (Sec. 23, militia law.)

**377.** Upon the conclusion of each examination the board will certify to the War Department its judgment as to the fitness of the applicant, stating the office, if any, which it deems him qualified to fill. Upon approval by the President the names of persons certified to be qualified shall be inscribed in a register kept at the War Department for that purpose. (Sec. 23, militia law.)

**378.** Persons so certified and registered shall, subject to a physical examination at the time, constitute an eligible class for commissions in any volunteer force hereafter organized under the authority of Congress, other than a force composed of Organized Militia. (Sec. 23, militia law.)

**379.** The President may authorize persons from the eligible class to attend and pursue a regular course of study at any military school or college of the United States other than the Military Academy, and to receive while attending, from the annual appropriation for the support of the army, the same allowances and commutations as are allowed officers of the Organized Militia in paragraph 314. (Sec. 23, militia law.)

**380.** No person shall receive a commission as a second lieutenant after he has passed the age of thirty; as first lieutenant after he has passed the age of thirty-five; as captain after he has passed the age of forty; as major after he has passed the age of forty-five; as lieutenant-colonel after he has passed the age of fifty; as colonel after he has passed the age of fifty-five. (Sec. 23, militia law.)

**381.** Appointments to commissions from this eligible class shall be distributed proportionately, as near as may be, among the various States contributing to the volunteer forces, but shall not include appointments in any company, troop, battery, battalion, or regiment of the Organized Militia which volunteers as a body or the officers of which are appointed by the governor of a State or Territory. (Sec. 23, militia law.)

**382.** Boards for the examination of applicants for commission in volunteer forces will be appointed by the Secretary of War, and will consist of five commissioned officers of the Regular Army, including two medical officers and a recorder. The duties of the medical officers will be confined to inquiry into and report upon the physical condition of the applicants.

In the case of application for examination as to fitness for commission as medical officers of volunteers, the board shall consist of three medical officers of the Regular Army, the junior acting as recorder. (General Orders, No. 57, W. D., 1909.)

**383.** The organization of these boards shall conform to that of retiring boards and separate proceedings will be made in each case. All public proceedings shall be in the presence of the applicant under examination, but the conclusions reached and the recommendations

entered will be regarded as confidential. (General Orders, No. 57, W. D., 1909.)

384. The nature and scope of this examination and the rules governing the procedure of the examining boards are given in detail in General Orders, No. 6, War Department, January 8, 1904.

## ARTICLE VI.

### REPORTS AND RETURNS.

#### (a) REPORTS BY THE SECRETARY OF WAR ON THE MILITIA TO CONGRESS.

385. The following reports are required to be made annually by the Secretary of War to Congress:

(a) An abstract of the returns and reports of the adjutants-general of the States, Territories, and the District of Columbia Militia, with such observations thereon as he may deem necessary for the information of Congress. (Sec. 12, militia law.)

(b) A list of the actual and necessary traveling expenses, together with the per diem, of the members of the National Militia Board, and of the clerical and office expenses of the Division of Militia Affairs. (Sec. 20, militia law, as amended.)

(c) Encampment and maneuvers, Organized Militia.

#### (b) REPORTS AND RETURNS OF ADJUTANTS-GENERAL TO THE WAR DEPARTMENT.

386. The following reports and returns are required to be made by adjutants-general of States, Territories, and the District of Columbia Militia, to the War Department:

(a) Annual Return of Organized Militia, to reach the Chief, Division of Militia Affairs, not later than January 31 (on Form No. 12, D. M. A.).

(b) Report of Small-Arms Firing, to be forwarded to the Chief, Division of Militia Affairs, as soon as practicable after the close of the practice season (on Form No. 15, D. M. A.).

(c) Report of Drills, Target Practice, and Field Instruction, annually, to be forwarded to the Chief, Division of Militia Affairs, not later than January 31 (on Form No. 10, D. M. A.).

(d) Report on enlisted men detailed for duty under section 20, militia law, as amended, on March 31, June 30, September 30, and December 31 of each year (on Form No. 41, D. M. A.).

(e) Annual returns of public property, to be prepared on blank forms furnished by the various supply bureaus and forwarded to the Chief, Division of Militia Affairs, within two months after December 31 of each year.

*(c)* REPORTS AND RETURNS OF DISBURSING OFFICERS.

**387.** The following reports and returns are required to be made by disbursing officers of the Organized Militia of the States, Territories, and District of Columbia appointed under section 14 of the militia law:

*(a)* Account current (accompanied by proper vouchers), monthly, to be forwarded to the Chief, Division of Militia Affairs, within twenty days after the end of the month to which the account current relates (on Form No. 1, D. M. A.).

*(b)* Statement of balance of funds on hand from appropriation "Arming and Equipping the Militia," weekly, to be forwarded on the last day of each week (on Form No. 29, D. M. A.).

**388.** Adjutants-general and disbursing officers of States, Territories, and the District of Columbia Militia may use penalty envelopes in forwarding reports and returns required by the War Department.

## ARTICLE VII.

## DIVISION OF MILITIA AFFAIRS.

*(a)* FUNCTIONS.

**389.** The Division of Militia Affairs in the office of the Secretary of War is vested with the transaction of business pertaining to the organized and unorganized militia of the United States, including the armament, equipment, discipline, training, education, and organization of the militia; the conduct of camps of instruction and participation in the field exercises and maneuvers of the Regular Army; and the mobilization and the relations of the militia to the Regular Army in time of peace. (W. D. Orders, A, Feb. 12, 1908.)

*(b)* RULES OF CORRESPONDENCE.

**390.** The Division of Militia Affairs in the office of the Secretary of War is the central office of record for all matters pertaining to the militia not in the military service of the United States, and the chief thereof is the channel of communication between the Secretary of War and the adjutants-general of the States, Territories, and the District of Columbia Militia in relation thereto. (W. D. Orders, M, June 10, 1908.)

**391.** Official communications should be signed or authenticated with the pen, and not by facsimiles. Signatures should be plainly and legibly written.

**392.** The following regulations govern the official correspondence of the Division of Militia Affairs with the Chief of Staff and chiefs of bureaus and departments of the War Department and with the military authorities of the States, Territories, and the District of Columbia:

(a) All original communications emanating from the office of the division of militia affairs shall set forth that they are sent by direction or order of the Secretary or Assistant Secretary of War.

(b) Communications addressed to governors of States or Territories will be prepared for the signature of the Secretary or Assistant Secretary of War; those addressed to adjutants-general of States, Territories, or District of Columbia Militia will be signed by the Chief, Division of Militia Affairs.

(c) Communications of a routine nature which require that they be submitted to the Chief of Staff, for his information only, will be simply checked to the latter over the initials of the Chief, Division of Militia Affairs.

(d) Information concerning militia affairs which has a bearing upon the employment or military status of the personnel of the regular establishment will be conveyed to the Chief of Staff by indorsement or in the form of a memorandum. If such indorsement or memorandum involves an expressed desire or direction of the Assistant Secretary of War for action by the Chief of Staff, it will be signed by the Assistant Secretary of War; if it merely transmits information involving no action, it will be signed by the Chief, Division of Militia Affairs. In case the indorsement or memorandum involves the issuing of orders or instructions to officers or enlisted men of the regular establishment, an accompanying memorandum for The Adjutant-General, prepared for the signature of the Chief of Staff, will be inclosed; this inclosure will be initialed by the Chief, Division of Militia Affairs.

(e) The Chief of Staff will furnish the Chief, Division of Militia Affairs, with a copy of any report approved by him which is made by any section or officer of the General Staff that has a bearing on militia affairs.

(f) The Chief, Division of Militia Affairs, is authorized to communicate directly with the heads of the supply or other departments of the War Department in reference to all matters pertaining exclusively to the Organized Militia in regard to supplies, instruction, drill, and general military efficiency. (W. D. Orders, X, Sept. 3, 1908.)

## ARTICLE VIII.

### THE NATIONAL MILITIA BOARD.

#### (a) ORGANIZATION.

**393.** Section 20 of the militia law, as amended, provides that—

The Secretary of War is hereby authorized to appoint a board of five officers on the active list of the Organized Militia, so selected as to secure, as far as practicable, equitable representation to all sections of the United States, and which shall, from

time to time, as the Secretary of War may direct, proceed to Washington, District of Columbia, for consultation with the Secretary of War respecting the condition, status, and needs of the whole body of the Organized Militia. Such officers shall be appointed for the term of four years, unless sooner relieved by the Secretary of War.

(b) RULES GOVERNING ITS ACTIONS.

**394.** The following instructions have been issued for the guidance of this board of officers:

1. The official designation of the board shall be "The National Militia Board."

2. The board shall meet in the city of Washington at such times as may be specially designated by the Secretary of War.

3. The rules of procedure governing the board shall be those prescribed by Army Regulations and orders and authorized by the customs of the regular service for military boards.

4. The Chief, Division of Militia Affairs, Office of the Secretary of War, shall act as the secretary of the board, and as such shall attend to all the clerical work connected with its transactions; he shall not take part in the discussions of the board unless requested by it to do so.

5. The proceedings of the board and all official papers pertaining to its work shall be kept on file in the Division of Militia Affairs.

6. All action of the board shall be submitted in the form of a written memorandum and recommendation addressed to the Assistant Secretary of War for his consideration and for such final action as may be ordered by the Secretary of War.

7. The board is authorized to apply to the Assistant Secretary of War for an appointment of a time for consultation with him or with the Secretary of War whenever the importance or nature of the business before it indicates that such a consultation is desirable.

8. The board is authorized to obtain through the Assistant Secretary of War, from the head of any office or bureau of the department, such information as it may require in the transaction of its business, and, upon request therefor by the board, the Assistant Secretary of War will authorize the attendance, for purposes of consultation, of officers of the General Staff and the bureaus of the department.

9. The scope of the board's deliberations and recommendations shall include only such matters as may be referred to it by the Assistant Secretary of War, or be presented by any of its members during an authorized meeting.

10. The board will submit to the Secretary of War, annually, on September 15, a complete report of its transactions. (W. D. Orders, L, June 5, 1908.)

(c) ALLOWANCES TO MEMBERS.

**395.** The following actual and necessary traveling expenses and per diem are allowed members of the National Militia Board:

1. Fares upon railroads, steamers, or other usual modes of conveyance by the shortest usually traveled routes.

2. Cost of seat in parlor car, one double berth in sleeping car; or customary accommodations on steamer, where the same is not included in the travel fare.

3. Hire of special transportation, either by land or water, where there are no regular means of conveyance. Ferriage, tolls, driver's services, and horse keeping when transportation is hired.

4. Transfer coach fare en route to and from depots and hotels; or, where there are no conveyances, moderate and necessary hack fare not exceeding legal rates. Items for hack fare require explanation as to the distances and necessity for the same.

5. Actual cost of meals en route, not to exceed \$4 per day for the time actually and unavoidably consumed in the journey, will be allowed when the same is not included in the travel fare.

6. Fees to porters while traveling, not to exceed \$1 per diem.

7. Actual cost of meals and lodgings while in attendance upon the meetings of the board in Washington, not to exceed \$7 per day, will be allowed.

8. A per diem of \$10 from the dates of leaving home station and returning thereto; the period covered by this per diem to include the time actually consumed in traveling between the home station and Washington, D. C., and return, by the shortest usually traveled route, and the number of days actually consumed in Washington in attendance upon the meetings of the board.

An itemized chronological statement of above-named expenses and per diem must be furnished in duplicate, and receipts must be furnished wherever practicable and customary. Routes of travel must be stated. Such statement will embody a certificate in the following terms:

I hereby certify on honor that the amounts charged herein, aggregating \$—, were actually expended by me for the purposes specified while traveling on official business, under the inclosed order of the Secretary of War, dated —, and that it was impracticable to obtain receipts for all the items; and I further certify that the amount of per diem charged herein, aggregating \$—, covers the actual period consumed by me in traveling from my home to Washington, D. C., and return, by the shortest usually traveled route, and while in attendance upon the meetings of the board in Washington.

Accounts will be rendered to the disbursing clerk, War Department, for reimbursement. (Memo., Secretary of War, June 4, 1908.)

## APPENDIX.

(A.)

### AN ACT TO INCREASE THE EFFICIENCY OF THE PERMANENT MILITARY ESTABLISHMENT OF THE UNITED STATES.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from and after the approval of this Act the army of the United States, including the existing organizations, shall consist of fifteen regiments of cavalry, a corps of artillery, thirty regiments of infantry, one lieutenant-general, six major-generals, fifteen brigadier-generals, an Adjutant-General's Department, an Inspector-General's Department, a Judge-Advocate-General's Department, a Quartermaster's Department, a Subsistence Department, a Medical Department, a Pay Department, a Corps of Engineers, an Ordnance Department, a Signal Corps, the officers of the Record and Pension Office, the chaplains, the officers and enlisted men of the army on the retired list, the professors, corps of cadets, the army detachments, and band at the United States Military Academy, Indian scouts as now authorized by law, and such other officers and enlisted men as may hereinafter be provided for: *Provided*, That when a vacancy shall occur through death, retirement, or other separation from active service in the office of storekeeper, now provided for by law in the Quartermaster's Department and Ordnance Department, respectively, said office shall cease to exist.

SEC. 2. That each regiment of cavalry shall consist of one colonel, one lieutenant-colonel, three majors, fifteen captains, fifteen first lieutenants, and fifteen second lieutenants; two veterinarians, one sergeant-major, one quartermaster-sergeant, one commissary-sergeant, three squadron sergeants-major, two color sergeants<sup>a</sup> with rank, pay, and allowances of squadron sergeant-major, one band, and twelve troops organized into three squadrons of four troops each. Of the officers herein provided, the captains and lieutenants not required for duty with the troops shall be available for detail as regimental and squadron staff officers and such other details as may be authorized by law or regulations. Squadron adjutants<sup>b</sup> shall receive one thousand eight hundred dollars per annum and the allowances of first lieutenants; squadron quartermasters and commissaries<sup>b</sup> shall receive one thousand six hundred dollars per annum and the allowances of second lieutenants. Each cavalry band shall be organized as now provided by law. Each troop of cavalry shall consist of one captain, one first lieutenant, one second lieutenant, one first sergeant, one quartermaster-sergeant, six sergeants, six corporals, two cooks, two farriers and blacksmiths,<sup>c</sup> one saddler, one wagoner, two trumpeters, and forty-three privates; the commissioned officers to be assigned from among those hereinbefore authorized: *Provided*, That the President, in his discretion, may increase the number of corporals in any troop of cavalry to eight, and the number of privates to

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<sup>a</sup> Rate of pay of color-sergeants changed by act of May 11, 1908. (See G. O. 80, W. D., Series of 1908.)

<sup>b</sup> Rates of pay for squadron-adjutants and squadron-quartermasters and commissaries are practically eliminated by the increased rates of pay for lieutenants prescribed in the act of May 11, 1908, and paragraphs of the Army Regulations restricting details.

<sup>c</sup> Instead of two farriers and blacksmiths, one farrier and one horseshoer are prescribed for by the act of March 3, 1910. (G. O. 54, W. D., Series of 1910.)

seventy-six, but the total number of enlisted men authorized for the whole army shall not at any time be exceeded.

SEC. 3. That the regimental organization of the artillery arm of the United States Army is hereby discontinued, and that arm is constituted and designated as the Artillery Corps. It shall be organized as hereinafter specified and shall belong to the line of the army.

SEC. 4. That the Artillery Corps shall comprise two branches—the coast artillery and the field artillery. The coast artillery is defined as that portion charged with the care and use of the fixed and movable elements of land and coast fortifications, including the submarine mine and torpedo defenses; and the field artillery as that portion accompanying an army in the field, and including field and light artillery proper, horse artillery, siege artillery, mountain artillery, and also machine-gun batteries: *Provided*, That this shall not be construed to limit the authority of the Secretary of War to order coast artillery to any duty which the public service demands or to prevent the use of machine or other field guns by any other arm of the service under the direction of the Secretary of War.

SEC. 5. That all officers of artillery shall be placed on one list, in respect to promotion, according to seniority in their several grades, and shall be assigned to coast or to field artillery according to their special aptitude for the respective services.

SEC. 6.<sup>a</sup> That the Artillery Corps shall consist of a Chief of Artillery, who shall be selected and detailed by the President from the colonels of artillery, to serve on the staff of the general officer commanding the army, and whose duties shall be prescribed by the Secretary of War; fourteen colonels, one of whom shall be the Chief of Artillery; thirteen lieutenant-colonels, thirty-nine majors, one hundred and ninety-five captains, one hundred and ninety-five first lieutenants, one hundred and ninety-five second lieutenants; and the captains and lieutenants provided for in this section not required for duty with batteries or companies shall be available for duty as staff officers of the various artillery garrisons and such other details as may be authorized by law and regulations; twenty-one sergeants-major, with the rank, pay, and allowances of regimental sergeants-major of infantry; twenty-seven sergeants-major, with the rank, pay, and allowances of battalion sergeants-major of infantry; one electrician sergeant to each coast artillery post having electrical appliances; thirty batteries of field artillery, one hundred and twenty-six batteries of coast artillery, and ten bands organized as now authorized by law for artillery regiments: *Provided*, That the aggregate number of enlisted men for the artillery, as provided under this Act, shall not exceed eighteen thousand nine hundred and twenty, exclusive of electrician sergeants.

SEC. 7. That each company of coast artillery shall be organized as is now prescribed by law for a battery of artillery: *Provided*, That the enlisted strength of any company may be fixed, under the direction of the Secretary of War, according to the requirements of the service to which it may be assigned: *And provided*, That first-class gunners<sup>b</sup> shall receive two dollars a month, and second-class gunners<sup>b</sup> one dollar per month in addition to their pay.

SEC. 8. That each battery of field artillery shall be organized as is now prescribed by law, and the enlisted strength thereof shall be fixed under the direction of the Secretary of War.

SEC. 9. That the increase herein provided for the artillery shall be made as follows: Not less than twenty per centum before July first, nineteen hundred and one, and not less than twenty per centum each succeeding twelve months until the total number provided for shall have been attained. All vacancies created or caused by this Act shall be filled by promotion according to seniority in the artillery arm. Second

<sup>a</sup> Amended by act of January 25, 1907. See p. 137 of these Regulations.

<sup>b</sup> Rates of pay for first-class gunners and second-class gunners changed by the act of May 11, 1908 (G. O. 80, W. D., 1908).

lieutenants of infantry or cavalry may, in the discretion of the President, be transferred to the artillery arm, taking rank therein according to date of commission, and such transfers shall be subject to approval by a board of artillery officers appointed to pass upon the capacity of such officers for artillery service: *Provided*, That the increase of officers of artillery shall be only in proportion to the increase of men.

SEC. 10. That each regiment of infantry shall consist of one colonel, one lieutenant-colonel, three majors, fifteen captains, fifteen first lieutenants, and fifteen second lieutenants; one sergeant-major, one quartermaster-sergeant, one commissary-sergeant, three battalion sergeants-major, two color sergeants<sup>a</sup> with rank, pay, and allowances of battalion sergeants-major, one band, and twelve companies, organized into three battalions of four companies each. Of the officers herein provided, the captains and lieutenants not required for duty with the companies shall be available for detail as regimental and battalion staff officers and such other details as may be authorized by law or regulations. Battalion adjutants shall receive one thousand eight hundred dollars per annum and the allowances of first lieutenants, mounted; battalion quartermasters and commissaries shall receive one thousand six hundred dollars per annum and the allowances of second lieutenants, mounted. Each infantry band shall be organized as now provided by law. Each infantry company shall consist of one captain, one first lieutenant, one second lieutenant, one first sergeant, one quartermaster-sergeant, four sergeants, six corporals, two cooks, two musicians, one artificer, and forty-eight privates, the commissioned officers to be assigned from those hereinbefore authorized: *Provided*, That the President, in his discretion, may increase the number of sergeants in any company of infantry to six, the number of corporals to ten, and the number of privates to one hundred and twenty-seven, but the total number of enlisted men authorized for the whole Army shall not at any time be exceeded.

SEC. 11. That the enlisted force of the Corps of Engineers shall consist of one band and three battalions of engineers. The engineers band shall be organized as now provided by law for bands of infantry regiments. Each battalion of engineers shall consist of one sergeant-major, one quartermaster-sergeant, and four companies. Each company of engineers shall consist of one first sergeant, one quartermaster-sergeant, with the rank, pay, and allowances of sergeant, eight sergeants, ten corporals, two musicians, two cooks, thirty-eight first-class and thirty-eight second-class privates: *Provided*, That the President may, in his discretion, increase the number of sergeants in any company of engineers to twelve, the number of corporals to eighteen, the number of first-class privates to sixty-four, and the number of second-class privates to sixty-four, but the total number of enlisted men authorized for the whole Army shall not at any time be exceeded: *And provided*, That officers detailed from the Corps of Engineers to serve as battalion adjutants and battalion quartermasters and commissaries shall, while so serving, receive the pay and allowances herein authorized for battalion staff officers of infantry regiments.

SEC. 12. That the President is authorized to appoint, by and with the advice and consent of the Senate, chaplains in the Army, at the rate of one for each regiment of cavalry and infantry in the United States service and twelve for the corps of artillery, with the rank, pay, and allowances of captains of infantry:<sup>b</sup> *Provided*, That no person shall be appointed a chaplain in the Regular Army who shall have passed the age of forty years, nor until he shall have established his fitness as required by existing law: *And provided*, That the office of post chaplain is abolished, and the officers now holding commissions as chaplains, or who may hereafter be appointed chaplains, shall be

<sup>a</sup> Rates of pay of color-sergeants of infantry changed by act of May 11, 1908 (G. O. 80, W. D., series of 1908.)

<sup>b</sup> Rank and pay of chaplains changed by the act of April 21, 1904 (G. O. 48, W. D., series of 1904).

assigned to regiments or to the corps of artillery. Chaplains may be assigned to such stations as the Secretary of War shall direct, and they may be transferred, as chaplains, from one branch of the service or from one regiment to another by the Secretary of War, without further commission. When serving in the field, chaplains shall be furnished with necessary means of transportation by the Quartermaster's Department.

SEC. 13.<sup>a</sup> That the Adjutant-General's Department shall consist of one Adjutant-General with the rank of major-general, and when a vacancy shall occur in the office of Adjutant-General on the expiration of the service of the present incumbent, by retirement or otherwise, the Adjutant-General shall thereafter have the rank and pay of a brigadier-general, five assistant adjutants-general with the rank of colonel, seven assistant adjutants-general with the rank of lieutenant-colonel, and fifteen assistant adjutants-general with the rank of major: *Provided*, That all vacancies created or caused by this section shall, as far as possible, be filled by promotion according to seniority of officers of the Adjutant-General's Department.

SEC. 14. That the Inspector-General's Department shall consist of one Inspector-General with the rank of brigadier-general, four inspectors-general with the rank of colonel, four inspectors-general with the rank of lieutenant-colonel, and eight inspectors-general with the rank of major: *Provided*, That all vacancies created or caused by this section shall be filled, as far as possible, by promotion according to seniority of officers of the Inspector-General's Department.

SEC. 15. That the Judge-Advocate-General's Department shall consist of one Judge-Advocate-General with the rank of brigadier-general, two judge-advocates with the rank of colonel, three judge-advocates with the rank of lieutenant-colonel, six judge-advocates with the rank of major, and for each geographical department or tactical division of troops not provided with a judge-advocate from the list of officers holding permanent commissions in the Judge-Advocate-General's Department one acting judge-advocate with the rank, pay, and allowances of captain, mounted. Promotions to vacancies above the grade of major, created or caused by this Act, shall be made, according to seniority, from officers now holding commission in the Judge-Advocate-General's Department. Vacancies created or caused by this Act in the grade of major may be filled by appointment of officers holding commissions as judge-advocate of volunteers since April twenty-first, eighteen hundred and ninety-eight. Vacancies which may occur thereafter in the grade of major in the Judge-Advocate-General's Department shall be filled by the appointment of officers of the line, or of persons who have satisfactorily served as judge-advocates of volunteers since April twenty-first, eighteen hundred and ninety-eight, or of persons from civil life who at date of appointment are not over thirty-five years of age and who shall pass a satisfactory examination to be prescribed by the Secretary of War.

Acting judge-advocates provided for herein shall be detailed from officers of the grades of captain or first lieutenant of the line of the army who while so serving shall continue to hold their commissions in the arm of the service to which they permanently belong. Upon completion of a tour of duty not exceeding four years they shall be returned to the arm in which commissioned, and shall not be again detailed until they shall have completed two years' duty with the arm of the service in which commissioned.

SEC. 16. That the Quartermaster's Department shall consist of one Quartermaster-General with the rank of brigadier-general, six assistant quartermasters-general with the rank of colonel, nine deputy quartermasters-general with the rank of lieutenant-colonel, twenty quartermasters with the rank of major, sixty quartermasters with the rank of captain, mounted; the military storekeeper now provided for by law, and one hundred and fifty post quartermaster-sergeants: *Provided*, That all vacancies in the grade of colonel, lieutenant-colonel, and major created or caused by this section shall be filled by promotion according to seniority, as now prescribed by law. That to fill

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<sup>a</sup> Section 13, amended by the act of April 23, 1904 (G. O. 76, W. D., series of 1907).

original vacancies in the grade of captain created by this Act in the Quartermaster's Department the President is authorized to appoint officers of volunteers commissioned in the Quartermaster's Department since April twenty-first, eighteen hundred and ninety-eight: *Provided further*, That the President is authorized to continue in service during the present emergency, for duty in the Philippine Islands and on transports, twenty-four captains and assistant quartermasters of volunteers. This authority shall extend only for the period when their services shall be absolutely necessary.

SEC. 17. That the Subsistence Department shall consist of one Commissary-General with the rank of brigadier-general, three assistant commissaries-general with the rank of colonel, four deputy commissaries-general with the rank of lieutenant-colonel, nine commissaries with the rank of major, twenty-seven commissaries with the rank of captain, mounted, and the number of commissary-sergeants now authorized by law, who shall hereafter be known as post commissary-sergeants: *Provided*, That all vacancies in the grades of colonel, lieutenant-colonel, and major, created or caused by this section, shall be filled by promotion, according to seniority, as now prescribed by law. That to fill original vacancies in the grade of captain, created by this Act, in the Subsistence Department, the President is authorized to appoint officers of volunteers commissioned in the Subsistence Department since April twenty-first, eighteen hundred and ninety-eight.

SEC. 18.<sup>a</sup> That the Medical Department shall consist of one Surgeon-General with the rank of brigadier-general, eight assistant surgeons-general with the rank of colonel, twelve deputy surgeons-general with the rank of lieutenant-colonel, sixty surgeons with the rank of major, two hundred and forty assistant surgeons with the rank of captain or first lieutenant, the Hospital Corps, as now authorized by law, and the Nurse Corps: *Provided*, That all vacancies in the grades of colonel, lieutenant-colonel, and major created or caused by this section shall be filled by promotion according to seniority, subject to the examination now prescribed by law: *And provided*, That the period during which any assistant surgeon shall have served as a surgeon or assistant surgeon in the Volunteer Army during the war with Spain or since shall be counted as a portion of the five years' service required to entitle him to rank of captain: *And provided also*, That nothing in this section shall affect the relative rank for promotion of any assistant surgeon now in the service, or who may be hereafter appointed therein, as determined by the date of his appointment or commission and as fixed in accordance with existing law and regulations: *Provided further*, That in emergencies the Surgeon-General of the Army, with the approval of the Secretary of War, may appoint as many contract surgeons as may be necessary, at a compensation not to exceed one hundred and fifty dollars per month. That on or after the passage of this Act the President may appoint for duty in the Philippine Islands fifty surgeons of volunteers with the rank and pay of major and one hundred and fifty assistant surgeons of volunteers with the rank and pay of captain, mounted, for a period of two years: *Provided*, That so many of these volunteer medical officers as are not required shall be honorably discharged the service whenever in the opinion of the Secretary of War their services are no longer necessary: *Provided further*, That assistant surgeons in the Volunteer Army of the United States commissioned by the President as captains, in accordance with the provisions of an Act for increasing the efficiency of the Army of the United States, and for other purposes, approved March second, eighteen hundred and ninety-nine, shall be entitled to the pay of a captain, mounted, from the date of their acceptance of such commission, as prescribed by law: *Provided*, That the Surgeon-General of the Army, with the approval of the Secretary of War, be, and he is hereby, authorized to employ dental surgeons to serve the officers and enlisted men of the Regular and Volunteer Army, in the propor-

<sup>a</sup> This section amended by the act of March 2, 1903 (G. O. 24, W. D., series of 1903), and Medical Department reorganized by the act of April 23, 1908 (G. O. 67, W. D., series of 1908).

tion of not to exceed one for every one thousand of said Army, and not exceeding thirty in all. Said dental surgeons shall be employed as contract dental surgeons under the terms and conditions applicable to army contract surgeons, and shall be graduates of standard medical or dental colleges, trained in the several branches of dentistry, of good moral and professional character, and shall pass a satisfactory professional examination: *Provided*, That three of the number of dental surgeons to be employed shall be first appointed by the Surgeon-General, with the approval of the Secretary of War, with reference to their fitness for assignment, under the direction of the Surgeon-General, to the special service of conducting the examinations and supervising the operations of the others; and for such special service an extra compensation of sixty dollars a month will be allowed: *Provided further*, That dental college graduates now employed in the Hospital Corps who have been detailed for a period of not less than twelve months to render dental service to the army and who are shown by the reports of their superior officers to have rendered such service satisfactorily may be appointed contract dental surgeons without examination: *Provided*, That the Secretary of War be authorized to appoint in the Hospital Corps, in addition to the two hundred hospital stewards<sup>a</sup> now allowed by law, one hundred hospital stewards:<sup>b</sup> *Provided*, That men who have served as hospital stewards of volunteer regiments or acted in that capacity during and since the Spanish-American war for more than six months may be appointed hospital stewards in the Regular Army: *And provided, further*, That all men so appointed shall be of good moral character and shall have passed a satisfactory mental and physical examination.

SEC. 19.<sup>a</sup> That the Nurse Corps (female) shall consist of one superintendent, to be appointed by the Secretary of War, who shall be a graduate of a hospital training school having a course of instruction of not less than two years, whose term of office may be terminated at his discretion, whose compensation shall be one thousand eight hundred dollars per annum, and of as many chief nurses, nurses, and reserve nurses as may be needed. Reserve nurses may be assigned to active duty when the emergency of the service demands, but shall receive no compensation except when on such duty: *Provided*, That all nurses in the Nurse Corps shall be appointed or removed by the Surgeon-General, with the approval of the Secretary of War; that they shall be graduates of hospital training schools, and shall have passed a satisfactory professional, moral, mental, and physical examination: *And provided*, That the superintendent and nurses shall receive transportation and necessary expenses when traveling under orders; that the pay and allowances of nurses, and of reserve nurses, when on active service, shall be forty dollars per month when on duty in the United States and fifty dollars per month when without the limits of the United States. They shall be entitled to quarters, subsistence, and medical attendance during illness, and they may be granted leaves of absence for thirty days, with pay, for each calendar year; and, when serving as chief nurses, their pay may be increased by authority of the Secretary of War, such increase not to exceed twenty-five dollars per month. Payments to the Nurse Corps shall be made by the Pay Department.

SEC. 20. That the grade of veterinarian of the second class in cavalry regiments, United States Army, is hereby abolished, and hereafter the two veterinarians authorized for each cavalry regiment and the one veterinarian authorized for each artillery regiment shall receive the pay and allowances of second lieutenants, mounted. Such number of veterinarians as the Secretary of War may authorize shall be employed to attend animals pertaining to the quartermaster's or other departments not directly connected with the cavalry and artillery regiments, at a compensation not exceeding one hundred dollars per month.

<sup>a</sup> Grades of hospital stewards and acting hospital stewards abolished by the act of March 2, 1903, and grades of sergeant, first class, and sergeant substituted therefor (G. O. 24, W. D., series of 1903).

<sup>b</sup> This section amended by the act of March 23, 1910 (G. O. 54, W. D., series of 1910).

SEC. 21. That the Pay Department shall consist of one Paymaster-General with the rank of brigadier-general, three assistant paymasters-general with the rank of colonel, four deputy paymasters-general with the rank of lieutenant-colonel, twenty paymasters with the rank of major, and twenty-five paymasters with the rank of captain, mounted: *Provided*, That all vacancies in the grade of colonel and lieutenant-colonel created or caused by this section shall be filled by promotion according to seniority, as now prescribed by law, and no more appointments to the grade of major and paymaster shall be made until the number of majors and paymasters is reduced below twenty: *And provided*, That persons who have served in the Volunteer Army since April twenty-first, eighteen hundred and ninety-eight, as additional paymasters may be appointed to positions in the grade of captain, created by this section. So long as there remains surplus majors an equal number of vacancies shall be held in the grade of captain, so that the total number of paymasters authorized by this section shall not be exceeded at any time.

SEC. 22.<sup>a</sup> That the Corps of Engineers shall consist of one Chief of Engineers with the rank of brigadier-general, seven colonels, fourteen lieutenant-colonels, twenty-eight majors, forty captains, forty first lieutenants, and thirty second lieutenants. The enlisted force provided in section eleven of this Act and the officers serving therewith shall constitute a part of the line of the Army: *Provided*, That the Chief of Engineers shall be selected as now provided by law, and hereafter vacancies in the Corps of Engineers in all other grades above that of second lieutenant shall be filled, as far as possible, by promotion according to seniority from the Corps of Engineers: *And provided also*, That vacancies remaining in the grades of first and second lieutenant may be filled by transfer of officers of the Regular Army, subject to such professional examination as may be approved by the Secretary of War. Vacancies in the grade of second lieutenant not filled by transfer shall be left for future promotions from the corps of cadets at the United States Military Academy.

SEC. 23.<sup>b</sup> That the Ordnance Department shall consist of one Chief of Ordnance with the rank of brigadier-general, four colonels, six lieutenant-colonels, twelve majors, twenty-four captains, and twenty-four first lieutenants, the ordnance storekeeper, and the enlisted men, including ordnance sergeants, as now authorized by law. All vacancies created or caused by this section shall, as far as possible, be filled by promotion according to seniority as now prescribed by law.

SEC. 24.<sup>c</sup> That the Signal Corps shall consist of one chief signal officer with the rank of brigadier-general, one colonel, one lieutenant-colonel, four majors, fourteen captains, fourteen first lieutenants, eighty first-class sergeants, one hundred and twenty sergeants, one hundred and fifty corporals, two hundred and fifty first-class privates, one hundred and fifty second-class privates, and ten cooks: *Provided*, That vacancies created or caused by this section shall be filled by promotion of officers of the Signal Corps according to seniority, as now provided by law. Vacancies remaining after such promotions may be filled by appointment of persons who have served in the Volunteer Signal Corps since April twenty-first, eighteen hundred and ninety-eight: *Provided*, That the President is authorized to continue in service during the present emergency for duty in the Philippine Islands, five volunteer signal officers with the rank of first lieutenant and five volunteer signal officers with the rank of second lieutenant. This authority shall extend only for the period when their services may be absolutely necessary.

SEC. 25.<sup>a</sup> That the officers of the Record and Pension Office of the War Department shall be a chief of said office with the rank of brigadier-general and an assistant chief of

<sup>a</sup>This section amended by the act of April 23, 1904 (G. O. 76, W. D., series of 1904).

<sup>b</sup>This section amended by the act of June 25, 1906 (G. O. 191, W. D., series of 1906).

<sup>c</sup>This section amended by the act of March 2, 1903 (G. O. 24, W. D., series of 1903), and the act of April 23, 1904 (G. O. 76, W. D., series of 1904).

said office with the rank of major: *Provided*, That any person appointed to be Chief of the Record and Pension Office after the passage of this Act shall have the rank of colonel.

SEC. 26. That so long as there remain any officers holding permanent appointments in the Adjutant-General's Department, the Inspector-General's Department, the Quartermaster's Department, the Subsistence Department, the Pay Department, the Ordnance Department, and the Signal Corps, including those appointed to original vacancies in the grades of captain and first lieutenant under the provisions of sections sixteen, seventeen, twenty-one, and twenty-four of this Act, they shall be promoted according to seniority in the several grades, as now provided by law, and nothing herein contained shall be deemed to apply to vacancies which can be filled by such promotions or to the periods for which the officers so promoted shall hold their appointments; and when any vacancy, except that of the chief of the department or corps, shall occur, which can not be filled by promotion as provided in this section, it shall be filled by detail from the line of the Army, and no more permanent appointments shall be made in those departments or corps after the original vacancies created by this Act shall have been filled. Such details shall be made from the grade in which the vacancies exist, under such system of examination as the President may from time to time prescribe.

All officers so detailed shall serve for a period of four years, at the expiration of which time they shall return to duty with the line, and officers below the rank of lieutenant-colonel shall not again be eligible for selection in any staff department until they shall have served two years with the line.

That when vacancies shall occur in the position of chief of any staff corps or department the President may appoint to such vacancies, by and with the advice and consent of the Senate, officers of the Army at large not below the rank of lieutenant-colonel, and who shall hold office for terms of four years. When a vacancy in the position of chief of any staff corps or department is filled by the appointment of an officer below the rank now provided by law for said office said chief shall, while so serving, have the same rank, pay, and allowances now provided for the chief of such corps or department. And any officer now holding office in any corps or department who shall hereafter serve as chief of a staff corps or department and shall subsequently be retired shall be retired with the rank, pay, and allowances authorized by law for the retirement of such corps or department chief: *Provided*, That so long as there remain in service officers of any staff corps or department holding permanent appointments the chief of such staff corps or department shall be selected from the officers so remaining therein.

SEC. 27. That each position vacated by officers of the line, transferred to any department of the staff for tours of service under this Act, shall be filled by promotion in the line until the total number detailed equals the number authorized for duty in each staff department. Thereafter vacancies caused by details from the line to the staff shall be filled by officers returning from tours of staff duty. If under the operation of this Act the number of officers returned to any particular arm of the service at any time exceeds the number authorized by law in any grade, promotions to that grade shall cease until the number has been reduced to that authorized.

SEC. 28. That vacancies in the grade of field officers and captain, created by this Act, in the cavalry, artillery, and infantry shall be filled by promotion according to seniority in each branch, respectively. Vacancies existing after the promotions have been made shall be provided for as follows: A sufficient number shall be reserved in the grade of second lieutenant for the next graduating class at the United States Military Academy.

Persons not over forty years of age who shall have at any time served as volunteers subsequent to April twenty-first, eighteen hundred and ninety-eight, may be ordered before boards of officers for such examination as may be prescribed by the Secretary of War, and those who establish their fitness before these examining boards may be

appointed to the grades of first or second lieutenant in the Regular Army, taking rank in the respective grades according to seniority as determined by length of prior commissioned service; but no person appointed under the provisions of this section shall be placed above another in the same grade with longer commissioned service, and nothing herein contained shall change the relative rank of officers heretofore commissioned in the Regular Army.

Enlisted men of the Regular Army or volunteers may be appointed second lieutenants in the Regular Army to vacancies created by this Act, provided that they shall have served one year, under the same conditions now authorized by law for enlisted men of the Regular Army.

SEC. 29. That to fill vacancies occurring from time to time in the several organizations serving without the limits of the United States with trained men, the President is authorized to enlist recruits in numbers equal to four per centum in excess of the total strength authorized for such organizations.

SEC. 30. That the President is authorized to maintain the enlisted force of the several organizations of the Army at their maximum strength as fixed by this Act during the present exigencies of the service, or until such time as Congress may hereafter otherwise direct: *Provided*, That in the event of the enlistment of a soldier in the Army for the period required by law, and after the expiration of one year of service, should either of his parents die, leaving the other solely dependent upon the soldier for support, such soldier may, upon his own application, be honorably discharged from the service of the United States upon due proof being made of such condition to the Secretary of War.

SEC. 31.<sup>a</sup> That the Secretary of War is authorized to detach from the army at large such number of enlisted men as may be necessary to perform duty at the various recruiting stations, and while performing such duty one member of each party shall have the rank, pay, and allowances of sergeant, and one the rank, pay, and allowances of corporal of the arm of the service to which they respectively belong.

SEC. 32. That when the exigencies of the service of any officer who would be entitled to promotion upon examination require him to remain absent from any place where an examining board could be convened, the President is hereby authorized to promote such officer, subject to examination, and the examination shall take place as soon thereafter as practicable. If upon examination the officer be found disqualified for promotion, he shall, upon the approval of the proceedings by the Secretary of War, be treated in the same manner as if he had been examined prior to promotion.

SEC. 33. The President of the United States is hereby authorized to select from the brigadier-generals of volunteers two volunteer officers, without regard to age, and, by and with the advice and consent of the Senate, appoint them brigadier-generals, United States Army, for the purpose of placing them on the retired list.

And the President is also hereby authorized to select from the retired list of the army an officer not above the rank of brigadier-general who may have distinguished himself during the war with Spain, in command of a separate army, and to appoint, by and with the advice and consent of the Senate, the officer so selected to be major-general, United States Army, with the pay and allowances established by law for officers of that grade on the retired list.

SEC. 34. That all officers who have served during the war with Spain, or since, as officers of the Regular or Volunteer Army of the United States, and have been honorably discharged from the service by resignation or otherwise, shall be entitled to bear the official title and, upon occasions of ceremony, to wear the uniform of the highest grade they have held by brevet or other commission in the regular or volunteer service.

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<sup>a</sup> See acts of June 12, 1906 (G. O. 115, W. D., series of 1906), and March 4, 1909 (G. O. 53, W. D., series of 1909), relative to companies for recruit depots and prison guards.

SEC. 35. That the Secretary of War be, and he is hereby, authorized and directed to cause preliminary examinations and surveys to be made for the purpose of selecting four sites with a view to the establishment of permanent camp grounds for instruction of troops of the Regular Army and National Guard, with estimates of the cost of the sites and their equipment with all modern appliances, and for this purpose is authorized to detail such officers of the Army as may be necessary to carry on the preliminary work; and the sum of ten thousand dollars is hereby appropriated for the necessary expense of such work, to be disbursed under the direction of the Secretary of War: *Provided*, That the Secretary of War shall report to Congress the result of such examination and surveys, and no contract for said sites shall be made nor any obligation incurred until Congress shall approve such selections and appropriate the money therefor.

SEC. 36.<sup>a</sup> That when in his opinion the conditions in the Philippine Islands justify such action the President is authorized to enlist natives of those islands for service in the army, to be organized as scouts, with such officers as he shall deem necessary for their proper control, or as troops or companies, as authorized by this Act, for the Regular Army. The President is further authorized, in his discretion, to form companies, organized as are companies of the Regular Army, in squadrons or battalions, with officers and noncommissioned officers corresponding to similar organizations in the cavalry and infantry arms. The total number of enlisted men in said native organizations shall not exceed twelve thousand, and the total enlisted force of the line of the army, together with such native force, shall not exceed at any one time one hundred thousand.

The majors to command the squadrons and battalions shall be selected by the President from captains of the line of the Regular Army, and while so serving they shall have the rank, pay, and allowances of the grade of major. The captains of the troops or companies shall be selected by the President from first lieutenants of the line of the Regular Army, and while so serving they shall have the rank, pay, and allowances of captain of the arm to which assigned. The squadron and battalion staff officers, and first and second lieutenants of companies, may be selected from the noncommissioned officers or enlisted men of the Regular Army of not less than two years' service, or from officers or noncommissioned officers or enlisted men serving, or who have served, in the volunteers subsequent to April twenty-first, eighteen hundred and ninety-eight, and officers of those grades shall be given provisional appointments for periods of four years each, and no such appointments shall be continued for a second or subsequent term unless the officer's conduct shall have been satisfactory in every respect. The pay and allowances of provisional officers of native organizations shall be those authorized for officers of like grades in the Regular Army. The pay, rations, and clothing allowances to be authorized for the enlisted men shall be fixed by the Secretary of War, and shall not exceed those authorized for the Regular Army.

When, in the opinion of the President, natives of the Philippine Islands shall, by their services and character, show fitness for command, the President is authorized to make provisional appointments to the grades of second and first lieutenants from such natives, who, when so appointed, shall have the pay and allowances to be fixed by the Secretary of War, not exceeding those of corresponding grades of the Regular Army.

SEC. 37.<sup>b</sup> That the President is authorized to organize and maintain one provisional regiment of not exceeding three battalions of infantry, for service in Porto Rico, the enlisted strength thereof to be composed of natives of that island as far as practicable.

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<sup>a</sup> This section amended by the act of May 16, 1908 (G. O. 91, W. D., series of 1908).

<sup>b</sup> This section amended by the acts of May 11, 1908 (G. O. 80, W. D., series of 1908), and May 27, 1908 (G. O. 100, W. D., series of 1908).

The regiment shall be organized as to numbers as authorized for infantry regiments of the Regular Army. The pay, rations, and clothing allowances to be authorized for the enlisted men shall be fixed by the Secretary of War, and shall not exceed those authorized for the Regular Army. The field officers shall be selected from officers of the next lower grades in the Regular Army and shall, while so serving in the higher grade, have the rank, pay, and allowances thereof. The company and regimental and battalion staff officers shall be appointed by the President. The President may, in his discretion, continue with their own consent the volunteer officers and enlisted men of the Porto Rico regiment, whose terms of service expire by law July first, nineteen hundred and one. Enlistments for the Porto Rico regiment shall be made for periods of three years, unless sooner discharged. The regiment shall be continued in service until further directed by Congress.

SEC. 38. The sale of, or dealing in, beer, wine, or any intoxicating liquors by any person in any post exchange or canteen or army transport or upon any premises used for military purposes by the United States, is hereby prohibited. The Secretary of War is hereby directed to carry the provisions of this section into full force and effect.

SEC. 39. That nothing in this Act shall be held or construed so as to discharge any officer from the Regular Army or to deprive him of the commission which he now holds therein.

SEC. 40. That the President be, and he is hereby, authorized to prescribe the kinds and quantities of the component articles of the army ration, and to direct the issue of substitutive equivalent articles in place of any such components whenever, in his opinion, economy and a due regard to the health and comfort of the troops may so require.

SEC. 41. That the distinctive badges adopted by military societies of men "who served in the armies and navies of the United States during the Spanish-American war and the incident insurrection in the Philippines" may be worn upon all occasions of ceremony by officers and men of the Army and Navy of the United States who are members of said organizations in their own right.

SEC. 42. That all laws and parts of laws inconsistent with the provisions of this Act be, and the same are hereby, repealed.

Approved, February 2, 1901.

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(B.)

## AN ACT TO REORGANIZE AND TO INCREASE THE EFFICIENCY OF THE ARTILLERY OF THE UNITED STATES ARMY.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the artillery of the United States Army shall consist of the Chief of Artillery, the coast artillery, and the field artillery. The coast artillery and the field artillery shall be organized as hereinafter specified, and the artillery shall belong to the line of the army: *Provided,* That on and after July first, nineteen hundred and eight, the Chief of Artillery shall cease to exercise supervision over the field artillery and shall thereafter be designated as the Chief of Coast Artillery.

SEC. 2. That the Chief of Artillery or Chief of Coast Artillery shall be an additional member of the General Staff Corps, and his other duties shall be prescribed by the Secretary of War.

When a vacancy occurs in the office of the Chief of Artillery or Chief of Coast Artillery the President may appoint to such vacancy, by and with the advice and consent of the Senate, an officer selected from the coast artillery, who shall serve for a period of four years unless reappointed for further periods of four years; and any officer who shall hereafter serve as Chief of Artillery or Chief of Coast Artillery shall, when retired, be retired with the rank, pay, and allowances authorized by law for a brigadier-general

on the retired list. The position vacated by an officer appointed Chief of Artillery or Chief of Coast Artillery shall be filled by promotion in that arm according to existing law, but the officer thus appointed shall continue in the same lineal position in his arm which he would have held if he had not been so appointed, and shall be an additional number in the grade from which he was appointed or to which he may be promoted: *Provided*, That there shall not be at any time in the coast artillery more than one additional officer by reason of the appointment of a Chief of Artillery or Chief of Coast Artillery and the relief of an officer from such duty.

SEC. 3. That the coast artillery is the artillery charged with the care and use of the fixed and movable elements of land and coast fortifications, including the submarine mine and torpedo defenses.

SEC. 4. That the field artillery is the artillery which accompanies an army in the field, and includes light artillery, horse artillery, siege artillery, and mountain artillery.

SEC. 5. That the coast artillery shall constitute a corps, and shall consist of one Chief of Coast Artillery with the rank, pay, and allowances of a brigadier-general, as provided in section one of this act; fourteen colonels; fourteen lieutenant-colonels; forty-two majors; two hundred and ten captains; two hundred and ten first lieutenants, and two hundred and ten second lieutenants; and the captains and lieutenants provided for in this section not required for duty with companies shall be available for duty as staff officers of the various coast artillery commands and for such other details as may be authorized by law and regulations; twenty-one sergeants-major with the rank, pay, and allowances of regimental sergeants-major of infantry; twenty-six master electricians; sixty engineers; seventy-four electrician-sergeants, first class; seventy-four electrician-sergeants, second class; forty-two sergeants-major with the rank, pay, and allowances of battalion sergeants-major of infantry; forty-two master gunners; sixty firemen; one hundred and seventy companies, and fourteen bands, organized as now provided for by law for artillery corps bands.

SEC. 6. That each company of coast artillery shall consist of one captain, one first lieutenant, one second lieutenant, one first sergeant, one quartermaster-sergeant, two cooks, two mechanics, two musicians, and such number of sergeants, corporals, and privates as may be fixed by the President in accordance with the requirements of the service to which it may be assigned: *Provided*, That the total number of sergeants and corporals in the coast artillery, so fixed, shall not exceed one thousand three hundred and sixty and two thousand and forty, respectively, and that the total enlisted strength of the coast artillery, as provided under this act, shall not exceed nineteen thousand one hundred and forty-seven, exclusive of master electricians, electrician-sergeants, first class, and electrician-sergeants, second class.

SEC. 7. That the field artillery shall consist of six regiments, each organized as follows: One colonel, one lieutenant-colonel, two majors, eleven captains, thirteen first lieutenants, and thirteen second lieutenants; two veterinarians, one sergeant-major, one quartermaster-sergeant, one commissary-sergeant, two battalion sergeants-major, two battalion quartermaster-sergeants, two color-sergeants, one band, and six batteries organized into two battalions of three batteries each. Of the officers herein provided the captains and lieutenants not required for duty with batteries shall be available for detail as regimental and battalion staff officers, and for such other details as may be authorized by law and regulations. Battalion adjutants shall be detailed from the captains, and battalion quartermasters and commissaries from lieutenants. Each field artillery band shall be organized as provided by law for cavalry bands: *Provided*, That the President in his discretion may increase by nine mounted orderlies the regimental strength herein authorized.

SEC. 8. That each battery of field artillery shall consist of one captain, two first lieutenants, two second lieutenants, one first sergeant, one quartermaster-sergeant, one stable sergeant, one chief mechanic, six sergeants, twelve corporals, four mechan-

ics,<sup>a</sup> three cooks, two musicians, and one hundred and two privates, the commissioned officers to be assigned from among those hereinbefore authorized for the regiment: *Provided*, That the President in his discretion may increase the number of sergeants in any battery of field artillery to eight, the number of corporals to sixteen, the number of mechanics to seven, the number of musicians to three, and the number of privates to one hundred and forty-nine: *Provided further*, That nothing contained in this Act shall increase the total number of enlisted men in the line of the Army, together with the native scouts, as authorized by section thirty-six of the Act of Congress approved February second, nineteen hundred and one, entitled "An Act to increase the efficiency of the permanent military establishment of the United States."

SEC. 9. That on and after the approval of this Act the coast artillery and the field artillery shall be permanently separated, the separation to be effected as follows:

All officers in the present Artillery Corps shall remain on one list as regards promotion until sufficient promotions shall have been made, as far as the present number of officers permit, to provide in each grade, together with the officers remaining therein, the total number of officers of the grade provided for in this Act for the coast and field artillery combined. After such promotion they shall, in each grade, be assigned by the President to the coast artillery or to the field artillery, according to special aptitude and qualifications and agreeably to individual preference, so far as may be practicable and for the good of the service, such assignments to be permanent; and all officers promoted or appointed in the artillery thereafter shall be commissioned as officers of the coast artillery or the field artillery, as the case may be, and shall be promoted by seniority in their own branch, subject to the provisions of the laws governing promotion in the Army at large.

SEC. 10. That all vacancies created or caused by this Act which can be filled by promotion of officers now in the Artillery Corps shall be filled by promotion according to seniority, subject to examination as now prescribed by law. Of the vacancies created or caused by this Act which can not be filled by promotion of officers now in the Artillery Corps, one-fifth in each branch shall be filled in each fiscal year until the total number of officers herein provided for shall have been attained. The vacancies remaining in the grade of second lieutenant shall be filled by appointment in the following order: First, of graduates of the United States Military Academy; second, of enlisted men whose fitness for advancement shall have been determined by competitive examination; third, of candidates from civil life; and all such appointments shall be made in accordance with the provisions of existing law.

SEC. 11. That the regimental and battalion noncommissioned staff officers herein authorized for regiments of field artillery shall have the pay and allowances of corresponding grades in the cavalry; the battalion quartermaster-sergeant shall have the pay and allowances of sergeant-major, junior grade, of the Artillery Corps; the chief mechanic<sup>b</sup> the pay and allowances of sergeant, and the mechanics of field artillery the pay and allowances of artificers of field artillery; engineer, sixty-five dollars a month and allowances of ordnance-sergeant; electrician-sergeant, first class, forty-five dollars a month and allowances of ordnance-sergeant; electrician-sergeant, second class,<sup>b</sup> thirty-five dollars a month and allowances of ordnance-sergeant; master gunner,<sup>b</sup> the pay and allowances of ordnance-sergeant; fireman, thirty dollars a month and allowances of ordnance-sergeant; and that the rates of pay of all other enlisted men<sup>b</sup> of the coast and the field artillery shall be as now provided by law: *Provided*, That casemate

<sup>a</sup> One mechanic changed to horseshoer by the act of March 23, 1910 (G. O. 54, W. D., series of 1910).

<sup>b</sup> Rates of pay of chief mechanic, electrician-sergeants, second class, master gunner, and first-class and second-class gunners changed by the act of May 11, 1908 (G. O. 80, W. D. series of 1908)

electricians, observers, first class, and plotters shall receive nine dollars a month in addition to their pay; that chief planters, chief loaders, observers, second class, gun commanders, and gun pointers shall receive seven dollars a month in addition to their pay, and that first-class gunners shall receive two dollars a month and second-class gunners one dollar a month in addition to their pay: *Provided further*, That the number of casemate electricians shall not exceed forty-four; that the number of observers, first class, shall not exceed one hundred and seventy; that the number of plotters shall not exceed one hundred and seventy; that the number of chief planters shall not exceed forty-four; that the number of chief loaders shall not exceed forty-four; that the number of observers, second class, shall not exceed one hundred and seventy; that the number of gun commanders shall not exceed three hundred and seventy-eight, and that the number of gun pointers shall not exceed three hundred and seventy-eight: *And provided further*, That no enlisted man shall receive under this section more than one addition to his pay.

SEC. 12. That in addition to the chaplains now authorized for the Artillery Corps the President is authorized to appoint, by and with the advice and consent of the Senate, and subject to the laws governing appointment of chaplains in the army, one chaplain for each regiment of field artillery and two for the coast artillery, with the rank, pay, and allowances now authorized by law for chaplains in the Army.

SEC. 13. That all laws and parts of laws inconsistent with the provisions of this Act are hereby repealed.

Approved, January 25, 1907.

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(C.)

#### AN ACT TO INCREASE THE EFFICIENCY OF THE MEDICAL DEPARTMENT OF THE UNITED STATES ARMY.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That from and after the approval of this Act the Medical Department of the United States Army shall consist of a Medical Corps and a Medical Reserve Corps, as hereinafter provided; and the Hospital Corps, the nurse corps, and dental surgeons, as now authorized by law.

SEC. 2. That the Medical Corps shall consist of one Surgeon-General, with rank of brigadier-general, who shall be chief of the Medical Department; fourteen colonels, twenty-four lieutenant-colonels, one hundred and five majors, and three hundred captains or first lieutenants, who shall have rank, pay, and allowances of officers of corresponding grades in the cavalry arm of the service. Immediately following the approval of this Act all officers of the Medical Department then in active service, other than the Surgeon-General, shall be recommissioned in the corresponding grades in the Medical Corps established by this Act in the order of their seniority and without loss of relative rank in the Army, as follows: Assistant surgeons-general, with the rank of colonel, as colonels; deputy surgeons-general, with rank of lieutenant-colonel, as lieutenant-colonels; surgeons, with the rank of major, as majors; assistant surgeons, who at the time of the approval of this Act shall have served three years or more, as captains; and assistant surgeons, with the rank of first lieutenant, who at the time of the approval of this Act shall have served less than three years as such, as first lieutenants; and hereafter first lieutenants shall be promoted to the grade of captain after three years' service in the Medical Corps.

SEC. 3. That promotions in the Medical Corps to fill vacancies in the several grades created or caused by this Act, or hereafter occurring, shall be made according to seniority, but all such promotions and all appointments to the grade of first lieutenant in said corps shall be subject to examination as hereinafter provided: *Provided*, That the increase in grades of colonel, lieutenant-colonel, and major provided for in this

Act shall be filled by promotion each calendar year of not exceeding two lieutenant-colonels to be colonels, three majors to be lieutenant-colonels, fourteen captains to be majors, and of the increase in the grade of first lieutenant not more than twenty-five per centum of the total of such increase shall be appointed in any one calendar year: *Provided further*, That those assistant surgeons who at the time of the approval of this Act shall have attained their captaincy by reason of service in the volunteer forces under the provisions of the Act of February second, nineteen hundred and one, section eighteen, or who will receive their captaincy upon the approval of this Act by virtue of such service, shall take rank among the officers in or subsequently promoted to that grade, according to date of entrance into the Medical Department of the Army as commissioned officers.

SEC. 4. That no person shall receive an appointment as first lieutenant in the Medical Corps unless he shall have been examined and approved by an army medical board consisting of not less than three officers of the Medical Corps designated by the Secretary of War.

SEC. 5. That no officer of the Medical Corps below the rank of lieutenant-colonel shall be promoted therein until he shall have successfully passed an examination before an army medical board consisting of not less than three officers of the Medical Corps, to be designated by the Secretary of War, such examination to be prescribed by the Secretary of War and to be held at such time anterior to the accruing of the right to promotion as may be for the best interests of the service: *Provided*, That should any officer of the Medical Corps fail in his physical examination and be found incapacitated for service by reason of physical disability contracted in the line of duty, he shall be retired with the rank to which his seniority entitled him to be promoted; but if he should be found disqualified for promotion for any other reason, a second examination shall not be allowed, but the Secretary of War shall appoint a board of review to consist of three officers of the Medical Corps superior in rank to the officer examined, none of whom shall have served as a member of the board which examined him. If the unfavorable finding of the examining board is concurred in by the board of review, the officer reported disqualified for promotion shall, if a first lieutenant or captain, be honorably discharged from the service with one year's pay; and, if a major, shall be debarred from promotion and the officer next in rank found qualified shall be promoted to the vacancy. If the action of the examining board is disapproved by the board of review, the officer shall be considered qualified and shall be promoted.

SEC. 6. That nothing in this Act shall be construed to legislate out of the service any officer now in the Medical Department of the Army, nor to affect the relative rank or promotion of any medical officer now in the service, or who may hereafter be appointed therein, as determined by the date of his appointment or commission, except as herein otherwise provided in section three.

SEC. 7. That for the purpose of securing a reserve corps of medical officers available for military service, the President of the United States is authorized to issue commissions as first lieutenants therein to such graduates of reputable schools of medicine, citizens of the United States, as shall from time to time, upon examination to be prescribed by the Secretary of War, be found physically, mentally, and morally qualified to hold such commissions, the persons so commissioned to constitute and be known as the Medical Reserve Corps. The commissions so given shall confer upon the holders all the authority, rights, and privileges of commissioned officers of the like grade in the Medical Corps of the United States Army, except promotions, but only when called into active duty, as hereinafter provided, and during the period of such active duty. Officers of the Medical Reserve Corps shall have rank in said corps according to date of their commissions therein, and when employed on active duty, as hereinafter provided, shall rank next below all other officers of like grade in the United States Army: *Provided*, That contract surgeons now in the military service who receive the favorable recommendation of the Surgeon-General of the Army shall be eligible

for appointment in said reserve corps without further examination: *Provided further*, That any contract surgeon not over twenty-seven years of age at date of his appointment as contract surgeon shall be eligible to appointment in the regular corps.

SEC. 8. That in emergencies the Secretary of War may order officers of the Medical Reserve Corps to active duty in the service of the United States in such numbers as the public interests may require, and may relieve them from such duty when their services are no longer necessary: *Provided*, That nothing in this Act shall be construed as authorizing an officer of the Medical Reserve Corps to be ordered upon active duty as herein provided who is unwilling to accept such service, nor to prohibit an officer of the Medical Reserve Corps not designated for active duty from service with the militia, or with the volunteer troops of the United States, or in the service of the United States in any other capacity, but when so serving with the militia or with volunteer troops, or when employed in the service of the United States in any other capacity, an officer of the Medical Reserve Corps shall not be subject to call for duty under the terms of this section: *And provided further*, That the President is authorized to honorably discharge from the Medical Reserve Corps any officer thereof whose services are no longer required: *And provided further*, That officers of the Medical Reserve Corps who apply for appointment in the Medical Corps of the Army may, upon the recommendation of the Surgeon-General, be placed on active duty by the Secretary of War and ordered to the Army Medical School for instruction and further examination to determine their fitness for commission in the Medical Corps: *And provided further*, That any officer of the Medical Reserve Corps who is subject to call and who shall be ordered upon active duty as herein provided and who shall be unwilling and refuse to accept such service shall forfeit his commission.

SEC. 9. That officers of the Medical Reserve Corps when called upon active duty in the service of the United States, as provided in section eight of this Act, shall be subject to the laws, regulations, and orders for the government of the Regular Army, and during the period of such service shall be entitled to the pay and allowances of first lieutenants of the Medical Corps with increase for length of service now allowed by law, said increase to be computed only for time of active duty: *Provided*, That no officer of the Medical Reserve Corps shall be entitled to retirement or retirement pay, nor shall he be entitled to pension except for physical disability incurred in the line of duty while in active duty: *And provided further*, That nothing in this Act shall be construed to prevent the appointment in time of war of medical officers of volunteers in such numbers and with such rank and pay as may be provided by law.

SEC. 10. That all Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Approved, April 23, 1908.

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(D.)

#### ARTICLES OF WAR.

SECTION 1342. Revised Statutes. The armies of the United States shall be governed by the following rules and articles. The word officer, as used therein, shall be understood to designate commissioned officers; the word soldier shall be understood to include noncommissioned officers, musicians, artificers, and privates, and other enlisted men, and the convictions mentioned therein shall be understood to be convictions by court-martial.

ARTICLE 1. Every officer now in the Army of the United States shall within six months from the passing of this act, and every officer hereafter appointed shall, before he enters upon the duties of his office, subscribe these rules and articles.

ART. 2. These rules and articles shall be read to every enlisted man at the time of, or within six days after, his enlistment, and he shall thereupon take an oath or

affirmation, in the following form: "I, A B, do solemnly swear (or affirm) that I will bear true faith and allegiance to the United States of America; 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 orders of the officers appointed over me, according to the Rules and Articles of War." This oath may be taken before any commissioned officer of the army.

ART. 3. Every officer who knowingly enlists or musters into the military service any minor over the age of sixteen years without the written consent of his parents or guardian, or any minor under the age of sixteen years, or any insane or intoxicated persons, or any deserter from the military or naval service of the United States, or any person who has been convicted of any infamous criminal offense, shall, upon conviction, be dismissed from the service, or suffer such other punishment as a court-martial may direct.

ART. 4. No enlisted man, duly sworn, shall be discharged from the service without a discharge in writing, signed by a field officer of the regiment to which he belongs, or by the commanding officer, when no field officer is present; and no discharge shall be given to any enlisted man before his term of service has expired, except by order of the President, the Secretary of War, the commanding officer of a department, or by sentence of a general court-martial.

ART. 5. Any officer who knowingly musters as a soldier a person who is not a soldier shall be deemed guilty of knowingly making a false muster, and punished accordingly.

ART. 6. Any officer who takes money, or other thing, by way of gratification, on mustering any regiment, troop, battery, or company, or on signing muster rolls, shall be dismissed from the service, and shall thereby be disabled to hold any office or employment in the service of the United States.

ART. 7. Every officer commanding a regiment, an independent troop, battery, or company, or a garrison, shall, in the beginning of every month, transmit through the proper channels, to the Department of War, an exact return of the same, specifying the names of the officers then absent from their posts, with the reasons for and the time of their absence. And any officer who, through neglect or design, omits to send such returns, shall, on conviction thereof, be punished as a court-martial may direct.

ART. 8. Every officer who knowingly makes a false return to the Department of War, or to any of his superior officers, authorized to call for such returns, of the state of the regiment, troop or company, or garrison under his command; or of the arms, ammunition, clothing or other stores thereunto belonging, shall, on conviction thereof before a court-martial, be cashiered.

ART. 9. All public stores taken from the enemy shall be secured for the service of the United States; and for neglect thereof the commanding officer shall be answerable.

ART. 10. Every officer commanding a troop, battery, or company is charged with the arms, accouterments, ammunition, clothing, or other military stores belonging to his command, and is accountable to his colonel in case of their being lost, spoiled, or damaged otherwise than by unavoidable accident, or on actual service.

ART. 11. Every officer commanding a regiment or an independent troop, battery, or company, not in the field, may, when actually quartered with such command, grant furloughs to the enlisted men, in such numbers and for such time as he shall deem consistent with the good of the service. Every officer commanding a regiment, or an independent troop, battery, or company, in the field, may grant furloughs not exceeding thirty days at one time, to five per centum of the enlisted men, for good conduct in the line of duty, but subject to the approval of the commander of the forces of which said enlisted men form a part. Every company officer of a regiment, commanding any troop, battery, or company not in the field, or commanding in any garrison, fort, post, or barrack, may in the absence of his field officer, grant furloughs to the enlisted men, for a time not exceeding twenty days in six months, and not to more than two persons to be absent at the same time.

ART. 12. At every muster of a regiment, troop, battery, or company, the commanding officer thereof shall give to the mustering officer certificates, signed by himself, stating how long absent officers have been absent and the reasons of their absence. And the commanding officer of every troop, battery, or company shall give like certificates, stating how long absent noncommissioned officers and private soldiers have been absent and the reasons of their absence. Such reasons and time of absence shall be inserted in the muster rolls opposite the names of the respective absent officers and soldiers, and the certificates, together with the muster rolls, shall be transmitted by the mustering officer to the Department of War, as speedily as the distance of the place and muster will admit.

ART. 13. Every officer who signs a false certificate, relating to the absence or pay of an officer or soldier, shall be dismissed from the service.

ART. 14. Any officer who knowingly makes a false muster of man or horse, or who signs, or directs, or allows the signing of any muster roll, knowing the same to contain a false muster, shall, upon proof thereof by two witnesses, before a court-martial, be dismissed from the service, and shall thereby be disabled to hold any office or employment in the service of the United States.

ART. 15. Any officer who, willfully or through neglect, suffers to be lost, spoiled, or damaged, any military stores belonging to the United States, shall make good the loss or damage, and be dismissed from the service.

ART. 16. Any enlisted man who sells, or willfully or through neglect wastes the ammunition delivered out to him, shall be punished as a court-martial may direct.

ART. 17. Any soldier who sells or through neglect loses or spoils his horse, arms, clothing, or accouterments shall be punished as a court-martial may adjudge, subject to such limitation as may be prescribed by the President by virtue of the power vested in him. (Act of July 27, 1892, 27 Stat. L., 277.)

ART. 18. Any officer commanding in any garrison, fort, or barracks of the United States who, for his private advantage, lays any duty or imposition upon, or is interested in, the sale of any victuals, liquors, or other necessaries of life, brought into such garrison, fort, or barracks, for the use of the soldiers, shall be dismissed from the service.

ART. 19. Any officer who uses contemptuous or disrespectful words against the President, the Vice-President, the Congress of the United States, or the chief magistrate or legislature of any of the United States in which he is quartered, shall be dismissed from the service, or otherwise punished, as a court-martial may direct. Any soldier who so offends shall be punished as a court-martial may direct.

ART. 20. Any officer or soldier who behaves himself with disrespect toward his commanding officer shall be punished as a court-martial may direct.

ART. 21. Any officer or soldier who, on any pretense whatsoever, strikes his superior officer, or draws or lifts up any weapon, or offers any violence against him, being in the execution of his office, or disobeys any lawful command of his superior officer, shall suffer death, or such other punishment as a court-martial may direct.

ART. 22. Any officer or soldier who begins, excites, causes, or joins in any mutiny or sedition, in any troop, battery, company, party, post, detachment, or guard, shall suffer death, or such other punishment as a court-martial may direct.

ART. 23. Any officer or soldier who, being present at any mutiny or sedition, does not use his utmost endeavor to suppress the same, or having knowledge of any intended mutiny or sedition, does not, without delay, give information thereof to his commanding officer, shall suffer death, or such other punishment as a court-martial may direct.

ART. 24. All officers, of what condition soever, have power to part and quell all quarrels, frays, and disorders, whether among persons belonging to his own or to another corps, regiment, troop, battery, or company, and to order officers into arrest, and noncommissioned officers and soldiers into confinement, who take part in the same, until their proper superior officer is acquainted therewith. And whosoever, being

so ordered, refuses to obey such officer or noncommissioned officer or draws a weapon upon him, shall be punished as a court-martial may direct.

ART. 25. No officer or soldier shall use any reproachful or provoking speeches or gestures to another. Any officer who so offends shall be put in arrest. Any soldier who so offends shall be confined, and required to ask pardon of the party offended, in the presence of his commanding officer.

ART. 26. No officer or soldier shall send a challenge to another officer or soldier to fight a duel, or accept a challenge so sent. Any officer who so offends shall be dismissed from the service. Any soldier who so offends shall suffer such punishment as a court-martial may direct.

ART. 27. Any officer or noncommissioned officer, commanding a guard, who, knowingly and willingly, suffers any person to go forth to fight a duel, shall be punished as a challenger; and all seconds or promoters of duels, and carriers of challenges to fight duels, shall be deemed principals, and punished accordingly. It shall be the duty of any officer commanding an army, regiment, troop, battery, company, post, or detachment, who knows or has reason to believe that a challenge has been given or accepted by any officer or enlisted man under his command, immediately to arrest the offender and bring him to trial.

ART. 28. Any officer or soldier who upbraids another officer or soldier for refusing a challenge shall himself be punished as a challenger; and all officers and soldiers are hereby discharged from any disgrace or opinion of disadvantage which might arise from their having refused to accept challenges, as they will only have acted in obedience to the law, and have done their duty as good soldiers, who subject themselves to discipline.

ART. 29. Any officer who thinks himself wronged by the commanding officer of his regiment, and, upon due application to such commander, is refused redress, may complain to the general commanding in the State or Territory where such regiment is stationed. The general shall examine into said complaint and take proper measures for redressing the wrong complained of; and he shall, as soon as possible, transmit to the Department of War a true statement of such complaint, with the proceedings had thereon.

ART. 30. Any soldier who thinks himself wronged by any officer may complain to the commanding officer of his regiment, who shall summon a regimental court-martial for the doing of justice to the complainant. Either party may appeal from such regimental court-martial to a general court-martial; but if, upon such second hearing, the appeal appears to be groundless and vexatious, the party appealing shall be punished at the discretion of said general court-martial.

ART. 31. Any officer or soldier who lies out of his quarters, garrison, or camp, without leave from his superior officer, shall be punished as a court-martial may direct.

ART. 32. Any soldier who absents himself from his troop, battery, company, or detachment, without leave from his commanding officer, shall be punished as a court-martial may direct.

ART. 33. Any officer or soldier who fails, except when prevented by sickness or other necessity, to repair, at the fixed time, to the place of parade, exercise, or other rendezvous appointed by his commanding officer, or goes from the same, without leave from his commanding officer, before he is dismissed or relieved, shall be punished as a court-martial may direct.

ART. 34. Any soldier who is found one mile from camp, without leave in writing from his commanding officer, shall be punished as a court-martial may direct.

ART. 35. Any soldier who fails to retire to his quarters or tent at the beating of retreat, shall be punished according to the nature of his offense.

ART. 36. No soldier belonging to any regiment, troop, battery, or company shall hire another to do his duty for him, or be excused from duty, except in cases of sickness,

disability, or leave of absence. Every such soldier found guilty of hiring his duty, and the person so hired to do another's duty, shall be punished as a court-martial may direct.

ART. 37. Every noncommissioned officer who connives at such hiring of duty shall be reduced. Every officer who knows and allows such practices shall be punished as a court-martial may direct.

ART. 38. Any officer who is found drunk on his guard, party, or other duty, shall be dismissed from the service. Any soldier who so offends shall suffer such punishment as a court-martial may direct. No court-martial shall sentence any soldier to be branded, marked, or tattooed.

ART. 39. Any sentinel who is found sleeping upon his post, or who leaves it before he is regularly relieved, shall suffer death, or such other punishment as a court-martial may direct.

ART. 40. Any officer or soldier who quits his guard, platoon, or division, without leave from his superior officer, except in case of urgent necessity, shall be punished as a court-martial may direct.

ART. 41. Any officer who, by any means whatsoever, occasions false alarms in camp, garrison, or quarters, shall suffer death, or such other punishment as a court-martial may direct.

ART. 42. Any officer or soldier who misbehaves himself before the enemy, runs away, or shamefully abandons any fort, post, or guard, which he is commanded to defend, or speaks words inducing others to do the like, or casts away his arms or ammunition, or quits his post or colors to plunder or pillage, shall suffer death, or such other punishment as a court-martial may direct.

ART. 43. If any commander of any garrison, fortress, or post is compelled, by the officers and soldiers under his command, to give up to the enemy or to abandon it, the officers or soldiers so offending shall suffer death, or such other punishment as a court-martial may direct.

ART. 44. Any person belonging to the armies of the United States who makes known the watchword to any person not entitled to receive it, according to the rules and discipline of war, or presumes to give a parole or watchword different from that which he received, shall suffer death, or such other punishment as a court-martial may direct.

ART. 45. Whosoever relieves the enemy with money, victuals, or ammunition, or knowingly harbors or protects an enemy, shall suffer death, or such other punishment as a court-martial may direct.

ART. 46. Whosoever holds correspondence with, or gives intelligence to, the enemy, either directly or indirectly, shall suffer death, or such other punishment as a court-martial may direct.

ART. 47. Any officer or soldier who, having received pay, or having been duly enlisted in the service of the United States, deserts the same, shall, in time of war, suffer death, or such other punishment as a court-martial may direct; and in time of peace, any punishment, excepting death, which a court-martial may direct.

ART. 48. Every soldier who deserts the service of the United States shall be liable to serve for such period as shall, with the time he may have served previous to his desertion, amount to the full term of his enlistment; and such soldier shall be tried by a court-martial and punished, although the term of his enlistment may have elapsed previous to his being apprehended and tried.

ART. 49. Any officer who, having tendered his resignation, quits his post or proper duties, without leave, and with intent to remain permanently absent therefrom, prior to due notice of the acceptance of the same, shall be deemed and punished as a deserter.

ART. 50. No noncommissioned officer or soldier shall enlist himself in any other regiment, troop, or company, without a regular discharge from the regiment, troop, or

company in which he last served, on a penalty of being reputed a deserter, and suffering accordingly. And in case any officer shall knowingly receive and entertain such noncommissioned officer or soldier, or shall not, after his being discovered to be a deserter, immediately confine him and give notice thereof to the corps in which he last served, the said officer shall, by court-martial, be cashiered.

ART. 51. Any officer or soldier who advises or persuades any other officer or soldier to desert the service of the United States, shall, in time of war, suffer death, or such other punishment as a court-martial may direct; and in time of peace, any punishment, excepting death, which a court-martial may direct.

ART. 52. It is earnestly recommended to all officers and soldiers diligently to attend divine service. Any officer who behaves indecently or irreverently at any place of divine worship shall be brought before a general court-martial, there to be publicly and severely reprimanded by the president thereof. Any soldier who so offends shall, for his first offense, forfeit one-sixth of a dollar; for each further offense he shall forfeit a like sum, and shall be confined twenty-four hours. The money so forfeited shall be deducted from his next pay, and shall be applied, by the captain or senior officer of his troop, battery, or company, to the use of the sick soldiers of the same.

ART. 53. Any officer who uses any profane oath or execration shall, for each offense, forfeit and pay one dollar. Any soldier who so offends shall incur the penalties provided in the preceding article; and all moneys forfeited for such offenses shall be applied as therein provided.

ART. 54. Every officer commanding in quarters, garrison, or on the march, shall keep good order, and, to the utmost of his power, redress all abuses or disorders which may be committed by any officer or soldier under his command; and if, upon complaint made to him of officers or soldiers beating or otherwise ill treating any person, disturbing fairs or markets, or committing any kind of riot, to the disquieting of the citizens of the United States, he refuses or omits to see justice done to the offender, and reparation made to the party injured, so far as part of the offender's pay shall go toward such reparation, he shall be dismissed from the service, or otherwise punished, as a court-martial may direct.

ART. 55. All officers and soldiers are to behave themselves orderly in quarters and on the march; and whoever commits any waste or spoil, either in walks or trees, parks, warrens, fish ponds, houses, gardens, grain fields, inclosures, or meadows, or maliciously destroys any property whatsoever belonging to inhabitants of the United States (unless by order of a general officer commanding a separate army in the field), shall, besides such penalties as he may be liable to by law, be punished as a court-martial may direct.

ART. 56. Any officer or soldier who does violence to any person bringing provisions or other necessaries to the camp, garrison, or quarters of the forces of the United States in foreign parts, shall suffer death or such other punishment as a court-martial may direct.

ART. 57. Whosoever, belonging to the armies of the United States in foreign parts, or at any place within the United States or their Territories during rebellion against the supreme authority of the United States, forces a safeguard, shall suffer death.

ART. 58. In time of war, insurrection, or rebellion, larceny, robbery, hurglary, arson, mayhem, manslaughter, murder, assault and battery with an intent to kill, wounding, by shooting or stabbing, with an intent to commit murder, rape, or assault and battery with an intent to commit rape, shall be punishable by the sentence of a general court-martial when committed by persons in the military service of the United States, and the punishment in any such case shall not be less than the punishment provided, for the like offense, by the laws of the State, Territory, or District in which such offense may have been committed.

ART. 59. When any officer or soldier is accused of a capital crime, or of any offense against the person or property of any citizen of any of the United States which is punishable by the laws of the land, the commanding officer, and the officers of the regi-

ment, troop, battery, company, or detachment to which the person so accused belongs, are required, except in time of war, upon application duly made by or in behalf of the party injured, to use their utmost endeavors to deliver him over to the civil magistrate, and to aid the officers of justice in apprehending and securing him in order to bring him to trial. If, upon such application, any officer refuses or willfully neglects, except in time of war, to deliver over such accused person to the civil magistrates, or to aid the officers of justice in apprehending him, he shall be dismissed from the service.

ART. 60. Any person in the military service of the United States who makes or causes to be made any claim against the United States, or any officer thereof, knowing such claim to be false or fraudulent; or

Who presents or causes to be presented to any person in the civil or military service thereof, for approval or payment, any claim against the United States or any officer thereof, knowing such claim to be false or fraudulent; or

Who enters into any agreement or conspiracy to defraud the United States by obtaining, or aiding others to obtain, the allowance or payment of any false or fraudulent claim; or

Who, for the purpose of obtaining, or aiding others to obtain, the approval, allowance, or payment of any claim against the United States or against any officer thereof, makes or uses, or procures or advises the making or use of, any writing or other paper, knowing the same to contain any false or fraudulent statement; or

Who, for the purpose of obtaining, or aiding others to obtain, the approval, allowance, or payment of any claim against the United States or any officer thereof, makes, or procures or advises the making of, any oath to any fact or to any writing or other paper, knowing such oath to be false; or

Who, for the purpose of obtaining, or aiding others to obtain, the approval, allowance, or payment of any claim against the United States or any officer thereof, forges or counterfeits, or procures or advises the forging or counterfeiting of, any signature upon any writing or other paper, or uses, or procures or advises the use of, any such signature, knowing the same to be forged or counterfeited; or

Who, having charge, possession, custody, or control of any money or other property of the United States, furnished or intended for the military service thereof, knowingly delivers, or causes to be delivered, to any persons having authority to receive the same, any amount thereof less than that for which he receives a certificate or receipt; or

Who, being authorized to make or deliver any paper certifying the receipt of any property of the United States, furnished or intended for the military service thereof, makes, or delivers to any person, such writing, without having full knowledge of the truth of the statements therein contained, and with intent to defraud the United States; or

Who steals, embezzles, knowingly and willfully misappropriates, applies to his own use or benefit, or wrongfully or knowingly sells or disposes of any ordnance, arms, equipments, ammunition, clothing, subsistence stores, money, or other property of the United States furnished or intended for the military service thereof; or

Who knowingly purchases, or receives in pledge for any obligation or indebtedness, from any soldier, officer, or other person who is a part of or employed in said forces or service, any ordnance, arms, equipments, ammunition, clothing, subsistence stores, or other property of the United States, such soldier, officer, or other person not having lawful right to sell or pledge the same—

Shall, on conviction thereof, be punished by fine or imprisonment, or by such other punishment as a court-martial may adjudge, or by any or all of said penalties. And if any person, being guilty of any of the offenses aforesaid, while in the military service of the United States, receives his discharge, or is dismissed from the service, he shall continue to be liable to be arrested and held for trial and sentence by a court-martial, in the same manner and to the same extent as if he had not received such discharge nor been dismissed. (Act of March 2, 1901, 31 Stat. L., 950.)

ART. 61. Any officer who is convicted of conduct unbecoming an officer and a gentleman shall be dismissed from the service.

ART. 62. All crimes not capital, and all disorders and neglects, which officers and soldiers may be guilty of, to the prejudice of good order and military discipline, though not mentioned in the foregoing Articles of War, are to be taken cognizance of by a general, or a regimental, garrison, or field officers' court-martial, according to the nature and degree of the offense, and punished at the discretion of such court.<sup>a</sup>

ART. 63. All retainers to the camp, and all persons serving with the armies of the United States in the field, though not enlisted soldiers, are to be subject to orders, according to the rules and discipline of war.

ART. 64. The officers and soldiers of any troops, whether militia or others, mustered and in pay of the United States, shall, at all times and in all places, be governed by the Articles of War, and shall be subject to be tried by courts-martial.

ART. 65. Officers charged with crime shall be arrested and confined in their barracks, quarters, or tents, and deprived of their swords by the commanding officer. And any officer who leaves his confinement before he is set at liberty by his commanding officer shall be dismissed from the service.

ART. 66. Soldiers charged with crimes shall be confined until tried by court-martial or released by proper authority.

ART. 67. No provost-marshal or officer commanding a guard shall refuse to receive or keep any prisoner committed to his charge by an officer belonging to the forces of the United States; provided the officer committing shall, at the same time, deliver an account in writing, signed by himself, of the crime charged against the prisoner.

ART. 68. Every officer to whose charge a prisoner is committed shall, within twenty-four hours after such commitment, or as soon as he is relieved from his guard, report in writing, to the commanding officer, the name of such prisoner, the crime charged against him, and the name of the officer committing him; and if he fails to make such report he shall be punished as a court-martial may direct.

ART. 69. Any officer who presumes, without proper authority, to release any prisoner committed to his charge, or suffers any prisoner so committed to escape, shall be punished as a court-martial may direct.

ART. 70. No officer or soldier put in arrest shall be continued in confinement more than eight days, or until such time as a court-martial can be assembled.

ART. 71. When an officer is put in arrest for the purpose of trial, except at remote military posts or stations, the officer by whose order he is arrested shall see that a copy of the charges on which he is to be tried is served upon him within eight days after his arrest, and that he is brought to trial within ten days thereafter, unless the necessities of the service prevent such trial; and then he shall be brought to trial within thirty days after the expiration of said ten days. If a copy of the charges be not served, or the arrested officer be not brought to trial, as herein required, the arrest shall cease. But officers released from arrest, under the provisions of this article, may be tried, whenever the exigencies of the service shall permit, within twelve months after such release from arrest.

ART. 72. Any general officer commanding an army, a territorial division or a department, or colonel commanding a separate department may appoint general courts-martial whenever necessary. But when any such commander is the accuser or prosecutor of any officer under his command the court shall be appointed by the President; and its proceedings and sentence shall be sent directly to the Secretary of War, by whom they shall be laid before the President, for his approval or orders in the case. (Act of July 5, 1884, 23 Stat. L., 121.)

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<sup>a</sup>SEC. 3. That fraudulent enlistment, and the receipt of any pay or allowance thereunder, is hereby declared a military offense and made punishable by court-martial, under the sixty-second article of war. (Act approved July 27, 1892, 27 Stat. L., 277.)

ART. 73. In time of war the commander of a division, or of a separate brigade of troops, shall be competent to appoint a general court-martial. But when such commander is the accuser or prosecutor of any person under his command, the court shall be appointed by the next higher commander.

ART. 74. Officers who may appoint a court-martial shall be competent to appoint a judge-advocate for the same.

ART. 75. General courts-martial may consist of any number of officers from five to thirteen, inclusive; but they shall not consist of less than thirteen when that number can be convened without manifest injury to the service.

ART. 76. When the requisite number of officers to form a general court-martial is not present in any post or detachment, the commanding officer shall, in cases which require the cognizance of such a court, report to the commanding officer of the department, who shall, thereupon, order a court to be assembled at the nearest post or department at which there may be such a requisite number of officers, and shall order the party accused, with necessary witnesses, to be transported to the place where the said court shall be assembled.

ART. 77. Officers of the Regular Army shall not be competent to sit on courts-martial to try the officers or soldiers of other forces, except as provided in article seventy-eight.

ART. 78. Officers of the Marine Corps, detached for service with the army by order of the President, may be associated with officers of the Regular Army on courts-martial for the trial of offenders belonging to the Regular Army, or to forces of the Marine Corps so detached; and in such cases the orders of the senior officer of either corps, who may be present and duly authorized, shall be obeyed.

ART. 79. Officers shall be tried only by general courts-martial; and no officer shall, when it can be avoided, be tried by officers inferior to him in rank.

ART. 80.<sup>a</sup> The commanding officer of each garrison, fort, or other place, regiment or corps, detached battalion, or company, or other detachment in the army, shall have power to appoint for such place or command, or in his discretion for each battalion thereof, a summary court to consist of one officer to be designated by him, before whom enlisted men who are to be tried for offenses, such as were prior to the passage of the act "to promote the administration of justice in the army," approved October first, eighteen hundred and ninety, cognizable by garrison or regimental courts-martial, and offenses cognizable by field officers detailed to try offenders under the provisions of the eightieth and one hundred and tenth articles of war, shall be brought to trial within twenty-four hours of the time of the arrest, or as soon thereafter as practicable, except when the accused is to be tried by general court-martial; but such summary court may be appointed and the officer designated by superior authority when by him deemed desirable; and the officer holding the summary court shall have power to administer oaths and to hear and determine such cases, and when satisfied of the guilt of the accused adjudge the punishment to be inflicted, which said punishment shall not exceed confinement at hard-labor for one month and forfeiture of one month's pay, and, in the case of a noncommissioned officer, reduction to the ranks in addition thereto; that there shall be a summary court record kept at each military post and in the field at the headquarters of the proper command, in which shall be entered a record of all cases heard and determined and the action had thereon; and no sentence adjudged by said summary court shall be executed until it shall have been approved by the officer appointing the court, or by the officer commanding for the time being: *Provided*, That when but one commissioned officer is present with a command he shall hear and finally determine such cases: *And provided further*, That no one while holding the privileges of a certificate of eligibility to promotion shall be brought before a summary court, and that noncommissioned officers shall not, if they object thereto, be brought to trial before summary courts without the authority of the officer competent to order their trial by general court-martial, but shall in such cases be brought to

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<sup>a</sup> Article 80 was repealed by the act of June 18, 1898 (30 Stat. L., 483).

trial before garrison, regimental, or general courts-martial, as the case may be. (Act of June 18, 1898, 30 Stat. L., 483.)

ART. 81. Every officer commanding a regiment or corps shall, subject to the provisions of article eighty, be competent to appoint, for his own regiment or corps, courts-martial, consisting of three officers, to try offenses not capital.

ART. 82. Every officer commanding a garrison, fort, or other place, where the troops consist of different corps, shall, subject to the provisions of article eighty be competent to appoint, for such garrison or other place, courts-martial, consisting of three officers, to try offenses not capital.

ART. 83. Regimental and garrison courts-martial and summary courts detailed under existing laws to try enlisted men shall not have power to try capital cases or commissioned officers, but shall have power to award punishment not to exceed confinement at hard labor for three months or forfeiture of three months' pay, or both, and in addition thereto, in the case of noncommissioned officers reduction to the ranks and in the case of first-class privates reduction to second-class privates: *Provided*, That a summary court shall not adjudge confinement and forfeiture in excess of a period of one month, unless the accused shall before trial consent in writing to trial by said court, but in any case of refusal to so consent, the trial may be had either by general, regimental, or garrison court-martial, or by said summary court, but in case of trial by said summary court without consent as aforesaid, the court shall not adjudge confinement or forfeiture of pay for more than one month. (Act of Mar. 2, 1901, 31 Stat. L., 950.)

ART. 84. The judge-advocate shall administer to each member of the court, before they proceed upon any trial, the following oath, which shall also be taken by all members of regimental and garrison courts-martial: "You, A B, do swear that you will well and truly try and determine, according to evidence, the matter now before you, between the United States of America and the prisoner to be tried, and that you will duly administer justice, without partiality, favor, or affection, according to the provisions of the rules and articles for the government of the armies of the United States, and if any doubt should arise, not explained by said articles, then according to your conscience, the best of your understanding, and the custom of war in like cases; and you do further swear that you will not divulge the sentence of the court until it shall be published by the proper authority, except to the judge-advocate; neither will you disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof, as a witness, by a court of justice, in a due course of law. So help you God." (Act of July 27, 1892, 27 Stat. L., 277.)

ART. 85. When the oath has been administered to the members of a court martial, the president of the court shall administer to the judge-advocate, or person officiating as such, an oath in the following form: "You, A B, do swear that you will not disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof, as a witness, by a court of justice, in due course of law; nor divulge the sentence of the court to any but the proper authority, until it shall be duly disclosed by the same. So help you God."

ART. 86. A court-martial may punish, at discretion, any person who uses any menacing words, signs or gestures, in its presence, or who disturbs its proceedings by any riot or disorder.

ART. 87. All members of a court-martial are to behave with decency and calmness.

ART. 88. Members of a court-martial may be challenged by a prisoner, but only for cause stated to the court. The court shall determine the relevancy and validity thereof, and shall not receive a challenge to more than one member at a time.

ART. 89. When a prisoner, arraigned before a general court-martial, from obstinacy and deliberate design, stands mute, or answers foreign to the purpose, the court may proceed to trial and judgment, as if the prisoner had pleaded not guilty.

ART. 90. The judge-advocate, or some person deputed by him, or by the general or officer commanding the army, detachment, or garrison, shall prosecute in the name of the United States, but when the prisoner has made his plea, he shall so far consider himself counsel for the prisoner as to object to any leading question to any of the witnesses, and to any question to the prisoner, the answer to which might tend to criminate himself.

ART. 91. The depositions of witnesses residing beyond the limits of the State, Territory, or District in which any military court may be ordered to sit, if taken on reasonable notice to the opposite party and duly authenticated, may be read in evidence before such court in cases not capital.<sup>a</sup>

ART. 92. All persons who give evidence before a court-martial shall be examined on oath, or affirmation, in the following form: "You swear (or affirm) that the evidence you shall give, in the case now in hearing, shall be the truth, the whole truth, and nothing but the truth. So help you God."

ART. 93. A court-martial shall, for reasonable cause, grant a continuance to either party, for such time, and as often, as may appear to be just: *Provided*, That if the prisoner be in close confinement, the trial shall not be delayed for a period longer than sixty days.

ART. 95.<sup>b</sup> Members of a court-martial, in giving their votes, shall begin with the youngest in commission.

ART. 96. No person shall be sentenced to suffer death, except by the concurrence of two-thirds of the members of a general court-martial, and in the cases herein expressly mentioned.

ART. 97. No person in the military service shall, under the sentence of a court-martial, be punished by confinement in a penitentiary, unless the offense of which he may be convicted would, by some statute of the United States, or by some statute of the State, Territory, or District in which such offense may be committed, or by the common law, as the same exists in such State, Territory, or District, subject such convict to such punishment.

ART. 98. No person in the military service shall be punished by flogging, or by branding, marking, or tattooing on the body.

ART. 99. No officer shall be discharged or dismissed from the service, except by order of the President, or by sentence of a general court-martial; and in time of peace no officer shall be dismissed, except in pursuance of the sentence of a court-martial, or in mitigation thereof.

ART. 100. When an officer is dismissed from the service for cowardice or fraud, the sentence shall further direct that the crime, punishment, name, and place of abode of the delinquent shall be published in the newspapers in and about the camp, and in the State from which the offender came, or where he usually resides; and after such publication it shall be scandalous for an officer to associate with him.

ART. 101. When a court-martial suspends an officer from command, it may also suspend his pay and emoluments for the same time, according to the nature of his offense.

ART. 102. No person shall be tried a second time for the same offense.

ART. 103. No person shall be liable to be tried and punished by a general court-martial for any offense which appears to have been committed more than two years before the issuing of the order for such trial, unless, by reason of having absented himself, or of some other manifest impediment, he shall not have been amenable to justice within that period.

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<sup>a</sup>SEC. 4. That judge-advocates of departments and of courts-martial, and the trial officers of summary courts, are hereby authorized to administer oaths for the purposes of the administration of military justice, and for other purposes of military administration. (Act of July 27, 1892, 27 Stat. L., 277.)

<sup>b</sup> Article 94 was repealed by the act of Mar. 2, 1901 (31 Stat. L., 950).

No person shall be tried or punished by a court-martial for desertion in time of peace and not in the face of an enemy, committed more than two years before the arraignment of such person for such offense, unless he shall meanwhile have absented himself from the United States, in which case the time of his absence shall be excluded in computing the period of the limitation: *Provided*, That said limitation shall not begin until the end of the term for which said person was mustered into the service. (Act of Apr. 11, 1890, 26 Stat. L., 54.)

ART. 104. No sentence of a court-martial shall be carried into execution until the same shall have been approved by the officer ordering the court, or by the officer commanding for the time being. (Act of July 27, 1892, 27 Stat. L., 277.)

ART. 105. No sentence of a court-martial, inflicting the punishment of death, shall be carried into execution until it shall have been confirmed by the President; except in the cases of persons convicted, in time of war, as spies, mutineers, deserters, or murderers, and in the cases of guerilla marauders, convicted, in time of war, of robbery, burglary, arson, rape, assault with intent to commit rape, or of violation of the laws and customs of war; and in such excepted cases the sentence of death may be carried into execution upon confirmation by the commanding general in the field, or the commander of the department, as the case may be.

ART. 106. In time of peace no sentence of a court-martial, directing the dismissal of an officer, shall be carried into execution, until it shall have been confirmed by the President.

ART. 107. No sentence of a court-martial appointed by the commander of a division or of a separate brigade of troops, directing the dismissal of an officer, shall be carried into execution until it shall have been confirmed by the general commanding the army in the field to which the division or brigade belongs.

ART. 108. No sentence of a court-martial, either in time of peace or in time of war, respecting a general officer, shall be carried into execution, until it shall have been confirmed by the President.

ART. 109. All sentences of a court-martial may be confirmed and carried into execution by the officer ordering the court, or by the officer commanding for the time being, where confirmation by the President, or by the commanding general in the field, or commander of the department, is not required by these articles.

ART. 111.<sup>a</sup> Any officer who has authority to carry into execution the sentence of death, or of dismissal of an officer, may suspend the same until the pleasure of the President shall be known; and, in such case, he shall immediately transmit to the President a copy of the order of suspension, together with a copy of the proceedings of the court.

ART. 112. Every officer who is authorized to order a general court-martial shall have power to pardon or mitigate any punishment adjudged by it, except the punishment of death or of dismissal of an officer. Every officer commanding a regiment or garrison in which a regimental or garrison court-martial may be held, shall have power to pardon or mitigate any punishment which such court may adjudge. [That the commanding officer authorized to approve the sentences of summary courts and superior authority shall have power to remit or mitigate the same.—Act of June 18, 1898, 30 Stats. L., 483.]

ART. 113. Every judge-advocate, or person acting as such, at any general court-martial, shall, with as much expedition as the opportunity of time and distance of place may admit, forward the original proceedings and sentence of such court to the Judge-Advocate-General of the Army, in whose office they shall be carefully preserved.

ART. 114. Every party tried by a general court-martial shall, upon demand thereof, made by himself or by any person in his behalf, be entitled to a copy of the proceedings and sentence of such court.

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<sup>a</sup> Article 110 was repealed by the act of June 18, 1898 (30 Stat. L., 483).

ART. 115. A court of inquiry, to examine into the nature of any transaction of, or accusation or imputation against, any officer or soldier, may be ordered by the President or by any commanding officer; but, as courts of inquiry may be perverted to dishonorable purposes, and may be employed, in the hands of weak and envious commanders, as engines for the destruction of military merit, they shall never be ordered by any commanding officer, except upon a demand by the officer or soldier whose conduct is to be inquired of.

ART. 116. A court of inquiry shall consist of one or more officers, not exceeding three, and a recorder, to reduce the proceedings and evidence to writing.

ART. 117. The recorder of a court of inquiry shall administer to the members the following oath: "You shall well and truly examine and inquire, according to the evidence, into the matter now before you, without partiality, favor, affection, prejudice, or hope of reward: so help you God." After which the president of the court shall administer to the recorder the following oath: "You, A B, do swear that you will, according to your best abilities, accurately and impartially record the proceedings of the court and the evidence to be given in the case in hearing: so help you God."

ART. 118. A court of inquiry, and the recorder thereof, shall have the same power to summon and examine witnesses as is given to courts-martial and the judge-advocates thereof. Such witnesses shall take the same oath which is taken by witnesses before courts-martial, and the party accused shall be permitted to examine and cross-examine them, so as fully to investigate the circumstances in question.

ART. 119. A court of inquiry shall not give an opinion on the merits of the case inquired of unless specially ordered to do so.

ART. 120. The proceedings of a court of inquiry must be authenticated by the signatures of the recorder and the president thereof, and delivered to the commanding officer.

ART. 121. The proceedings of a court of inquiry may be admitted as evidence by a court-martial, in cases not capital, nor extending to the dismissal of an officer: *Provided*, That the circumstances are such that oral testimony can not be obtained.

ART. 122. If, upon marches, guards, or in quarters, different corps of the army happen to join or do duty together, the officer highest in rank of the line of the Army, Marine Corps, Organized Militia, or volunteers, by commission, there on duty or in quarters, shall command the whole, and give orders for what is needful to the service, unless otherwise specially directed by the President, according to the nature of the case. (Act of March 8, 1910—Public, No. 80.)

ART. 124.<sup>a</sup> Officers of the militia of the several States, when called into the service of the United States, shall on all detachments, courts-martial, and other duty wherein they may be employed in conjunction with the regular or volunteer forces of the United States, take rank next after all officers of the like grade in said regular forces, and shall take precedence of all officers of volunteers of equal or inferior rank, notwithstanding the commissions of such militia officers may be older than the commissions of the said officers of the regular forces of the United States. (Act of March 8, 1910.—Public, No. 80.)

ART. 125. In case of the death of any officer, the major of his regiment, or the officer doing the major's duty, or the second officer in command at any post or garrison, as the case may be, shall immediately secure all his effects then in camp or quarters, and shall make, and transmit to the officer of the Department of War, an inventory thereof.

ART. 126. In case of the death of any soldier, the commanding officer of his troop, battery, or company shall immediately secure all his effects then in camp or quarters, and shall, in the presence of two other officers, make an inventory thereof, which he shall transmit to the office of the Department of War.

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<sup>a</sup> Article 123 was repealed by the act of March 8, 1910.—Public, No. 80.

ART. 127. Officers charged with the care of the effects of deceased officers or soldiers shall account for and deliver the same, or the proceeds thereof, to the legal representatives of such deceased officers or soldiers. And no officer so charged shall be permitted to quit the regiment or post until he has deposited in the hands of the commanding officer all the effects of such deceased officers or soldiers not so accounted for and delivered.

ART. 128. The foregoing articles shall be read and published, once in every six months, to every garrison, regiment, troop, or company in the service of the United States, and shall be duly observed and obeyed by all officers and soldiers in said service.

SEC. 1343, Revised Statutes. All persons who, in time of war, or of rebellion against the supreme authority of the United States, shall be found lurking or acting as spies, in or about any of the fortifications, posts, quarters, or encampments of any of the armies of the United States, or elsewhere, shall be triable by a general court-martial, or by a military commission, and shall, on conviction thereof, suffer death.

#### WRITS OF ATTACHMENT.

Every judge-advocate of a court-martial shall have power to issue the like process to compel witnesses to appear and testify which courts of criminal jurisdiction within the State, Territory, or District where such military courts shall be ordered to sit, may lawfully issue. (Section 1202, Revised Statutes.)

#### REFUSAL OF CIVILIAN WITNESS TO TESTIFY.

Every person not belonging to the Army of the United States who, being duly subpoenaed to appear as a witness before a general court-martial of the Army, willfully neglects or refuses to appear, or refuses to qualify as a witness or to testify or produce documentary evidence which such person may have been legally subpoenaed to produce, shall be deemed guilty of a misdemeanor, for which such person shall be punished on information in the district court of the United States; and it shall be the duty of the United States district attorney, on the certification of the facts to him by the general court-martial, to file an information against and prosecute the person so offending, and the punishment of such person, on conviction, shall be a fine of not more than five hundred dollars or imprisonment not to exceed six months, or both, at the discretion of the court: *Provided*, That this shall not apply to persons residing beyond the State, Territory, or District in which such general court-martial is held, and that the fees of such witness, and his mileage at the rates provided for witnesses in the United States district court for said State, Territory, or District shall be duly paid or tendered said witness, such amounts to be paid by the Pay Department of the Army out of the appropriation for compensation of witnesses: *Provided*, That no witness shall be compelled to incriminate himself or to answer any questions which may tend to incriminate or degrade him. (Act of Mar. 2, 1901, 31 Stat. L., 950.)



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