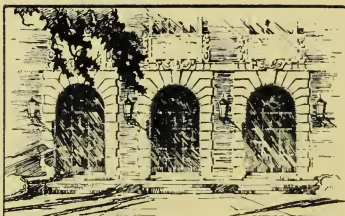


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FOR THE

North Carolina National Guard,

1907.



RALEIGH:
ADJUTANT GENERAL'S DEPARTMENT.

RALEIGH
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1850

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STATE OF NORTH CAROLINA,

OFFICE ADJUTANT GENERAL,

RALEIGH, May 18, 1908.

GENERAL ORDERS No. 4.

The Board of Officers, consisting of Gen. J. F. Armfield, First Brigade; Gen. Thomas R. Robertson, Adjutant General; Gen. Francis A. Macon, Quartermaster General; Lieut. Col. R. L. Leinster, Assistant Adjutant General, detailed to prepare Regulations for the North Carolina National Guard, having completed their work and submitted it to the Commander in Chief, the same is hereby approved, and is adopted for the guidance and government of all concerned.

All former regulations and orders conflicting therewith are hereby revoked.

BY ORDER OF THE COMMANDER IN CHIEF:

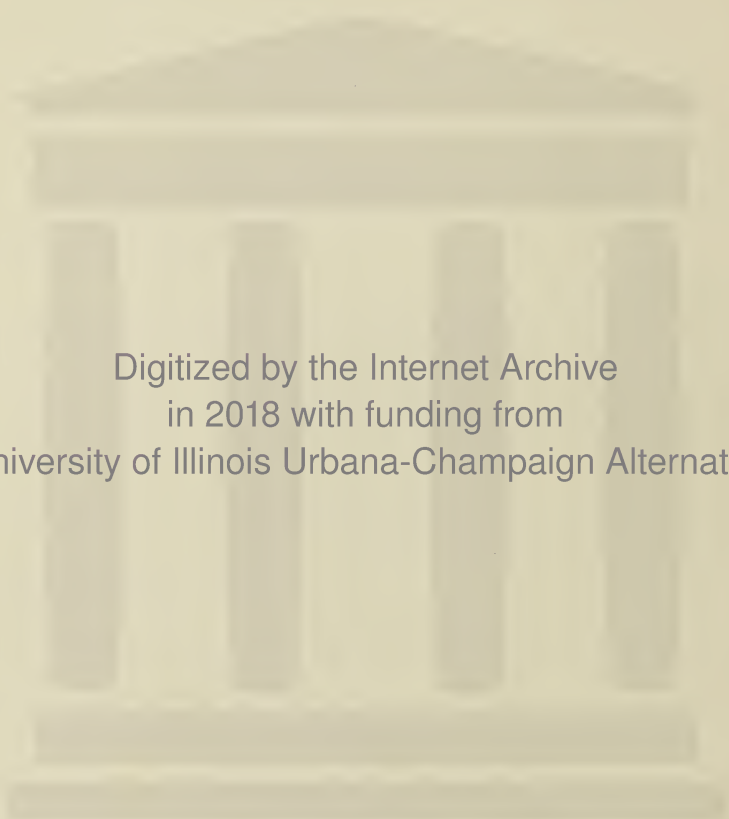
THOS. R. ROBERTSON,

Adjutant General.

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PART I.

NORTH CAROLINA STATUTES,
ARTICLES OF WAR.

NORTH CAROLINA STATUTES.

SECTION 1. That the following sections of said chapter, one hundred and two, Revisal of one thousand nine hundred and five of North Carolina, shall read as follows :

4848. *Who liable for duty in.* All able-bodied male citizens of the State of North Carolina, between the ages of twenty-one and forty-five years, who are citizens of the United States, shall be liable to duty in the militia: *Provided*, that all persons who may be averse to bearing arms, from religious scruples, shall be exempt therefrom. Persons liable to duty.

4849. *Divided into active and inactive.* The militia shall be divided into two classes, the active and inactive. The active militia shall consist of all regularly enlisted volunteers; the inactive militia shall consist of all other persons subject to military duty. Active and inactive.

4850. *Commander in chief; power to call out.* The Governor shall be commander in chief, and shall have power to call out the militia to execute the law, suppress riots or insurrections, and to repel invasions. Governor commander in chief. Power to call out militia.

4851. *Active first ordered out.* In all cases the active militia hereinafter provided for shall be ordered into service. Active militia first called out.

4852. *White and colored enrolled separately; only white officers.* The white and colored militia shall be separately enrolled, and shall never be compelled to serve in the same organization. No organization of colored troops shall be permitted while white troops are available, and when permitted to be organized, colored troops shall be under command of white officers. Separate enrollment. Organization of colored troops.

4853. *Commander in chief prescribes rules for its government.* The Governor, as commander in chief, may from time to time prescribe such orders, rules, regulations, forms and proceedings as he may think proper (not inconsistent with the discipline prescribed by the United States) for the use, government and instruction of the militia. Governor to prescribe orders, rules and regulations.

4854. *Discipline.* The active militia, and the inactive militia when called into active service, shall be organized and disciplined in the same manner and according to the rules and regulations required by the Congress of the United States for the organizing and disciplining of the National Guard. Rules and regulations of United States to apply.

4855. *Ordered out for service; failure to appear; penalties.* Every soldier ordered out for active duty, or who shall volunteer or be drafted, who does not appear at the time and place ordered, or who has not some able-bodied and proper substitute at such time Punishment for failure to appear when ordered out to be fixed by court-martial.

and place, or does not furnish a reasonable excuse for such non-appearance, shall be liable to such punishment as a court-martial may determine.

Pay in active service.

4856. *When paid.* The militia of the State, both officers and enlisted men, when called into the service of the State, shall receive the same pay and rations as when called into the service of the United States: *Provided, however,* that when called in aid of the civil authorities to guard any jail or prisoners, or to quell riots, enlisted men shall receive in addition to said pay the sum of sixty (60) cents per day.

To be paid by county in which service is rendered.

4857. *By whom paid.* When the militia or any portion thereof shall be called into actual service, according to law, to serve any county of the State, or for guarding the jail of such county on account of prisoners from some other county being imprisoned in such jail, the County Commissioners of the county from which said prisoners may be or may have been taken shall audit the account of said militia, and draw a warrant upon the County Treasurer for the same, and the County Treasurer shall pay the same out of any county funds not otherwise appropriated.

Pay of officers when on duty.

4858. *May be ordered on duty; pay.* The Governor may, whenever the public service requires it, order upon special or regular duty any officer of the National Guard, and his expenses and compensation therefor shall be paid upon the approval of the Governor and warrant of the Auditor. Such compensation shall not exceed four dollars per diem. No staff officer who receives a salary as such shall be entitled to any additional compensation for any service connected with his office: *Provided,* that the Inspector General shall be allowed the pay of his rank while engaged in the duties of his office.

Proviso: pay of inspector general.

II. OFFICERS.

Officers appointed and commissioned by governor.

4859. *How appointed and commissioned.* All officers of the militia shall be appointed and commissioned by the commander in chief. He may revoke the commission of any officer at any time. When not in active service the officers of the active militia, below the rank of Brigadier General, shall be previously elected or nominated as provided by law.

Revocation of commission.

Election and nomination of officers.

Officers to qualify.

4860. *To take and subscribe oath of office.* Every commissioned officer of the militia, before entering upon his duties, shall take and subscribe before a justice of the peace, or other qualified officer, the oath prescribed by the Constitution, which shall at once be forwarded to the Adjutant General.

Officers to rank from date of commission.

4861. *Rank according to date of commission.* Commissioned officers shall take rank according to the date of their commissions. The day of appointment or election of an officer shall be expressed

in his commission, and considered as the date thereof. Whenever an officer shall be recommissioned within six months after the expiration or revocation of his original commission, in the same grade in which he has served in the State Guard, his new commission shall bear date even with, and he shall take rank from, the date provided for in his former commission. When two commissions bear the same date, the officer who has had priority of rank in any lower rank shall have precedence. And if the officers have not served in a lower grade, the commander in chief shall designate their respective rank or priority.

Rank under
recommission.

Priority in commis-
sions of even date.

4862. *Reports by.* Every officer shall make all such reports as may be required of him by any law or regulation or as may be called for by any superior officer.

Officers to make
reports.

4863. *Staff, how divided.* The military staff of the State of North Carolina shall be divided into two kinds, the personal staff of the commander in chief and the general or departmental staff. All staff officers shall hold office until their successors are appointed and qualified, but may be removed at any time by the Governor.

Personal and
general staff.

4864. *Commander in chief's personal staff.* The personal staff of the commander in chief shall consist of seven aides-de-camp with the rank of Colonel, two of them to be naval aides; and the Governor may appoint his private secretary as an additional personal aide, and commission him with the rank of Colonel.

Personal staff.

Private secretary
additional aide.

5865. *General staff.* The general staff shall consist of an Adjutant General, with the rank of Brigadier General; one Quartermaster General and Chief of Ordnance, with the rank of Brigadier General; one Inspector General; one Surgeon General; one Commissary General; one Chief of Engineers; one Inspector of Small-Arms Practice; one Judge Advocate General; one Paymaster General: each with the rank of Colonel. The commander in chief may appoint additional assistants to each of said officers, with rank not higher than that of Lieutenant Colonel, if in his judgment it is best for the interest of the service.

General staff.

Adjutant general.

Quartermaster
general.

Inspector general.

Surgeon general.

Commissary
general.

Chief of engineers.

Inspector of small-
arms practice.

Judge advocate
general.

Paymaster general.

Assistants.

4866. *Adjutant General; duties.* The Adjutant General shall be chief of staff, and shall be in control of the military department of the State, and as such subordinate only to the Governor in matters pertaining to said department. He will perform such other duties as pertain to the office of Adjutant General, under the regulations and customs of the United States Army. He will prepare and forward to the War Department at Washington all returns and reports required by the United States Government from this State. He shall keep a register of all enlistments made in the several branches of the militia, as well as a roster of all officers, and shall also keep in his office all records and papers required by law to be filed therein. He shall make an annual report to the Governor on or

Duties of adjutant
general.

before the thirty-first of December of each year, including a detailed statement of all expenditures for military purposes during that year, and shall also make a biennial report to the General Assembly. He shall when necessary, and at the expense of the State, cause the military law, the regulations governing the National Guard of the State, and the Articles of War of the United States, to be printed, indexed and bound in proper and compact form, and distributed to the commissioned officers of this State at the rate of one copy to each officer; and to each commissioned officer of the general headquarters he shall issue one copy of the necessary text-books, and a copy also of the annual reports concerning the active militia. He shall cause to be prepared and issued all necessary blank books, blanks, forms and notices required to carry into full effect the provisions of this chapter. All such books and blanks shall be and remain the property of the State. The Adjutant General shall have such assistants, clerks and employees as may be prescribed by the commander in chief. The Adjutant General shall perform such other duties not herein specified as may be required of him by the military laws and regulations or by the commander in chief. The Adjutant General shall be allowed all such necessary expenses as may be incurred for clerk hire, and for printing, and for making the blank forms, books, orders and reports required in his office, not to exceed one thousand dollars, and out of said sum he may employ the executive clerk, when not required by the Governor, at a salary of twenty-five dollars per month.

Allowance for clerical work and printing.

Quartermaster general and assistants.

4867. *The Quartermaster General and assistants.* First. The Quartermaster General may have two assistants, one with the rank of Lieutenant Colonel and one with the rank of Major, and one military storekeeper, who shall be a quartermaster with the rank of Captain. These officers shall be appointed and commissioned by the Governor upon the recommendation of the Quartermaster General, and shall at the time of their appointment be officers in active service in the National Guard of the State, and shall be entitled to the rights and privileges of officers of the National Guard of corresponding rank. The Quartermaster General shall have the necessary clerks and employees, not exceeding four, and as many laborers as may be required from time to time. The clerks and employees shall be appointed and the laborers hired, with the approval of the Governor, by the Quartermaster General.

Bonds of assistants and of storekeeper.

Second. The Quartermaster General may require his assistants and the military storekeeper to give bonds with sufficient security in not exceeding ten thousand dollars (\$10,000) each to the people of the State, conditioned for the faithful performance of their duties, such bonds to be approved by the Governor and Adjutant General, and filed in the latter's office.

Third. He shall attend to the care, preservation and safe-keeping **Duties.** and repairing of the arms, ordnance, accouterments, equipments, and all other military property belonging to the State, or issued to the State by the government of the United States for the purpose of arming and equipping the organized militia. All military property of the State which, after a proper inspection, shall be found unsuitable for the use of the State shall, under the direction of the Governor, be disposed of by the Quartermaster General, as required by law. He shall be responsible for all arms, ordnance, accouterments, equipments, and other military property which may be issued to the State by the Secretary of War in compliance with law; and it shall thereafter be his duty to prepare returns of said arms and other property of the United States at the times and in the manner requested by the Secretary of War. He shall, upon the order of the Governor, turn in to the Ordnance Department of the United States Army the rifles, carbines, bayonets, bayonet scabbards, gun slings, belts, and such other necessary accouterments and equipments, the property of the United States and now in possession of the State, which may be replaced, from time to time, by new arms, equipments, etc., sent by the United States in substitution therefor, and cause the same to be shipped, under instructions from the Secretary of War, to the designated arsenal or depot, at the expense of the United States. And when the National Guard of the State shall be fully armed and equipped with standard service magazine arms, and the standard equipment and accouterments of the United States Army, he shall cause all the remaining arms, equipments, etc., the property of the United States and in possession of the State, to be transferred and shipped as above directed.

Fourth. He shall keep a just and true account of all expenses necessarily incurred, including pay of officers and enlisted men in his department, transportation of the land forces, and of all military property of the State; and such expenses shall be audited and paid in the same manner as other military accounts.

In addition to what is specially prescribed, the duties of the other staff officers shall be such as are discharged by similar officers in the United States Army, and such other duties as they may be directed to perform by order of the commander in chief.

And in the cases of disbursing or distributing officers, the Governor shall have power to prescribe forms of bonds for the faithful performance of duty, which shall not exceed in amount twice the sums of money or property passing annually into their hands. The disbursing officer, designated by the Governor to receive and disburse the funds apportioned to this State from the National Government for the National Guard of the State, shall file with the

Duties of other staff officers.

Bonds of disbursing and distributing officers.

Reports of disbursing officer.

Governor duplicates of his statements and reports to the Auditor of the War Department, and said duplicates shall be printed in the annual reports of the Adjutant General.

Notice of absence of officer.

4868. *Absent, give notice.* When any officer shall have occasion to be absent from his usual residence two weeks or more, he shall notify the officer next entitled to the command, and also his next superior officer in command, of his intended absence.

Officers disabled from holding commission.

4869. Any officer convicted by general court-martial, and dismissed from the service, shall be forever disabled thereafter from holding a military commission.

Property to be turned over to successors.

4870. *Delivers public property to successor.* All officers who shall have in their hands either money, public property or papers received by virtue of their appointments, shall, when they leave their office, pay and deliver the same to their successors in office.

Responsibility and returns of officer receiving property and money.

4871. *Accounts for public property.* Every officer receiving public property or money for military use shall be accountable for the articles so received by him, and make return of such property or money at such times and in such manner, and on such forms, as may be prescribed. He shall be liable to trial by court-martial upon neglect of duty, and also make good the value of all such property or money defaced, injured, destroyed or lost by any neglect or default on his part, to be recovered in an action at law to be instituted at the order of the Adjutant General. All money received on account of such loss or damage shall be paid to the Paymaster General, and shall be accounted for in his return.

III. DISCHARGES.

Honorable discharge of officer.

4872. *Honorable discharge; dismissal.* A commissioned officer may be honorably discharged upon tender of resignation, upon disbandment of the organization to which he belongs, upon the report of the board of examination, or for failure to appear before such board when ordered. He may be dismissed upon the sentence of a court-martial or conviction in a court of justice of an infamous offense.

Officers dismissed.

Certificates of discharge.

4873. *Certificate of, given.* Every soldier discharged from the service shall be furnished with a certificate of such discharge, which shall state clearly the reasons therefor. Dishonorable discharges will have the word "Dishonorable" written or printed diagonally across their faces in large characters with red ink, and the re-enlistment clause will be erased by a line.

Dishonorable discharges.

Honorable discharge of enlisted men.

4874. *Honorable.* No enlisted man shall be honorably discharged before the expiration of his term of service, except by order of the commander in chief and for the following reasons: Upon his own application, approved by the commanding officer of his company

and by superior commanders; when not in active service, upon removal from the county in which the organization of which he is a member is situated; upon disability, established by certificate of the medical officer; to accept promotion by commission whenever in the opinion of the commander in chief the interest of the service demands such discharge.

4875. *Dishonorable.* Enlisted men shall be dishonorably discharged by order of the commander in chief, to carry out a sentence of court-martial, upon conviction of felony in a civil court, upon discovery of re-enlistment after previous dishonorable discharge. Dishonorable discharge.

4876. *Lost discharge papers.* Duplicate discharges will not be granted to enlisted men. Should any soldier unavoidably lose his discharge papers, a certificate (according to form in the office of the Adjutant General) will be furnished in lieu of said discharge paper, upon representation of the facts of said loss, attested by some commissioned officer of the Guard or some civil magistrate. Certificate in lieu of discharge papers.

IV. COURTS-MARTIAL.

4877. *How formed and governed.* Courts-martial for the active militia shall be governed according to the laws and regulations of the United States Army. The military courts of this State shall be general court, garrison court, summary court, and courts of inquiry. The form and manner in which proceedings of a military court shall be conducted and recorded, and the forms of oaths and affirmations taken in the administration of military law by such courts, and the limits of punishment and proceedings in revision, shall be governed by the Articles of War, and the law and procedure of the courts-martial of the United States. No action or proceeding shall be prosecuted or maintained against a member of a military court, or against an officer or person acting under its authority or reviewing its proceedings, on account of the approval or imposition or execution of any sentence, or the imposition or collection of a fine or penalty, or the execution of any warrant, writ, execution, process, or mandate of a military court. Courts-martial governed by army regulations.

Presumption of jurisdiction. The jurisdiction of the courts and board established by this chapter shall be presumed, and the burden of proof shall rest upon any person seeking to oust such courts or boards of jurisdiction in any action or proceeding. Courts and boards presumed to have jurisdiction.

Courts-martial shall have the power to try any officer or enlisted man for any violations of any of the Articles of War of the United States, or of any statute of the State of North Carolina regulating the government of the militia, and upon conviction may dishonorably discharge the person so convicted from the service, or impose Jurisdiction of courts-martial.

a penalty not to exceed fifty dollars. For all penalties imposed by court-martial each commanding officer of the organization to which the convicted party belongs, within ten days after the penalty has been imposed, shall notify the delinquent of the amount of the penalty; and if said delinquent shall neglect or refuse to pay said penalty within ten days after such notice is given, it will be the duty of the commanding officer to bring suit on behalf of the organization to which the delinquent belongs before a justice of the peace of the county in which said delinquent resides, to recover the amount of the penalty. And upon the production in court of the record of the finding and sentence of the court-martial, the justice of the peace shall give judgment against the defendant, and in favor of the company or organization to which defendant belongs, for the amount of the penalty and the cost of the action.

Commanding officers to bring suits for penalties.

Judgment on production of record of court-martial.

Judge advocate to issue subpoenas.

4878. *Witnesses before, how subpoenaed.* The Judge Advocate of any court-martial constituted according to this chapter may issue a summons, in the nature of a subpoena in criminal cases, directed to any sheriff or constable, or to any soldier, to summon witnesses for the State and the accused; and the persons summoned by him shall be bound to attend and give evidence before the court-martial, under the same penalties as in criminal actions, and, if a soldier, under penalty of being tried and punished by court-martial for disobedience of orders.

Witnesses to be sworn.

4879. *Witnesses sworn.* All witnesses shall be sworn by the Judge Advocate, before they give their evidence, as in criminal cases, according to the following form:

Form of oath.

"You,, do swear that the evidence you will give to the court in the case between the State and C. D. shall be the truth, the whole truth, and nothing but the truth: so help you, God."

V. ARMS AND EQUIPMENT.

Uniform, arms and equipment to conform to army and navy.

4880. *Same as United States Army and Navy.* The uniform, arms and equipment of the militia shall, for the land forces, be in accordance with the regulations governing the United States Army; and for the naval forces, in accordance with the regulations governing the United States Navy.

Arms obtained on application of company commander.

4881. *How obtained.* Each company of the National Guard, on application by the commander thereof to the Adjutant General, through his regimental and brigade commander, if there be such, and producing satisfactory evidence that the law in relation to the distribution of public arms has been fully complied with, shall be furnished with such appropriate arms and equipment as shall be determined by the commander in chief, upon such terms and under such conditions as the law prescribes.

4884. *Bond.* Commanders of regiments and companies, and all other officers who are responsible for public military property, shall execute and deliver to the Adjutant General a bond, payable to the State of North Carolina, in a sufficient sum and with sufficient sureties, to be approved by the Governor, conditioned for the proper care and use of said public property, and the return of the same, when ordered by competent authority, in good order, ordinary wear and unavoidable loss and damage excepted; and in case of such loss or damage, to immediately furnish the Adjutant General with properly attested affidavits setting forth all the facts attending said loss or damage.

Bonds for proper care, use and return of property.

4885. *Care and return of military property.* All public military property, except when in use in the performance of military duty, shall be kept in armories, or other properly designated places of deposit; and it shall be unlawful for any person charged with the care and safety of said public property to allow the same out of his custody except as above specified.

Property to be kept in armories.

VI. PUBLIC ARMS.

4886. *Where kept.* All the public arms of every description belonging to the State, which may not be distributed among the militia according to law, shall, under the direction of the Adjutant General, be deposited and kept in the public arsenal established at Raleigh.

Public arms not distributed to remain in arsenal.

4887. *Keeper of the arsenal.* The Keeper of the Capitol shall, under the direction of the Adjutant General, have charge of the arsenal at Raleigh. The Governor may make such provisions as he may think necessary for guarding and protecting the arsenals and depots of arms, and for the purpose of defraying the expenses incurred under this and the preceding section he may, upon the certificate of the Adjutant General, from time to time draw on the State Treasurer for such sums as may be necessary.

Keeper of capitol to have charge of arsenal.

4888. *Freight on public arms paid out of general fund.* The Auditor of the State is hereby authorized and directed to issue his warrant upon the State Treasurer for the payment of such sums as may be certified by the Adjutant General and the Governor to be actually necessary to pay the freight upon ammunition, uniforms and equipment shipped out from or returned to the State arsenal.

Freight to be paid.

4889. *Kept in good order.* Every non-commissioned officer and private belonging to any company equipped with public arms shall keep and preserve his arms and accouterments in good order and in a soldier-like manner; and for every neglect to do so may be punished by court-martial.

Arms and accouterments to be kept in good order.

- Duplicate receipts for arms.** 4890. *Receipts taken for, when distributed.* Every officer of the militia receiving any public arms shall give a duplicate receipt for the same to the party from whom he receives such arms. Upon distribution of any arms to any of the militia, either active or inactive, receipts shall be taken from each person receiving the same, which receipts should be entered in a bound book, which shall at all times be open to the inspection and examination of all officers of the militia.
- Governor to distribute arms.** 4891. *Governor to send out, in case of insurrection.* In case of insurrection or invasion, or a probability thereof, the Governor is authorized to distribute the public arms and send them to such places as he may deem necessary and expedient, and to draw warrants on the Treasurer of the State for the sums necessary for that purpose.
- Adjutant general to issue orders.** 4892. *When arms loaned to military schools.* The said arms shall be kept in the arsenal at Raleigh, and upon the application of the principal of any military school setting forth the number of students and the number of arms required, and giving the bond as now required by law, it shall be the duty of the Adjutant General, under the direction of the Governor, to issue the number so required, and take the receipt from the principal, which shall be filed as similar receipts are now filed.
- Arms on hand to be sent.** 4893. *Failure of Adjutant General to draw arms.* Should the Adjutant General, under the direction of the Governor, fail to draw the arms specified, then it shall be the Governor's duty, upon application as aforesaid, to issue to said principal any arms which may be in the said arsenal.

VII. ACTIVE.

- North Carolina national guard.** 4894. *How designated.* The active militia shall be known and designated as the North Carolina National Guard.
- Limit on number.** 4895. *Number limited.* The National Guard of North Carolina shall not in time of peace consist of more than five thousand officers and enlisted men. No new company of infantry shall be uniformed and equipped as long as any existing company is lacking in any part of the equipment necessary to fit them for field service.
- Enlistments.** 4896. *Who may enlist, and term of enlistment.* Able-bodied men of good moral character, who can read and write, between the ages of eighteen and forty-five years, may enlist in the National Guard; such enlistment shall be for a period of three years and made by signing duplicate enlistment papers in such form as may be prescribed by the Adjutant General, one to be forwarded to him by the enlisting officers and one to be filed with the records of the company in which enlistment is made. Minors between the ages of

eighteen and twenty-one years may be enlisted with the written consent of father, only surviving parent, or legally appointed guardian.

4897. *When ordered out.* The National Guard shall be liable at all times to be ordered into active service. The commander in chief may at any time, upon reasonable apprehension of riot, insurrection or invasion, or for any other reasonable cause, order out such portion of the active militia as he may deem necessary. Whenever any portion of the militia shall be on duty under or pursuant to the order of the Governor, or other competent authority, or shall be ordered to assemble for duty in time of war, insurrection, invasion, public danger, or to aid the civil authorities on account of any breach of the peace, tumult, riot, resistance to legal process of this State, or imminent danger thereof, or for any other cause, the Articles of War governing the Army of the United States, and the regulations prescribed for the Army of the United States, as far as such regulations are consistent with this chapter and the regulations issued thereunder, shall be enforced and regarded as a part of this chapter until said forces shall be duly relieved from such duty. As to offenses committed, when such Articles of War are so enforced, courts-martial shall possess, in addition to the jurisdiction and power of sentence and punishment herein vested in them, all additional jurisdiction and power of sentence and punishment exercisable by like courts under such Articles of War or regulations or laws governing the United States Army, or the customs and usages thereof; but no punishment under such rules and articles which will extend to the taking of life shall in any case be inflicted except in time of war, invasion, or insurrection, declared by a proclamation of the Governor to exist, and then only after approval by the Governor of the sentence inflicting such punishment. Imprisonment other than in guard-house shall be executed in jails or prisons designated by the Governor for that purpose.

National guard to be ordered for service.

Articles of war to be enforced.

Powers of courts-martial.

4898. *Divided into land and naval forces.* The commander in chief may organize the National Guard into such brigades, regiments, battalions, batteries, companies or unattached companies as he may think best for the public service, and may allow to be enrolled not more than six companies, to be designated as divisions, which shall constitute the Naval Brigade of North Carolina National Guard.

Organization.

Naval brigade.

4899. *Maintenance of.* There shall be allowed annually to each commander of an infantry brigade, naval brigade, and regiment of infantry, \$300, with which to defray the necessary expenses incurred in the discharge of the duties of his office. There shall be allowed likewise annually to each company of the land forces and

Allowance to brigades, naval brigades and regiments.

Allowance to infantry companies and naval divisions.

- naval division in the Guard, not exceeding thirty-six companies of infantry, one signal corps company, and six divisions of naval militia, which complies with the law and regulations governing the same, the sum of \$250, and to a battery of field artillery the same sum under like restrictions, to be applied to the payment of all necessary expenses of the respective organizations; also to each regimental band \$250 per annum, to be paid to the regimental adjutant under the same restrictions, and to each detachment of the hospital corps \$75 per annum under the same restrictions; also to each commander of a company, battery or division organization \$100 per annum, to be used for the care and preservation of all State and government property in his hands. An itemized statement of receipts and disbursements showing how the same has been expended shall on December first of each year be rendered to the Paymaster General. The appropriations and allowances herein provided for shall be paid in semi-annual installments, but shall not be paid unless the company, battery, band, or other organization indicated shall perform all the drills and parades required by law, and at the annual inspection thereof shall have paraded with at least seventy-five per cent. of its enrolled active members: *Provided*, that such companies, divisions or other organizations shall be located on lines of railroad, steamboat or telegraphic communication: *And provided further*, that no larger amount shall be expended for the maintenance of the Guard than the sum of \$16,000.
4900. *Advisory board.* There shall be an Advisory Board, of which the commander in chief shall be *ex officio* president, composed of the Adjutant General, the Commander of the First Brigade, the Quartermaster General, and the commanding officers of the three infantry regiments, which shall meet from time to time when ordered by the commander in chief, and which shall have jurisdiction and control over all administrative affairs of the Guard, subject to the laws and regulations prescribed for the government of the Guard.
4901. *Brigade officers.* The commander in chief shall appoint a Brigadier General to command the National Guard of the State as now organized, and whenever it shall become necessary to organize the same into more than one brigade, the commanders of such brigades shall be appointed by the commander in chief. The staff officers of the brigade shall be nominated by the permanent commander thereof.
4902. *Regimental and company officers.* There shall be to each organization of the North Carolina National Guard the same commissioned and non-commissioned officers as are prescribed for the
- Allowance to field artillery.
- Allowance to band.
- Allowance to detachments of hospital corps.
- Further allowance.
- Itemized statements of expenditures.
- Proviso: location of organizations.
- Proviso: limit of appropriation.
- Advisory board.

VIII. ACTIVE—OFFICERS.

- Brigadier general.
- Brigade staff.
- Commissioned and non-commissioned officers.

United States Army, and the Governor may by general order fix the number of enlisted men.

4903. *Officers to be examined.* Every person accepting an office in the National Guard shall as early as practicable, and when ordered by the commander in chief, appear before an examining board to be appointed by the commander in chief, which board shall examine said officer as to his military and other qualifications. Examining board.

4904. *Regimental officers, how elected.* Field officers of regiments and battalions, and of corresponding grades in the naval brigade, shall be elected by the commissioned officers of the regiments and naval brigade; and company, battery, troop, and naval division officers shall be elected by the enlisted men of such company, battery, troop, and naval division, at such time and place as may be fixed by the commander in chief; and such officers shall hold office until vacancies occur, either by promotion, resignation, removal, or death. The regimental staff officers shall be nominated by the permanent commander thereof. Election of field officers.
Line officers.
Regimental staff.

4905. *Elections to fill vacancies in line officers.* The commander in chief shall order elections to fill all vacancies occurring among the line officers of the National Guard. Elections to fill vacancies.

4906. *Retirement of officers.* Whenever an officer of ten years' service and upwards makes application for retirement, he may, by consent of the commander in chief, be retired with the next higher grade, and all officers now on the retired list of the National Guard of this State are advanced one grade. When an officer reaches the age of sixty-four years he may be retired by the commander in chief. Retirement after ten years' service.

IX. ACTIVE—INSPECTION.

4907. *Annual inspection.* The Inspector General, or his assistants, shall annually inspect all organizations in the National Guard, at such times and places as the commander in chief may direct. No person shall be permitted in the ranks at the annual inspection, nor shall any officer or enlisted man be accepted or mustered, who is not uniformed, armed and equipped according to regulations. The officer making the annual inspection shall be paid for his services as prescribed in section four thousand eight hundred and fifty-eight. Guard to be inspected annually.
Pay of officer making inspection.

4908. *Arms to be annually inspected.* Whenever required by the commander in chief, the Inspector General, or his assistants, shall inspect the arms and equipments in the possession of any schools, persons, or associations, which have been issued by the State, and the expense of such inspection shall be paid by the State upon the approval of the Governor. Arms to be inspected when required.

- Encampments and practice marches. 4909. *Encampments.* The commander in chief may annually order into camp, or on practice marches, such portions of the National Guard as he may deem best for the service: *Provided*, that in place of encampments or practice marches the naval militia may perform service afloat: *Provided further*, that the same amount of money per capita may be disbursed annually for the naval militia as for the land forces for the purpose of encampments, practice marches, or for service afloat.
- Proviso: naval reserves.
- Proviso: disbursements for naval militia.

X. ACTIVE—DISBANDED.

- Companies or divisions disbanded. 4910. *When.* Whenever any company or division of the National Guard for a period of ninety days is found to contain less than the minimum number of men prescribed by regulations, or upon a duly ordered inspection shall be found to have fallen below the proper standard of efficiency, the commander in chief may disband the same and grant honorable discharges to the officers and enlisted men of such company.

- Failure to appear. 4911. *Punishment for failure to appear.* Every member of the militia ordered out, or who volunteers or is drafted, who does not appear at the time and place designated by his commanding officer within twenty-four hours from such time, or who does not produce a sworn certificate of physical disability from a physician in good standing, to so appear, shall be taken to be a deserter, and dealt with as prescribed in the Articles of War of the United States.

- Falsifying muster-rolls. 4912. *Falsifying muster-rolls, penalty.* Any officer who knowingly or willfully shall place, or cause to be placed, on any muster-roll the name of any person not regularly or lawfully enlisted, or the name of any enlisted man who is dead or who has been discharged, transferred, or has lost membership for any cause whatsoever, or who has been convicted of any infamous crime, shall be tried by court-martial, and upon conviction be dismissed from the service.
- Punishment.

XI. COMPANY ORGANIZATION.

- Certificate of membership. 4913. *Certificate of membership.* The commanding officer of every company shall, on the application of any officer, musician or private of his command, deliver to him a certificate stating that such person is a member of his command, and whether he is uniformed, armed and equipped, and whether he has complied with all military duties. Such certificate, when dated within six months, shall be presumptive evidence of the matter therein stated, and shall exempt the holder from jury duty.
- Contributing members. 4914. *Contributing members.* Each company may, besides its regular and active members, enroll twenty-five contributing members on payment in advance by each person desiring to become such

contributing member of not less than ten dollars per annum, which money shall be paid into the company treasury and be applied to the purchase of uniforms for the rank and file of the active members of the company, or to such purposes as may be authorized by such company.

4915. *Certificate of contributing members.* Each contributing member of every legally organized company shall be entitled to receive from the commanding officer thereof a certificate of membership, which certificate shall exempt the holder thereof from jury duty. Certificates to contributing members.

4916. *May own personal property.* Organizations of the National Guard shall have the right to own and keep personal property, which shall belong to and be under the control of the active members thereof; and the commanding officer of any organization may recover for its use any debts or effects belonging to it, or damages for injury to such property, action for such recovery to be brought in the name of the commanding officer thereof before any court of justice within the State, and no suit or complaint pending in his name shall be abated by his ceasing to be commanding officer of the organization; but upon motion of the commander succeeding him such commander shall be admitted to prosecute the suit or complaint in like manner and with like effect as if it had been originally commenced by him. Organizations may own personal property.

4917. *Companies may make rules and regulations.* Each company or division of the National Guard shall have power to prescribe such rules and regulations for its government as they may think proper, and fix such fines for absence from parades and drills as may be reasonable and not inconsistent with the laws relating to the National Guard and the regulations prescribed therefor by the commander in chief. A copy of such constitution and by-laws shall be filed in the Adjutant General's office. Rules and regulations prescribed by companies

XII. ACTIVE—NAVAL.

4918. *Performs same duty as land forces.* The naval militia shall be organized on the basis provided in section four thousand eight hundred and ninety-eight of this chapter. Officers and enlisted men of the naval militia may be required to perform the same duty in each year as the land forces, except that duty, in whole or in part, may in the discretion of the commander in chief be performed afloat. Organization of naval militia.

4919. *System of discipline.* The system of discipline shall conform generally to that of the Navy of the United States and as closely to that of the land forces of this State as the difference in the two services will allow. System of discipline.

- Naval brigade. 4920. *May be organized into a brigade.* The naval divisions may be, by order of the commander in chief, organized into a brigade of not less than two battalions. The commander in chief shall appoint a commander of such brigade, who shall nominate his own staff.
- Battalion officers. 4921. *How officered and organized.* A battalion of two or more divisions shall be commanded by a commander, with a lieutenant commander as executive officer, and a lieutenant as navigator and ordnance officer. These latter shall be in the order named next in rank and in succession to the commander. Each division shall be commanded by a lieutenant, with one lieutenant junior grade, one ensign, and thirty-six petty officers and enlisted men as a minimum, and seventy-five petty officers and enlisted men as a maximum. To each division there may be also added eight others who shall have practical knowledge of electricity or of the management of steam machinery.
- Division officers.
- Battalion staff. 4922. *Battalion commander to appoint staff.* The commanding officer of the battalion as now organized shall have power to nominate a staff to consist of a surgeon, paymaster and a chaplain, each with the rank of lieutenant, and an adjutant with the rank of lieutenant junior grade, and the following petty officers: One master-at-arms, one chief boatswain's mate, one chief gunner's mate, one yeoman, one apothecary, one chief bugler. The commander in chief shall have the power to authorize additional officers when necessary.
- Relative rank. 4923. *Naval rank.* The rank of officers in the naval forces is "naval rank" and corresponds to rank in the land forces as follows: captain with colonel; commander with lieutenant colonel; lieutenant commander with major; lieutenant with captain; lieutenant junior grade with first lieutenant; ensign with second lieutenant; petty officers with non-commissioned officers, and enlisted men with privates.
- National officers detailed as instructors. 4924. *Governor may apply for instructors.* The Governor is authorized to apply to the President of the United States for the detail of commissioned and petty officers of the Navy to act as inspectors and instructors.

XIII. INACTIVE.

Inactive militia may be ordered out.

4925. *May be ordered out.* The commander in chief may at any time, in order to execute the law, suppress riots or insurrection, or repel invasion, in addition to the active militia, order out the whole or any part of the inactive militia. When the militia of this State or a part thereof is called forth under the Constitution and laws of the United States, the Governor shall order out for service

the active militia, or such part thereof as may be necessary, and if the number available be insufficient, he shall order out such part of the reserve militia as he may deem necessary. During the absence of organizations of the National Guard in the service of the United States their State designations shall not be given to new organizations.

4926. *How ordered out.* The commander in chief shall, when ordering out the inactive militia, designate the number ordered out. He may order them out either by calling for volunteers or by draft. He may attach them to the several organizations of the active militia or organize them into separate brigades, regiments, battalions or companies, as may be best for the service.

4927. *How drafted.* If the inactive militia is ordered out by draft, the commander in chief shall designate the persons in each county to make the draft, and prescribe rules and regulations for conducting the same.

4928. *Roll of inactive militia.* The Register of Deeds of each county shall, on the first Monday in October of the year one thousand nine hundred and six, and quadrennially thereafter, make out from the tax list of his county an alphabetical list of all able-bodied male persons between the ages of twenty-one and forty years, resident in his county and who are not enrolled in the active militia, and shall forward the same on or before the fifteenth of the month to the Adjutant General. The whites and negroes shall be enrolled separately, and shall be designated. These rolls shall constitute the rolls of the inactive militia. For this service the Register of Deeds shall receive one cent for every ten names, to be paid by the county. The rolls so made up shall be used in making all drafts from the inactive militia.

4929. *Subject to same regulations as active.* Whenever any part of the inactive militia is ordered out, it shall be governed by the same rules and regulations and subject to the same penalties as the active militia.

GENERAL PROVISIONS.

4930. *Pay and care when injured or disabled in service.* An active member of the National Guard who shall, when on duty or assembled therefor, in case of riot, tumult, breach of the peace, insurrection, or invasion, or whenever ordered by the Governor, commanding officer of the National Guard, or called in aid of the civil authorities, receive any injury, or incur or contract any disability or disease, by reason of such duty or assembly therefor, or who shall without fault or neglect on his part be wounded or disabled while performing any lawfully ordered duty, which shall temporarily incapacitate him from pursuing his usual business or occu-

pation, shall, during the period of such incapacity, receive the actual necessary expenses for care and medical attendance, to be paid out of the State Treasury, from funds not otherwise appropriated.

Trespassers and disturbers to be put in arrest.

4931. *Trespassers and disturbers to be placed in arrest; liquors and huckster sales prohibited.* The commanding officer upon any occasion of duty may place in arrest during the continuance thereof any person who shall trespass upon the camp-ground, parade-ground, armory, or other place devoted to such duty, or shall in any way or manner interrupt or molest the orderly discharge of duty by those under arms, or shall disturb or prevent the passage of troops going to or returning from any duty. He may prohibit and prevent the sale or use of all spirituous liquors, wine, ale, or beer, the holding of huckster or auction sales, and all gambling within the limits of the post, camp-ground, place of encampment, parade or drill under his command, or within such limits not exceeding one mile therefrom as he may prescribe. And he may in his discretion abate as common nuisances all such sales.

Sale of liquor and huckster sales forbidden.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 3. This act shall be in force and effect from and after its ratification.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1907.

ARTICLE I.

ARTICLES OF WAR.

1. The Articles of War of the United States apply to the militia by virtue of Par. 16, Sec. 8, Art. I, of the Constitution of the United States. Inasmuch as many of these articles are, from their universality, deficient in direct application to the militia in State service, those articles which clearly apply thereto will be followed, and those which have been made applicable by North Carolina statutes or orders will be followed as modified.

Section 1342, U. S. 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 non-commissioned officers, musicians, artificers, 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. Officers shall subscribe these 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 the 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. Articles to be read to recruits.

ART. 3. Every officer who knowingly enlists or musters into the military service any minor over the age of 16 years without the written consent of his parents or guardian, or any minor under the age of 16 years, or any insane or intoxicated person, 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. Officers making unlawful enlistments.

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 Discharges.

to an 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.

Mustering persons
not soldiers.

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.

Taking money on
mustering.

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.

Returns of
regiments, etc.

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.

False returns.

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.

Captured stores.

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.

Accountability
for arms, etc.

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 an unavoidable accident, or in actual service.

Furloughs.

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 non-commissioned 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 of muster will admit. Musters.

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. False certificates.

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. False muster.

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. Allowing military stores to be damaged.

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. Wasting ammunition.

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). Offense of selling horse, arms, etc.

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 Commanders not to graft on stores.

victuals, liquors, or other necessities of life brought into such garrison, fort, or barracks, for the use of the soldiers, shall be dismissed from the service.

Disrespect to president et al.

ART. 19. Any officer who uses contemptuous or disrespectful words against the President, 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.

Disrespect to commanding officer.

ART. 20. Any officer or soldier who behaves himself with disrespect towards his commanding officer shall be punished as a court-martial may direct.

Striking superior officer.

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.

Mutiny.

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.

Failing to resist mutiny.

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.

Quarrels and frays.

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 non-commissioned 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 non-commissioned officer, or draws a weapon upon him, shall be punished as a court-martial may direct.

Reproachful or provoking speeches.

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.

Challenges to fight duels.

ART. 27. Any officer or non-commissioned 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.

Permitting duels.

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.

Upbraiding another for refusing challenge.

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.

Wrongs to officers; redress of.

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.

Wrong to soldiers; redress of.

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.

Lying out of quarters.

- Soldiers absent without leave. 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.
- Absence from drill without leave. 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.
- One mile from camp without leave. 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.
- Failing to retire at retreat. 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.
- Hiring duty. 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.
- Conniving at hiring duty. ART. 37. Every non-commissioned 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.
- Drunk on duty. 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.
- Sentinel sleeping on post. 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.
- Quitting guard, etc., without leave. ART. 40. Any officer or soldier who quits his guard, platoon, or division without leave from his superior officer, except in a case of urgent necessity, shall be punished as a court-martial may direct.
- False alarms. 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.
- Misbehavior before the enemy, cowardice, etc. 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 induc-

ing 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.

Compelling a surrender.

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.

Disclosing watchword.

ART. 45. Whosoever relieves the enemy with money, victuals, or ammunitions, or knowingly harbors or protects an enemy, shall suffer death, or such other punishment as a court-martial may direct.

Relieving the enemy.

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.

Corresponding with the enemy.

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.

Desertion.

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.

Deserters shall serve full term.

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.

Tender of resignation no relief from duties.

ART. 50. No non-commissioned 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 non-commissioned officer or soldier, or shall not,

Enlisting in other regiments without discharge.

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.

Advising to desert.

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.

**Misconduct at
divine service.**

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.

Swearing.

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.

**Officers to keep
good order in their
commands.**

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.

**Waste or destruc-
tion of property
without orders.**

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.

Violence to persons bringing provisions.

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.

Forcing a safeguard.

ART. 58. In time, of war, insurrection, or rebellion, larceny, robbery, burglary, 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.

Certain crimes during rebellion.

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 regiment, 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.

Delivery of offenders in military service to civil magistrate.

ART. 60. (a) 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

Certain crimes of fraud against the United States. Making false claim.

(b) 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

Presenting false claim.

(c) 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

Agreement to obtain payment of false claim.

- False paper.** (d) 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
- Perjury.** (e) 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
- Forgery.** (f) 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
- Delivering less property than receipt calls for.** (g) 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 person having authority to receive the same, any amount thereof less than that for which he receives a certificate or receipt; or
- Giving receipts without knowing truth of.** (h) 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
- Stealing, wrongfully selling, etc.** (i) 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
- Buying public military property.** (j) 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., 951*).

ART. 61. Any officer who is convicted of conduct unbecoming an officer and a gentleman shall be dismissed from the service.

Conduct unbecoming an officer and gentleman.

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 regimental, garrison, or field officers' court-martial, according to the nature and degree of the offense, and punished at the discretion of such court.

Crimes and disorders to prejudice of military discipline.

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.

Civilian employees, retainers.

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.

Jurisdiction of articles of war.

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.

Arrest of officers accused of crimes.

ART. 66. Soldiers charged with crimes shall be confined until tried by court-martial, or released by proper authority.

Soldiers accused of crimes.

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.

Receiving prisoners.

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.

Report of prisoners.

- Releasing prisoners without authority; escapes. 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.
- Duration of confinement. 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.
- Copy of charges and time of trial. 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.
- Who may appoint general courts-martial. 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*).
- Who may appoint general courts-martial in times of war. 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.
- Judge-advocates. ART. 74. Officers who may appoint a court-martial shall be competent to appoint a judge-advocate for the same.
- Composition of general courts-martial. 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.
- When requisite number not at post. 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 the 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 78. Regular officers; on what courts may sit.

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. Marine and regular army officers associated on courts.

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. Officers triable by general courts only.

ART. 80. 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 case of a non-commissioned 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 Summary courts.

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 non-commissioned 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 trial before garrison, regimental, or general courts-martial, as the case may be. (*Act of June 18, 1898, 30 Stat. at Large, 483*).

Regimental courts. ART. 81. Every officer commanding a regiment or corps shall, subject to the provisions of Article 80, be competent to appoint, for his own regiment or corps, courts-martial, consisting of three officers, to try offenses not capital.

Garrison courts. 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 80, be competent to appoint, for such garrison or other place, courts-martial, consisting of three officers, to try offenses not capital.

Jurisdiction of minor courts. 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 non-commissioned officers, reduction to the ranks, and in 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 March 2, 1901*).

Oath of members of courts-martial. 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 (State of North Carolina), 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 the established rules of law for the government of the military forces of this State), 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 me, God." (*Act of July 27, 1892, 27 Stat. at Large, 278*).

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."

Oath of judge-advocate.

ART. 86. The 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.

Contempt of court.

ART. 87. All members of a court-martial are to behave with decency and calmness.

Behavior of members.

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.

Challenges by prisoner.

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.

Prisoner standing mute.

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 (State of North Carolina), 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

Judge-advocate prosecutor and counsel for prisoner.

any question to the prisoner the answer to which might tend to criminate himself.

Depositions.

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.

Oath of witness.

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."

Continuances.

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. 94. Repealed March 2, 1901.

Order of voting.

ART. 95. Members of a court-martial, in giving their votes, shall begin with the youngest in commission.

Death penalty.

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.

Penitentiaries.

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.

Flogging, etc.

ART. 98. No person in the military service shall be punished by flogging, or by branding, marking, or tattooing on the body.

Discharge and dismissal of officers.

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.

Publication of officers cashiered for cowardice or fraud.

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. Suspension of officers' pay.

ART. 102. No person shall be tried a second time for the same offense. Twice in jeopardy.

ART. 103 (a) 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. Limitation of time of prosecution.

(b) 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 April 11, 1890, 26 Stat. at Large, 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. at Large, 278*). Approval of sentence.

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. Confirmation of death sentence.

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. Confirmation of dismissal in time of peace.

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. Dismissal by division or brigade courts.

- Sentence of general officer. 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.
- Confirmation by officer ordering court. 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 the articles.
- Suspension of sentences of death or dismissal. ART. 110. Repealed June 18, 1898.
- Pardon and mitigation of sentences. ART. 111. 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.
- Disposition of records. 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.
- Party entitled to a copy. ART. 113. Every judge-advocate, or person acting as such, at any general court-martial, shall, with such 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.
- Courts of inquiry, how ordered. 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.
- Members of court of inquiry. 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 commandants, 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."

Oaths of members and recorder, court of inquiry.

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.

Witnesses before courts of inquiry.

ART. 119. A court of inquiry shall not give an opinion on the case inquired of unless specially ordered to do so.

Opinion, when given by court.

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.

Proceedings must be signed.

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 cannot be obtained.

Proceedings of court of inquiry as evidence.

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, or Militia, 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.

Command when troops combine.

ART. 123. In all matters relating to the rank, duties, and rights of officers, the same rules and regulations shall apply to officers of the Regular Army and to volunteers commissioned in or mustered into said service, under the laws of the United States, for a limited period.

Regular and volunteer officers of same relative rank.

ART. 124. 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 or volunteer forces, notwithstanding the commissions

Rank of militia officers.

of such militia officers may be older than the commissions of the said officers of the regular or volunteer forces of the United States.

Deceased officers' effects.

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 office of the Department of War, an inventory thereof.

Deceased soldiers' effects.

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.

Disposition of effects of deceased.

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.

Publication of articles of war.

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.

Spies.

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.

Attachment of witnesses.

2. Every judge-advocate of a court-martial shall have power to issue 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, U. S.*

Refusal of civilian witnesses to testify.

3. Every person not belonging to the Army of the United States, who being duly subpœnaed 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 to testify or produce documentary evidence which such person may have been legally subpœnaed 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 the 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 March 2, 1901 (31 Stat. at Large).*

PART II.

ORGANIZATION, DISCIPLINE, AND
CORRESPONDENCE.

ARTICLE II.

ORGANIZATION.

ORGANIZED MILITIA.

4. The following provisions of the Constitution and laws govern the calling of the militia into the service of the United States, as provided in G. O. No. 3, War Department, January 7, 1907.

The constitutional provisions are—

The Congress shall have power * * * to provide for call-
ing forth the militia to execute the laws of the Union, suppress Constitutional provisions.
insurrections and repel invasions;

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, pars. 15, 16*).

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 cannot be convened), against domestic violence. (*Art. IV, sec. 4*).

In pursuance of the foregoing delegations of authority, Congress has enacted—

[Revised Statutes.]

SEC. 5288. 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 the treaties of the United States, she ought not to remain within the United States.

INSURRECTIONS.

SEC. 5297. In case of an insurrection in any State against the Calling forth militia.
government thereof it shall be lawful for the President, on application of the Legislature of such State, or of the executive when the Legislature cannot 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.

When the president may call forth the militia.

SEC. 5298. 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.

Suppression of insurrection, etc.

SEC. 5299. 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 by 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 combinations.

[Act of January 21, 1903.]

Militia divided.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that the militia shall consist of every able-bodied male citizen of the respective States, 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, and the remainder to be known as the reserve militia.

* * * * *

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. The organization, armament, and discipline of the organized militia in the several States and Territories and in the District of Columbia shall be the same as that which is now or may hereafter be prescribed for the Regular and Volunteer Armies of the United States, within five years from the date of the approval of this Act: *Provided*, 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.

Troops that constitute the organized militia.

Minimum for troop, battery, etc.

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 other forces at his command, to execute the laws of the Union in any part thereof, it shall be lawful for the President to call forth, for a period not exceeding nine months, 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 to such officers of the militia as he may think proper.

When militia is to be called.

SEC. 5. That whenever the President calls forth the militia of any State or Territory or of the District of Columbia to be employed in the service of the United States, he may specify in his

Length of service.

call the period for which such service is required, not exceeding nine months, and the militia so called shall continue to serve during the term so specified, unless sooner discharged by order of the President.

Apportioned according to population.

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.

How mustered.

SEC. 7. That every officer and enlisted man of the militia who shall be called forth in the manner hereinbefore prescribed, and shall be found fit for military service, shall be mustered or accepted into the United States service by a duly authorized mustering officer of the United States: *Provided, however,* that any officer or enlisted man of the militia who shall refuse or neglect to present himself to such mustering officer 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.

Courts-martial.

SEC. 8. That 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 only.

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.

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.

How paid.

SEC. 11. That when the militia is called into the actual service of the United States, or any portion of the militia is accepted 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 place of rendezvous which is not provided by existing laws to be paid after their arrival at such place of rendezvous.

* * * * *

Pensions.

SEC. 22. That when any officer, non-commissioned 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, non-commissioned 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.

5. 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. Organized militia called first.

6. 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 for in paragraph 455. The organized militia then becomes national in character and the President its commander-in-chief. President's authority.

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.

7. By direction of the President the minimum enlisted strength for each organization of the organized militia is fixed as follows: Minimum strength for organizations.

For a company of infantry, total enlisted men, 58. This is based on apportionment to grades as follows, viz.: 1 first sergeant, 1 quartermaster sergeant, 4 sergeants, 6 corporals, 2 cooks, 2 musicians, and 42 privates.

For a troop of cavalry, total enlisted, 58. This is based on apportionment to grades as follows, viz.: 1 first sergeant, 1 quartermaster sergeant, 4 sergeants, 6 corporals, 2 cooks, 2 farriers and blacksmiths, 1 saddler, 2 trumpeters, and 39 privates.

For a company of engineers, total enlisted, 58. This is based on apportionment to grades as follows, viz.: 1 first sergeant, 1 quartermaster sergeant, 4 sergeants, 6 corporals, 2 cooks, 2 musicians, 21 privates first class, and 21 privates second class.

For a company of coast artillery, total enlisted, 63. This is based on apportionment to grades as follows, viz.: 1 first sergeant, 1 quartermaster sergeant, 4 sergeants, 6 corporals, 2 cooks, 2 mechanics, 2 musicians, and 45 privates.

For a battery of field artillery, total enlisted, 133. This is based on apportionment to grades as follows, viz.: 1 first sergeant, 1 quartermaster sergeant, 1 stable sergeant, 6 sergeants, 12 corporals, 2 musicians, 4 artificers, 2 cooks, and 104 privates.

For a company of signal corps, total enlisted, 58. This is based on apportionment to grades as follows, viz.: 5 sergeants first class, 5 sergeants, 10 corporals, 2 cooks, 18 privates first class, and 18 privates second class.

For the hospital corps: (a) Ambulance company section, total enlisted, 43. This is based on apportionment to grades as follows, viz.: 2 sergeants first class, 7 sergeants, and 34 privates, first class and privates. (b) Field hospital, total enlisted, 33. This is based on apportionment to grades as follows, viz.: 3 sergeants first class, 6 sergeants, and 24 privates, first class and privates.

Below minimum.

8. 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 organization; 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.

9. 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:

Equipment kept
on hand.

(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, or, if conditions do not permit of advertising, in open market under paragraph 549, the accounts prepared on Form 7 of the Subsistence Department (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. How subsisted.

(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). Transportation.

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. Accounts paid.

(d) Ammunition will be supplied under orders of the War Department upon arrival at place of concentration. Ammunition.

10. To expedite the mobilization of the organized militia ordered Expedite mobilization.

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 re-enlistment 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.

Physical examination.

Muster rolls.

11. 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 the completion of the muster in of any organization, the mustering officer shall forward the rolls promptly to their proper destinations as given in his detailed instructions.

12. 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.

Mustering out.

13. 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.

14. To facilitate the settlement of claims that may be made for ^{Claims.} 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.

15. 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.

16. When any company, troop, battery, battalion, or regiment of the organized militia of any State or Territory or of the District of Columbia enlists in a body in the Volunteer Army, such organization loses its identity as a part of the organized militia, so far as the United States Government is concerned, changes its designation, and becomes a similar unit of the Volunteer Army. It shall comply with all the conditions and requirements prescribed for similar organizations of the Volunteer 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. <sup>Enlisting in
volunteer army.</sup>

THE DIVISION.

17. In case the National Guard shall be increased at any time ^{Division staff.} to two or more brigades the brigades and other military units of the National Guard shall compose the *division*, which shall be commanded by a major-general, or, in case of his absence or disability, by the senior line officer of the National Guard. He may be provided with a staff as follows:

- 2 Assistant Adjutants-general, one of the grade of colonel, one of the grade of lieutenant-colonel.
- 2 Inspectors, one of the grade of colonel, one of the grade of lieutenant-colonel.
- 1 Judge-advocate, of the grade of lieutenant-colonel.
- 2 Inspectors of Small-arms Practice and Ordnance Officers, one of the grade of lieutenant-colonel, one of the grade of major.

- 1 Quartermaster, of the grade of lieutenant-colonel.
- 1 Commissary of Subsistence, of the grade of lieutenant-colonel.
- 1 Surgeon, of the grade of colonel.
- 1 Engineer, of the grade of lieutenant-colonel.
- 1 Signal Officer, of the grade of major.
- 3 Aides-de-camp, each of the grade of major.

New organizations,
how formed.

Petition for
company.

18. A company, troop or battery may be organized upon the petition of a number of persons, subject to military duty, equal to the minimum required for the organization proposed. Such petitions shall be forwarded to the commander-in-chief, and, if approved by him, the petitioners shall be assembled, and, after inspection, shall be enlisted; provided, the number enlisted be not less than the minimum number required for such organization. The mustering officer shall then require the persons enlisted to elect officers, and shall transmit to the Adjutant-general a certificate showing the result of such election, together with a muster roll of the organization.

ARTICLE III.

MILITARY DISCIPLINE.

Obedience.

19. All persons in the military service are required to obey strictly, and execute promptly, the orders of their superiors. Any question as to the legality or propriety of an order should be raised after execution of the order. First obey the order, then if there be a question, raise it in the proper way.

Courtesy.

20. Courtesy among military men is indispensable to discipline. Respect to superiors will not be confined to obedience on duty, but will be extended on all occasions. When an officer or man enters an armory under orders, he ceases to be a citizen and becomes a soldier. From that moment his identity, other than as a member of the organization of which he is a part, is lost until he is dismissed from duty. No better test of the personal qualities and character of any man can be had than that which shows him capable of sinking his personality and becoming the proper part of the military machine of which he is a member. This whether he be a private or general.

Conduct of officers.

21. The conduct of officers in their relations with enlisted men serving under them while under orders should be precisely that which is found between officers and men in the regular army. This is part of good discipline. Officers and men must inform themselves as to what these usages are in the regular army of the United States, and then conform absolutely. When the duties of a

soldier are laid aside and a return, as it were, to civil life is had, then the social relations which exist between officers, and officers and men, revert to the original conditions. Respect in the service and proper courtesy should be shown superiors, not necessarily because they are personally superior, but on account of the office which they hold. In other words, respect the office if not the man, but in any case show respect. Enlisted men will not be expected or required to salute officers when out of uniform and not under orders, but every courtesy required by the Regulations of the United States Army will be shown when under orders, whether officers be with or without uniform.

22. Military authority will be exercised with firmness, kindness Authority, and justice. Punishments must conform to law, and follow offenses as promptly as circumstances will permit.

23. Superiors are forbidden to injure those under their authority by tyrannical or capricious conduct, or by abusive language.

24. Deliberations or discussions among military men conveying Discussions, praise or censure, or any mark of approbation, towards others in the military service, and all publications relating to private or personal transactions between officers, are prohibited.

25. Officers and enlisted men of the National Guard shall be In armories, considered on duty whenever in the headquarters or armories of their regiments or companies, and will obey the orders of their superiors present, the same as upon any duty required by law or orders, and all commanders or officers detailed by them for the purpose shall have the right to visit, at any time, any headquarters or armory within their command, and give any orders which they may think for the best interest of the service. Armories shall be under the entire control of the senior officer of the organizations therein quartered unless otherwise ordered, excepting that any officer shall have access to armories when in the line of duty.

26. The introduction or use of intoxicating liquors of any kind Intoxicating liquors, whatsoever, by any officer or enlisted man of the North Carolina National Guard, or other person, in any drill hall, assembly room, store room, club room, or office, or any other room used in connection with any armory for which the State pays a rental, is prohibited.

ARTICLE IV.

PRECEDENCE OF REGIMENTS AND CORPS.

27. On all occasions of ceremony, troops are arranged from Troops, how posted in line or column, right to left in line, and from head to rear in column, in the following order: First, infantry; second, field artillery; third, cav-

alry. Artillery serving as infantry is posted as infantry; dismounted cavalry and marines are on the left of the infantry; engineer troops and detachments of the Signal Corps are on the right of the command to which they are attached; detachments of the Hospital Corps are assigned to place according to the nature of the service. When cavalry and field artillery, or field artillery and infantry, are reviewed together without other troops, the artillery is posted on the left. In the same arm, regulars, U. S. volunteers, and militia are posted in line from right to left; or in column from head to rear, in the order named. In reviews of large bodies of troops the different arms and classes are posted at the discretion of the commanding general, due regard being paid to their position in camp. On all other occasions troops of all classes are posted at the discretion of the general or senior commander. [A. R. 6].

ARTICLE V.

RANK AND PRECEDENCE OF OFFICERS AND NON-COMMISSIONED OFFICERS.

Definition of
military rank.

28. Military rank is that character or quality bestowed on military persons which marks their station, and confers eligibility to exercise command or authority in the military service within the limits prescribed by law. It is divided into degrees or grades, which marks the relative positions and powers of the different classes of persons possessing it. [A. R. 7].

How held.

29. Rank is generally held by virtue of office in an arm of the service, corps, or department, but may be conferred independently of office, as in the case of retired officers and of those holding it by brevet. [A. R. 8].

30. The following are the grades of rank of officers and non-commissioned officers:

1. Lieutenant-general.
2. Major-general.
3. Brigadier-General.
4. Colonel.
5. Lieutenant-colonel.
6. Major.
7. Captain.
8. First lieutenant.
9. Second lieutenant.
10. Veterinarian, cavalry and artillery.
11. Cadet.

12. Sergeant-major, regimental; sergeant-major, senior grade, artillery; master electrician; master signal electrician.

13. Ordnance sergeant; post commissary-sergeant; post quartermaster-sergeant; electrician sergeant; sergeant first class hospital corps; first class signal sergeant.

14. Quartermaster-sergeant and commissary-sergeant, regimental; chief musician.

15. Sergeant-major, squadron and battalion; sergeant-major, junior grade, artillery; color-sergeant; chief trumpeter, principal musician; battalion quartermaster-sergeant, engineers.

16. First sergeant; drum major.

17. Sergeant; quartermaster-sergeant, company; stable sergeant, battery.

18. Corporal.

In each grade date of commission, appointment, or warrant determines the order of precedence. [A. R. 9].

31. Officers of the Regular Army, Marine Corps, and volunteers when commissioned or mustered into the service of the United States, being upon equal footing, take precedence in each grade by date of commission or appointment. [A. R. 10].

Date of commission to determine precedence.

32. Between officers of the same grade and date of appointment or commission, other than through promotion by seniority, relative rank is determined by length of service, continuous or otherwise, as a commissioned officer of the United States, either in the Regular Army or, since April 19, 1861, in the volunteer forces. When periods of service are equal, precedence will, except when fixed by order of merit on examination, be determined, first, by rank in service when appointed; second, by former rank in the Army or Marine Corps; third, by lot. [A. R. 11].

How relative rank is determined.

33. The relative rank between officers of the Army and Navy is as follows, lineal rank only being considered:

General with admiral.

Lieutenant-General with vice-admiral.

Major-General with rear-admiral.

Brigadier-General with commodore.

Colonel with captain.

Lieutenant-Colonel with commander.

Major with lieutenant-commander.

Captain with lieutenant.

First lieutenant with lieutenant (junior grade).

Second lieutenant with ensign. [A. R. 12].

ARTICLE VI.

COMMAND.

34. Command is exercised by virtue of office and the special assignment of officers holding military rank who are eligible by law to exercise command. Without orders from competent authority an officer cannot put himself on duty by virtue of his commission alone, except as contemplated in the twenty-fourth and one hundred and twenty-second Articles of War. [A. R. 113].

35. The following are the commands appropriate to each grade:

1. For a captain, a company.
2. For a major, a battalion.
3. For a colonel, a regiment.
4. For a brigadier-general, a brigade.
5. For a major-general, a division. [A. R. 14].

36. The designation "company," as used in these regulations, applies to troops of cavalry, batteries of field artillery, and to companies and bands of all arms and corps. The designation "battalion," applies in like manner to squadrons of cavalry. [A. R. 15].

37. The functions assigned to any officer in these regulations by title of office devolve upon the officer acting in his place, except when otherwise specified. An officer in temporary command shall not, except in urgent cases, alter or annul the standing orders of the permanent commander without authority from the next higher commander. [A. R. 16].

38. An officer who succeeds to any command or duty stands in regard to his duties in the same situation as his predecessor. The officer relieved will turn over to his successor all orders in force at the time and all the public property and funds pertaining to his command or duty. [A. R. 17].

39. By virtue of their commission all officers may command enlisted men, but no officer of the staff shall assume command of troops, while a line officer is present and on duty with them, except under orders which specially so direct by the authority of the commander-in-chief.

An officer in temporary command will not change existing orders.

Staff officers not to assume command.

ARTICLE VII.

OFFICERS.

40. No person shall be eligible to office in the military forces of Election.
the State of North Carolina who is not a male citizen of the Who eligible.
United States, of twenty-one years of age or upwards, and a resi-
dent in this State, or who is under sentence of disability to hold
office, or command, or of suspension from command, in the military
forces of the United States, or of any State.
41. No election shall be held unless a majority of the electors Majority.
are present and vote.
42. The person who has a majority of the written or printed Who elected.
votes of the electors present and voting, at an election of commis-
sioned officers, shall be deemed elected.
43. The qualifications of an elector are—for an officer, that he Qualifications of
has been elected or appointed and commissioned; for a soldier, electors.
that he has been duly enlisted into the service of the State.
44. An officer re-elected or reappointed immediately upon expi-
ration of his term of service, shall retain his date of rank.
45. An officer tendering his resignation will remain on duty Resignation tendered does not
with his command until he has received due notice that his resig- relieve from duty.
nation has been accepted.
46. Every qualified voter in a command shall be duly notified Voters must be
of the time, date and place of a nomination or an election. notified.
47. Enlistments for voting purposes are expressly forbidden. Enlistments for-
Officers making such enlistments shall be liable to trial by general bidden.
court-martial.
48. Elections for officers of the North Carolina National Guard Elections held only
will be held only in pursuance of orders of the Governor and com- by orders of com-
mander-in-chief, issued through the office of the adjutant-general. mander-in-chief.
49. Any officer may be temporarily assigned to do duty with
other commands, or in other departments, than his own.
50. All staff officers of the National Guard shall be appointed Staff officers, how
as hereinafter provided, and commissioned by the commander-in- appointed.
chief, on the request of the several appointing officers, provided
that such appointees be eligible.
51. The following oath must be subscribed by all commissioned Qualification.
officers before entering upon their duties, and may be taken before
any person authorized under the laws of the State to admin-
ister oaths, and shall be forwarded through proper channels,
within ten days, to the adjutant-general; otherwise they shall be
taken to have declined:

Oath.

"I,, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the State of North Carolina against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me, God.

.....
.....

(Grade).

Subscribed and sworn to before me this day of 190..

.....
.....

Record of service.

52. Every person shall, upon his first entry in the service as an officer, forward, with his oath of office, a statement upon his honor, embracing a complete and entire record of his military service in the National Guard of this or any other State, the volunteer or regular army or navy of the United States, place of birth, date of entry into service, of promotions, grades and positions, discharges, wounds received and engagements participated in, if any, as enlisted man or officer.

Liability not affected.

53. No resignation, removal, discharge, dismissal, nomination, or appointment to other office, shall in any way affect the liability of an officer for public property in his possession, or for which he is responsible.

Resignation and vacation of commissions.

54. Resignations of all officers shall be in writing, addressed to the adjutant-general, and transmitted through intermediate commanders, who will endorse the same, with their approval or disapproval. The address of officers resigning shall accompany their resignations.

Resignations, how accepted.

55. The commander-in-chief alone can accept the resignation of an officer; and no officer will be considered out of service on the tender of his resignation, until it has been duly accepted. Any officer who, having tendered his resignation, shall, prior to due notice of its acceptance, and without leave, quit his proper duties, with the intent to remain permanently absent therefrom, shall be considered as absent without leave, except when on or called for active service in aid of civil authorities or, in time of war, insurrection or rebellion; at all of which excepted times the 49th Article of War shall govern.

Resignations not considered.

56. As a general rule, resignations tendered by officers when under orders to perform a special service will not be considered.

57. Resignations shall contain full and complete reasons there- Must give reasons.
for; and commanding officers shall not approve such resignations
unless the reasons tendered are urgent and satisfactory.

58. When an officer is appointed to another office in the National Commissions
vacated.
Guard the acceptance of a commission under such appointment
shall vacate the position previously held.

59. An officer resigning on account of physical disability must
submit with his resignation a certificate of a medical officer, or
reputable physician in good standing, approved by a medical offi-
cer, showing the extent of his disability.

60. A resignation tendered under charges will be forwarded, Resignation of
officers under
charges.
accompanied by a report of the case and a copy of the charges.
All correspondence with the adjutant-general's department, on the
part of the officer who tenders the resignation, will be conducted
through prescribed channels. [A. R. 80].

61. Leave of absence will not be granted on tender of resigna- Leave of absence.
tion unless the resignation be unconditional and immediate. When
leave is requested the officer's address will accompany the resigna-
tion. [A. R. 81].

62. An officer may be discharged by order of the commander- How discharged.
in-chief, either—

Upon the report of a board of examiners;
Or the sentence of a court-martial.

63. An officer may be honorably discharged by the commander- How honorably
discharged.
in-chief—

Upon tender of resignation;
Upon the recommendation of a medical board;
Upon the disbandment of the organization to which he belongs;
Or, if a staff officer, on the written request of the officer ap-
pointing him, or upon the qualification of his appointed successor;
Or when he shall accept an appointment in the army or navy of
the United States.

All officers, on attaining the age of 64 years, shall be retired
from active service and placed on the retired list.

64. An officer may be dismissed by the commander-in-chief when How dismissed.
it shall appear to him that such officer has been convicted of a
felony, or has been dishonorably discharged or dismissed from the
service of the United States, or from the National Guard of this
or any other State; or to carry out the sentence of a court-martial.

65. All officers discharged or retired from the service of the Entitled to cer-
tificate.
State shall be entitled to receive a certificate thereof in such form
as the commander-in-chief shall direct.

66. Dishonorable discharges are given only upon sentence of a Dishonorably dis-
charged.
court-martial.

- Habitual drunkenness.** 67. Habitual intemperance, gambling, or other vices that tend to corrupt an officer and lower the professional standard will be regarded as proper subjects for the consideration and report of a board.
- May be brought before a board.** 68. When ample testimony establishes the fact that an officer has, through vicious indulgence, slighted or neglected his duties to such a degree as to make it unsafe to intrust him with a command or with responsibility that properly belongs to his grade, and when it is shown that such habits have continued for such length of time as to render permanent reformation improbable, this fact, rather than his condition when he appears before the board, shall weigh in finding as to his incapacity for further service of the State of North Carolina.
- Transfer.** 69. A regimental or battalion staff officer may be transferred from one command to another, without loss of rank, by the commander-in-chief, upon the written application of the officer desiring the transfer, with the approval of the commanding officers.
70. No officer shall at any time absent himself from his command for a period of more than thirty days, without obtaining a leave of absence.
- Leave of absence.** 71. Leaves of absence are given in special orders, and may be granted for good and valid reasons only, to the officers of their respective commands, for periods not exceeding two months by regimental commanders. Applications for leave of absence for periods over two months must be made to the commander-in-chief.
- Leave of absence not granted, when.** 72. A leave of absence will not be granted which would leave a company without an officer, regiment without a field officer, a camp or post without two officers; nor shall a leave of absence be granted to an officer during a season of active operations, or during the annual encampment, except on urgent necessity.
73. When troops are on active duty, an officer shall not absent himself from his command, for any period, without obtaining leave from the highest commander on duty with the troops.
74. No officer will consider himself on leave until he shall have received a copy of the order, or notice, granting the same.
- Commanding officer to issue orders relinquishing command.** 75. An officer obtaining leave of absence is considered as being on duty with his command until he gives official notice of his intention to avail himself of such leave. A regimental or battalion commander shall issue his order relinquishing his command and designating the officer on whom the command falls. The officer so designated, on receipt of such order, shall issue his own order assuming command.
- Officers leaving camp.** 76. Officers desiring to leave camp will secure verbal permission from their commanding officer, lieutenants first securing permission from their immediate company commanders.

77. An application for leave of absence or extension thereof, on account of sickness, must be accompanied by a certificate, in prescribed form, from a medical officer; if possible, from one attached to the command of the applicant. Leave on account of sickness.

78. Whenever an officer has been absent on account of sickness for six months, he may be ordered before, and examined by, a medical board, and upon their recommendation shall be discharged. Officers may be ordered before medical examiners.

79. An officer returning to duty from a leave of absence must report immediately in writing, through superior commanders, to the officer by whom his leave was granted, and forthwith make himself acquainted with all orders issued during his absence.

80. An officer absent from his command three months without leave shall be dropped from the rolls of the National Guard, for desertion.

81. Whenever an officer is ordered to perform any duty, not being with troops, he shall proceed by the most direct practicable route without unnecessary delay; and except in case of sudden illness, must not apply for leave of absence from the time he receives the order until the duty has been performed. Traveling on duty.

82. Officers are entitled to use State transportation requests at public expense only when traveling on duty by order of competent authority. The use of State transportation requests except when on duty is prohibited. State transportation.

83. When an officer dies, his immediate commanding officer will make, in writing, a report of his death, specifying the date, place and cause, and forward the same through proper channels to the office of the adjutant-general. Death of an officer, how reported.

84. Any effects of a deceased officer which may be left in the armory, camp, or other rendezvous of the company, will be carefully collected and turned over by the company commander to the legal representative of the deceased. Deceased officers.

85. Any member of the National Guard learning of the death of another member, and having reason to suppose the same has not been already reported, will immediately notify the proper commanding officer of the fact and circumstances. Any member of N. C. N. G. report death.

86. On the death of an officer in charge of public funds and property, his immediate commanding officer will designate an officer to take up and inventory such funds and property, and make the customary returns therefor, stating actual amounts and conditions, forwarding same to the adjutant-general. The action herein prescribed will also be taken in the case of an officer who, while in charge of public funds or property, deserts or becomes insane. Officer deceased in charge of public funds.

ARTICLE VIII.

CHAPLAIN.

- Rank.** 87. The chaplain is recognized as entitled to the same consideration and courtesy as an officer having the rank of captain, without the title or privilege of command. He is subject to the same rules and regulations as other officers of the National Guard. He does not wear a sword. At parade his place is on the left of the commissioned staff.
- Must be ordained.** 88. No person should be appointed to the office of chaplain who is not a regularly ordained minister of some religious denomination, and who is not known to be in good standing as such.
- To visit the sick.** 89. It is the duty of the chaplain, having previously signified his intention to the medical officer in charge, to visit the sick in hospital or in quarters, in order to afford religious advice and consolation.
90. All chaplains shall be prepared to hold appropriate religious services at military funerals. It shall be their duty to hold public religious services, when on duty with their commands, at least once each Sunday when practicable, and at such other times as their commanding officers shall authorize.
- Officers must assist chaplains.** 91. All officers are required to do everything in their power to aid chaplains in the discharge of their duties.

ARTICLE IX.

VETERINARIANS.

- Must be examined.** 92. Veterinarians are appointed by the commander-in-chief, subject to competitive examinations as to eligibility, capacity, and fitness. The scope and conditions of such examinations will be announced in orders from time to time by the adjutant-general. They shall receive certificates of appointment signed by the commander-in-chief.
- Pay.** 93. A veterinarian has the pay of a second lieutenant, mounted, and is entitled to the same allowances in kind, of quarters, fuel and lights. [A. R. 89].
- Duties.** 94. It shall be the duty of the veterinarian to visit at least daily all sick or injured animals at his station, and to recommend such treatment as he may deem proper. He will have access to the stables at all times. Upon request he will attend such authorized private horses of mounted officers as may need his services. [A. R. 90].

ARTICLE X.

POST NON-COMMISSIONED STAFF.

95. The post non-commissioned staff consists of ordnance, post commissary and post quartermaster sergeants. They are appointed by the commander-in-chief from the line.

96. A post non-commissioned staff officer will assist the officer of his department, and will not be detailed upon any service not pertaining to his proper position, unless the necessities of the service require such detail, in which case the post commander will note the fact, with reasons therefor, on the sergeant's personal report. [A. R. 97].

97. A post non-commissioned staff officer may be re-enlisted, provided he shall have conducted himself properly and performed his duties in a satisfactory manner. If, however, his commanding officer should not deem the re-enlistment to be for the best interest of the service he will communicate his reasons to the adjutant-general in time to receive the decision of the commander-in-chief before the soldier's discharge. A post non-commissioned staff officer will be furnished with a warrant signed by the commander-in-chief. The warrant will remain in force so long as the soldier is continuously in the service, *i. e.*, if he re-enlists the day following that of his discharge. Every such re-enlistment will be noted on the back of the warrant by the officer who re-enlists the soldier, as follows: Re-enlisted (date); warrant continued. Re-enlistment.

98. Post non-commissioned staff officers, though liable to discharge for inefficiency or misconduct, will not be reduced. [A. R. 102]. Not to be reduced.

ARTICLE XI.

ENLISTMENTS.

99. Any male citizen of the State of North Carolina or person who has legally declared his intention to become a citizen, if above the age of twenty-one and under the age of thirty-five years, able-bodied, free from disease, of good character and temperate habits, may be enlisted under the restrictions contained in this article. In regard to age this regulation shall not apply to soldiers who have served honestly and faithfully a previous enlistment in the North Carolina National Guard. Qualifications.

100. The enlistment of persons of any of the following classes is prohibited: Former soldiers whose service during last term of Who prohibited.

enlistment was not honest and faithful, insane or intoxicated persons, deserters from the military or naval service of the United States, the National Guard of this or any other State, persons who have been convicted of felony, or who have been imprisoned under sentence of a court in a reformatory, jail or penitentiary; also for original enlistment, persons under eighteen or over forty-five years of age, and for first enlistment in time of peace any person who is not a citizen of this State, or who has not made a legal declaration of his intention to become a citizen of the United States, or who cannot speak, read, and write the English language.

Minors.

101. Recruiting officers will be very particular to ascertain the true age of the recruit. If any doubt exists as to the applicant's statement regarding his true age, his oath will not be taken as conclusive evidence of the fact, and if he cannot furnish competent proof to support his statement he will be rejected. Minors between the ages of eighteen and twenty-one years may be enlisted with the written consent of father, only surviving parent, or legally appointed guardian. When a minor presents himself for enlistment under the provisions of this paragraph, his parents or guardian, should he have any, will be found and informed of the application; should he be without parents or guardian, the recruiting officer must reject him unless the applicant shall procure the legal appointment of a guardian and obtain his written consent.

Recruiting officer responsible.

102. Recruiting officers will be held to a rigid accountability for the enlistment of men who may be found unfitted for the service. If a recruit, after having been enlisted, be rejected, or discharged as a minor, and it appears that the enlistment was carelessly made or in violation of these regulations, any expense incurred in consequence of the enlistment may be charged against the officer responsible.

Married men.

103. The enlistment or re-enlistment of married men for the line of the North Carolina National Guard is to be discouraged, and will be permitted only for some good reason in the public interest, the efficiency of the service to be of the first consideration. Applications for such enlistments or re-enlistments will be finally determined by the regimental commander, or other proper commanding officer if there be no regimental organization.

Enlistment papers.

104. After the nature of the service and terms of enlistment have been fully explained to the applicant, and before the enlistment blanks are filled, the officer will read to him and offer for his signature the following declaration which will be contained in the enlistment paper:

Declaration.

I,, desiring to *enlist* in the *National Guard of the State of North Carolina* for the term of three years,

do declare that I am of legal age to enlist, and believe myself to be physically qualified to perform the duties of an able-bodied soldier; and I do further declare that I am of good habits and character in all respects, and have never been discharged from the United States service (Army or Navy) or the *National Guard of North Carolina* or any other State on account of disability, or through sentence of either civil or military court, nor discharged from any service, civil or military, except with good character, and for the reasons given by me to the recruiting officer prior to this enlistment.

Given atthis day of, 190..

Witness:

.....
.....

.....

If the applicant be a minor, his parents or guardian must give Consent of parents. consent in writing in the following terms:

I,, do certify that I am the of; that the said is years of age; and I do hereby freely give my consent to his enlistment as a *Soldier* in the *National Guard of the State of North Carolina*.

Given at, this day of, 190..

Witness:

.....
.....

.....

This consent will appear on the enlistment paper, and will follow the foregoing declaration.

105. Recruiting officers will not allow any man to be enticed into the service by false representations, but will, in person, explain to every man before he signs the enlistment paper the nature of the service, the length of the term, the amount of pay, clothing, rations, and other allowances to which a soldier is entitled by law. [A. R. 863].

Recruiting officers will explain.

106. As soon as practicable, the following form of enlistment will be signed by and oath administered to the recruit:

STATE OF NORTH CAROLINA—City or Town of, ss.: Oath.

I,, born in, in the State of, aged years and months, race, and by occupation a, do hereby acknowledge to have voluntarily enlisted this day of, 190.., as a *Soldier* in

Company, Regiment, *National Guard of the State of North Carolina*, for the period of *three years* unless sooner discharged by proper authority; and do also agree to accept from the *State of North Carolina* such pay, rations, and clothing as are or may be established by law. And I do solemnly swear (or affirm) that I will bear true faith and allegiance to the *United States of America* and to the *State of North Carolina*, that I will serve them honestly and faithfully against all their enemies whomsoever, and that I will observe the orders of the *President of the United States*, the *Governor of North Carolina*, and the orders of the officers appointed over me, according to the Regulations for the Government of the Armies of the *United States* and of the North Carolina National Guard.

Subscribed and sworn to before me this day of, A. D. 190..

.....

Recruiting Officer.

This oath may be administered by any commissioned officer of the North Carolina National Guard.

Bands.

107. Members of the regimental band will be enlisted under the supervision of the regimental commander, who may designate by order any commissioned officer of his regiment to act as recruiting officer, such enlistments to be made under the provisions of this article.

Articles of war read.

108. Such of the Articles of War as relate specially to the duties and rights of enlisted men and the penalties for military crimes will be plainly read and, so far as necessary, explained to each recruit just before administering to him the oath of enlistment. Within six days thereafter the Articles of War will be read to the recruit. [A. R. 865].

109. Enlistment papers will be made on printed forms furnished by the Adjutant-General, and will be executed and disposed of in accordance with his directions.

Real name.

110. The real name of the recruit will be ascertained, correctly spelled, and written in the same way wherever it occurs, and the Christian name will not be abbreviated. [A. R. 867].

False enlistments.

111. Enlistments or re-enlistments will not be antedated.
 112. Should it become known that a recruit had made a false statement concerning his age or touching any fact connected with his medical examination, or enlistment, his commanding officer will forward such information to the Adjutant-General, who may authorize the soldier's discharge, *without honor*.

Medical examination.

113. The physical examination of recruits will be conducted in accordance with the prescribed orders from the Adjutant-General.

ARTICLE XII.

TRANSFER OF ENLISTED MEN.

114. Transfers of enlisted men will be made for cogent reasons only.

115. A transfer will take effect on the date of the receipt of the order at the post where the soldier is serving, and a descriptive list and account of pay and clothing showing that date will be forwarded to the commanding officer of the company or detachment to which the soldier is transferred. The actual date of transfer will be stated on the roll upon which the soldier is first paid after transfer.

Transfer to take effect, when.

116. Enlisted men may be transferred from one company to another in the same regiment by the commanding officer of the regiment, from one regiment to another by the brigade commander.

From one company to another.

117. An application for transfer of an enlisted man from one organization to another must be made in writing by the soldier desiring the transfer; must state the cause, and be accompanied by a certificate of nonindebtedness to his company, and must be forwarded by his immediate commander, through prescribed channels, to the officer having the authority to make the transfer.

Applications, how made.

118. A transfer shall be announced in orders by the officer making the transfer, and the soldier transferred shall be furnished with a statement of his military record by his former commander.

Announced in orders.

ARTICLE XIII.

FURLOUGHS.

119. Furloughs in the prescribed form for such periods as deemed necessary may be granted to enlisted men when on active duty by the commander of a tactical division, separate brigade, or regimental commander, provided the regimental commander is the highest authority present. Company commanders may grant furloughs. [A. W. 11].

Who may grant furloughs.

120. At encampment or in the field, upon the receipt of a furlough showing clearly the urgency of his case, the authority competent to grant such furlough may order transportation to be furnished soldier to enable him to reach his destination, provided that transportation will not be issued to any point beyond the limits of the State of North Carolina.

Transportation furnished.

Granting furloughs suspended.

121. The commanding officer of a corps, or of a separate command in the field, may suspend the granting of furloughs in any or all organizations within his command whenever, in his opinion, circumstances render it necessary or advisable, or for the best interests of the service. [A. R. 106].

ARTICLE XIV.

DECEASED SOLDIERS.

How reported.

122. When a soldier dies his commanding officer will make, in writing, on the monthly report, a statement of his death, specifying the date, place, and cause, and forward in the usual manner. The regimental or battalion commander will note said report on his consolidated monthly report. Discharge certificate will not be furnished in case of death.

Effects.

123. Any effects of a deceased soldier which may be left in the armory, camp, or other rendezvous of the company, will be carefully collected and turned over by the company commander to the legal representative of the deceased.

124. Any member of the National Guard learning of the death of another member, and having reason to suppose the same has not been already reported, will immediately notify the proper commanding officer of the fact and circumstances.

ARTICLE XV.

DESERTERS.

How dropped.

125. If a soldier in time of peace habitually absents himself for a period of three months from all drills or parades of his company, he will be carried as a deserter, and his commanding officer will furnish a statement setting out all the facts, forwarding same through military channels to the Adjutant-General, who may authorize soldier to be dropped as a deserter.

Arrest.

126. If a soldier when on duty with his company, by order of the proper authority for the suppression of insurrection, preservation of the peace, or similar duty, willfully absents himself from his command for more than twenty-four hours, he shall be carried as a deserter, and his commanding officer will take immediate steps to secure such deserter's arrest.

127. Deserters in time of insurrection, or disturbance of the peace, when captured, or when voluntarily surrendering themselves, will be brought before a court-martial according to the statutes of North Carolina and the rules and articles of war. To be tried.

128. Lists of deserters will be published by the Adjutant-General, in order for the information of the North Carolina National Guard. List published.

129. A deserter will make good the time lost by desertion, unless discharged by competent authority. He will be considered again in the service from the date of his apprehension or surrender; but if a deserter enlists while in desertion, such service shall not be counted as making good time lost by desertion. Make good lost time.

130. A deserter will not be restored to duty without trial, except by authority competent to order his trial; such restoration, being ordered only in case the desertion is admitted, does not remove the charge of desertion or relieve the soldier from any of the forfeitures attached to that offense; he must make good the time lost by desertion, refund the expenses paid for apprehension and delivery, and forfeit pay while absent. The same authority is competent to set aside a charge of desertion as having been erroneously made and his order to this effect operates to remove the charge of desertion and all stoppages and forfeitures arising therefrom. How restored to duty.

131. Soldiers not charged with crime, discovered to be deserters from the army, navy, or marine corps, will be dropped from the rolls of the North Carolina National Guard. In such case a report will be forwarded to the Adjutant-General—stating all the facts connected with the case—by the proper commanding officer. Deserters from army or navy.

ARTICLE XVI.

DISCHARGES.

132. To secure the discharge of an enlisted man, except for expiration of service, the immediate commanding officer will make application to the Adjutant-General for such discharge, setting forth in full the reason therefor. The application will be forwarded through official channels for recommendations. If such application is approved by the Adjutant-General, the discharge will be authorized and directed in special order by the Adjutant-General. Upon the receipt of such order, or when an enlisted man's term of service has expired, the immediate commanding officer will prepare the discharge certificate, certifying to the man's How secured.

character and military record, and submit the discharge certificate to the regimental or separate battalion commander for signature. When signed the certificate will be returned and by the immediate commanding officer delivered to the man.

The application for the discharge of a man for physical disability must be accompanied by the certificate of a medical officer.

Commanding officers, in preparing discharge certificates, will exercise especial care to state plainly the cause for discharge, as well as the authority for the discharge. (Example: "Removed from State, Special Order No. . . . , A. G. O., dated , 1904," or "Expiration Term of Service").

Without honor.

133. Discharges without honor will be given only by order of the commander-in-chief.

Removal beyond limits of town where armory is located.

134. When a soldier has removed to a place beyond the town adjoining the armory of his company, and his company commander is satisfied that the soldier is unable to attend properly to duty, the company commander may make application for the discharge of such soldier; provided, that the company commander serve notice in writing upon such soldier of his intention to make such application. (Such application to be delivered in person or by registered mail). After this has been done, and at the expiration of seven days, the company commander shall forward such application in the manner prescribed to the Adjutant-General, together with such statement as the soldier may make, with the following form of certificate endorsed thereon: "I hereby certify that due notice according to regulations has been given the above-named men (or man) entitled to same." The certificate should appear on the face of the application for discharge above the signature of the company commander.

If the removal of the residence of a soldier is *out of the State* the company commander shall make application for his discharge.

Must not drop.

135. Company commanders will not drop the names of men from the rolls until their discharges have been received.

ARTICLE XVII.

REGIMENTS AND BATTALIONS.

Administration.

136. In the infantry arm the regiment is the administrative unit. The station of the permanent regimental commander is the headquarters of the regiment. The command of a regiment devolves upon the senior officer on duty with it wherever he may be stationed. Whenever incomplete battalions of the same or differ-

ent regiments are serving together the commanding officer may designate provisional battalions. The battalion is a unit for maneuver and instruction; it is not an administrative unit; it has no headquarters, and when serving in the regiment, no records. When battalions are not organized into regiments the regulations will apply thereto when not otherwise specifically provided.

137. A regimental commander should continually labor for the instruction and efficiency of his regiment. He should encourage among his officers harmonious relations and a friendly spirit of emulation in the performance of duty. His timely interference to prevent disputes, his advice to the experienced and immediate censure of any conduct liable to produce dissension in the regiment or to reflect discredit upon it, are of great importance in securing and maintaining its efficiency. In such efforts he will receive the loyal support of his subordinates. He will supervise the instruction of the officers of his immediate command and make an inspection of such command at least once each year.

Regimental commanders to encourage.

138. Field officers of the line of the North Carolina National Guard are assigned by the regimental commander to stations or commands where their services are most required, provided troops of their own regiments are serving there, and are assigned to appropriate duties by the commanding officer.

Field and staff.

139. The regimental staff officers are commissioned by the commander-in-chief upon the recommendation of the regimental commander.

How appointed.

140. The following named books and papers will be kept in each regiment: An order book, a correspondence book with index, a regimental fund book, and a descriptive book, furnished by the Adjutant-General; all orders, circulars and instructions from higher authority, returns, muster and pay rolls of the regimental non-commissioned staff and band, reports of drills of companies, other regimental returns and reports, and all correspondence concerning the regiment or affecting its personnel, all returns of the personnel of the regiment, and the general and special orders and circulars of the Adjutant-General's department, and such general orders and circulars of the War Department as affect the organized militia, will be permanently preserved.

Books and papers.

141. The non-commissioned officers of bands will be appointed by the commander of the organization to which bands are attached.

Bands.

142. Commanding officers will require bands to play national and patriotic airs on appropriate occasions. The playing of "The Star Spangled Banner" as a part of a medley is prohibited. [A. R. 255].

"Star Spangled Banner."

ARTICLE XVIII.

TROOPS, BATTERIES AND COMPANIES.

Detailed to take
command.

143. In the absence of all the officers of a company the regimental commander may assign an officer, preferably of the same regiment, to its command. If there be no officer available the fact will be reported to the Adjutant-General.

144. Captains will require their lieutenants to assist in the performance of all company duties, including the keeping of records and the preparation of the necessary reports and returns. [A. R. 260].

Non-commissioned
officers.

145. Non-commissioned officers will be carefully selected and instructed, and always supported by company commanders in the proper performance of their duties. They will not be detailed for any duty nor permitted to engage in any occupation inconsistent with their rank and position. Officers will be cautious in re-proving them in the presence or hearing of private soldiers. [A. R. 261].

How appointed.

146. Company non-commissioned officers are appointed or reduced to the ranks by company commanders, subject to the approval of the regimental commander. Upon the appointment or reduction to the ranks of any non-commissioned officer, cook, artificer, musician, trumpeter, wagoner or saddler, company commanders will forward to the regimental commander a copy of the order making such appointments or reductions, and will note same on the monthly report.

Reduction to
ranks.

147. A non-commissioned officer may be reduced to the ranks by the sentence of court-martial; if reduced to the ranks by sentence of court-martial the company commander will forward a transcript of the order to the Adjutant-General. The transfer of a non-commissioned officer from one organization to another carries with it reduction to the ranks. The desertion of a non-commissioned officer vacates his position from the date of his unauthorized absence.

Lance corporals.

148. To test the capacity of privates for the duties of non-commissioned officers company commanders may appoint lance corporals, who will be obeyed and respected as corporals, but no company shall have more than one lance corporal at a time, unless there are non-commissioned officers absent by authority, during which absence there may be one for each absentee. [A. R. 263].

First sergeant.

149. The captain will select the first sergeant, quartermaster sergeant, and stable sergeant from the sergeants of his company, and may return them to the grade of sergeant without reference to higher authority. [A. R. 264].

150. Each non-commissioned officer will be furnished with a **Warrants.** certificate or warrant of his rank, signed by the division, brigade, regimental or battalion commanders, as the case may be, and countersigned by the Adjutant-General or adjutant, but a separate warrant will not be given to first sergeant, quartermaster sergeant, or stable sergeant. A warrant issued to a non-commissioned officer is his personal property. Warrants need not be renewed in case of re-enlistment in the same company, if re-enlistment is made the day following the day of discharge, but will remain in force until vacated by promotion or reduction, each re-enlistment and continuance to be noted on the warrant by the company commander.

151. The following named books and papers will be kept in **Books and papers.** each company: An order book, a correspondence book with index, a company treasurer's book, a sick report book, a morning report book, and a property and descriptive book. These books are furnished by the Adjutant-General. There shall be kept the complete record, description and accounts of all men belonging or who have belonged to the company. There will also be kept orders and instructions received from higher authority, returned copies of various rolls, reports, and returns, required by regulations and orders, and all letters and correspondence affecting the personnel of the company.

152. Company, band and detachment commanders will make a **Interior economy of companies.** complete inspection of their organizations every month.

153. The company commander will cause the enlisted men of **Squaded.** the company to be numbered and divided into squads, each under the charge of a non-commissioned officer.

154. Company commanders will see that all public property in possession of enlisted men is kept in good order, and that missing or damaged articles are duly accounted for.

155. Company commanders are responsible for text-books and other official publications issued to their company. [A. R. 282].

156. Enlisted men will not take their arms apart except by **Mutilating arms prohibited.** permission of a commissioned officer under proper supervision, and only in the manner prescribed in the descriptive pamphlet of the arms issued by the Ordnance Department, United States Army. The polishing of blued or browned parts of small arms, rebluing or rebrowning, putting any portion of an arm in a fire, or removing a receiver from a barrel, is prohibited. The mutilation of any part by filing or otherwise, and attempt to beautify or change the finish, are prohibited. Pieces will be unloaded before taken to quarters or tents, and as soon as the men using them are relieved from duty, unless otherwise ordered. The use of tompons in

small arms is forbidden. The prohibition in this paragraph of attempts to beautify or change the finish of arms in the hands of enlisted men is not construed as forbidding the application of raw linseed oil to the wood parts of the arms. This oil is considered necessary for the preservation of the wood, and it may be used for such polishing as can be given by rubbing in one or more coats when necessary. The use of raw linseed oil only will be allowed for redressing, and the application for such purpose of any kind of wax or varnish, including heelball, is strictly prohibited.

Polishing equip-
ment.

157. It is forbidden to use any dressing or polishing material on the leather accouterments or equipments of the soldier, all horse equipments and harness, except the preparations supplied or authorized by the Quartermaster-General.

Fitting equipment.

158. Equipments will be fitted to the men under the direction of an officer; all other changes are prohibited. [A. R. 285].

Marking equip-
ment.

159. Articles of public property issued to a company for its exclusive use will, when practicable, be marked with the letter or number of the company and number and arm of the regiment. Such articles issued to an enlisted man (arms and clothing excepted) will, as far as practicable, be marked with the number of the man, letter or number of the company, and number of the regiment. Haversacks, canteens, and similar articles of equipment will be uniformly marked on the outside, as follows: Cavalry, crossed sabers with letter of company above and number of regiment below the intersection; infantry, crossed rifles with letter of company above and number of regiment below the intersection; artillery, crossed cannons with the number of the company or battery at the intersection of the cannons; the special corps of the Army, according to their respective devices. The design will be stenciled in black, the letters and numbers in full-faced characters. The design will be placed above the letters "U. S." on equipments, and the soldier's number in characters one inch high below the letters "U. S." Articles will not be marked with the number of the men in the Hospital and Signal Corps. [A. R. 286].

Messing and cook-
ing.

160. Kitchens will be under the immediate charge of a commissioned officer, who will be held responsible for their condition and the proper use of rations, and he will inspect and supervise the proper issuing of each meal. No one will be allowed to visit or remain in the kitchen except those who go there on duty. The greatest care will be observed in cleaning and scouring cooking utensils.

161. Special regulations for subsistence cannot be made to suit every case and circumstance when troops are in the annual encampment or on active duty in aid of civil authority. Personal

care and judgment on the part of company officers are relied on to prevent waste or misuse. In camp or other active service the mess furniture of a soldier will be limited to one tin cup, knife, fork, spoon and meat can, or such other article as the ordnance department may provide.

ARTICLE XIX.

COUNCILS OF ADMINISTRATION.

162. Regimental and company councils of administration are assembled to audit the regimental and company funds, respectively; to ascertain and examine the sources from which, and methods by which, they have accrued; to recommend expenditures therefrom, and to conduct the civil affairs of their commands.

163. The regimental council of administration may consist of any three officers of the field and staff other than the regimental commander, to be appointed by the regimental commander. The company council will consist of all officers present for duty with the company. The council of administration for the medical department shall consist of the three senior medical officers on duty at the stations of Hospital Corps organizations, or as many as are available if less than three.

164. At the close of each quarter, and oftener when necessary, the company council of administration will convene, to audit the accounts and balance the treasurer's books. The records of the proceedings of the council shall be entered in the *treasurer's* book, immediately following the balance; the balance will then be carried forward.

The following, or a similar form of order, will be issued:

"ARMORY COMPANY, THIRD INFANTRY, N. C. N. G.,
RALEIGH, N. C.,190..

"Order No.

The council of administration of Company, 3d Infantry, N. C. N. G., will convene at the armory on the 30th day of September, 190 . ., at o'clock M., for the purpose of auditing the company fund accounts and to transact such other business as may properly be brought before it.

.....
Captain Co., Third Infantry, N. C. N. G., Commanding."

The record of the proceedings and findings will be in the following or similar form:

"ARMORY COMPANY, THIRD INFANTRY, N. C. N. G.,
 RALEIGH, N. C.,190..

The company council of administration met pursuant to the following order:

(Quote the order in full).

All members present (or such officers absent, giving reasons why).

The accounts of the treasurer were examined and found (here state condition, make recommendations, etc.).

There being no further business, the council adjourned.

..... *President.*

..... *Recorder.*

..... *Member."*

Proceedings.

165. The junior member of each council will record the proceedings in the treasurer's book, to include a written certificate of the responsible officer that the funds are on deposit in a reputable banking institution named in the certificate, or a statement signed by an officer of said banking institution showing the balance on hand, will be exhibited the council, which proceedings will be signed by all the members of the council. Those of the regimental council will be submitted to the regimental commander, who will sign his approval or note objection on the council on the treasurer's book; should he disapprove the proceedings and the council, after reconsideration, adhere to its conclusion, a copy of the proceedings will be sent to the Adjutant-General, whose decision upon all questions not involving pecuniary responsibility will be final, and will be entered in the treasurer's book. In proceedings of company councils the regimental commander will decide disagreements, but an appeal may be taken to the Adjutant-General.

Treasurer elected.

166. At the meeting of September 30th, each year, each company council will select one of its members, and each regimental council a field or staff officer to serve as treasurer of the fund for his organization, who shall give bond according to law to faithfully and honestly discharge his duties according to law and regulations and the resolves of the council of administration. A company commander shall not be treasurer when there is another officer with the company.

New treasurer will receipt.

167. Whenever a new treasurer has qualified he will receipt for the balance on hand, and a duplicate of this receipt will be forwarded, through military channels, to the Adjutant-General.

Approval of.

168. The commanding officer who approves the appropriations of a council, and in the matter of the company fund the company commander, will be held responsible for all expenditures not made in accordance with regulation. [A. R. 316].

169. The council will designate a depository for the safe-keep-^{Depository.} ing of the funds, and every expenditure will be made pursuant to a previous vote of the council, duly recorded. Payments will be made on vouchers furnished by the Adjutant-General.

170. The fund will be disbursed exclusively for the benefit of ^{Officers must not} the organization to which it pertains, and will not be used for the ^{use.} purchase of officers' uniforms or equipments.

171. Accounts of officers for expenses incurred by them in the interest of their organizations must set forth in full the necessity of such expenses, itemizing the latter.

172. All debts must be promptly paid, and the contracting of debts in excess of available funds is prohibited.

173. In case of loss of regimental or company funds, the cir-^{Loss of company} cumstances will be carefully investigated and reported by the ^{funds.} council, with recommendation as to responsibility.

174. The commanding officer will cause a copy of the proceedings of the council to be posted in the armory or headquarters for a period of thirty days.

175. Post or regimental exchanges may be conducted at any ^{Post or regimental} camp, which shall be under the direction of the commanding offi-^{exchanges.} cer thereof. Same to be conducted in conformity to the rules and regulations of the United States Army governing post exchanges.

176. The sale of spirituous, vinous or malt liquors in any post ^{Sale of intoxi-} exchange at any camp of the North Carolina National Guard is ^{cating liquors} prohibited. ^{prohibited.}

ARTICLE XX.

ROSTER, DETACHMENTS AND DAILY SERVICE.

177. A roster is a list of officers or men for duty, with a record ^{The roster.} of the duty performed by each. Generally details for duty are so made that the one longest off is the first for detail. Details so made are said to be made by roster. [A. R. 359].

178. All details for service in garrison and in the field, except ^{Details.} the authorized special and extra-duty details, will be by roster; but officers or enlisted men when detailed must serve whether a roster be kept or not. [A. R. 360].

179. The duties performed by roster are of two classes. ^{Duties; two} The first comprises (a) outposts; (b) interior guards, including stable ^{classes.} guards; (c) detachments to protect laborers on military works; (d) armed working parties on such works. Soldiers march armed and, if necessary, fully equipped on all duties of this class. The second class comprises all other duties and fatigue, in or out of

the garrison or camp. The rosters are distinct for each class. [A. R. 361].

Separate rosters.

180. Lieutenant-colonels and majors are on one roster, and may be detailed when the importance of the duty requires it. In the field their roster is kept at division and brigade headquarters. Captains form one roster, and are exempt from ordinary fatigue duties. Lieutenants form one roster, but when conditions make it advisable captains and lieutenants may be placed on one roster, or one or more of the senior lieutenants may be placed on the captains' roster. Sergeants, corporals, musicians, and privates form distinct rosters. [A. R. 362].

Outposts and interior guards.

181. Unless otherwise ordered by the commanding officer, officers, non-commissioned officers, and privates take duties of the first class in the order stated in paragraph 179, viz., the first for detail takes the outposts, the next the interior guards, and so on. In those of the second class the senior officer takes the largest party. The party first for detail takes the service out of camp. [A. R. 363].

Details by roster.

182. In making details by roster, an officer or enlisted man is each day charged with the number of days that he has remained present and available since the beginning of his last tour. Departures from this rule may be authorized by the commanding officer whenever a strict application would allow improper advantage or work hardship. [A. R. 364].

Officer detailed and not present.

183. When an officer has been detailed and is not present or available at the hour of marching, the next after him takes the duty. When an outpost has passed the chain of sentinels, or an interior guard has reached its post, the officer whose tour it was cannot take it unless so ordered by the commanding officer. [A. R. 365].

Duties.

184. Duties of the first class are credited on the roster when the guards or detachments have passed the chain of sentinels or an interior guard has reached its post; other duties, when the parties have entered upon their performance. [A. R. 366].

No duties required until four hours after being relieved.

185. An officer or enlisted man on duty of the first class, or who is next for detail for such duty, is available, when relieved, for duty of the second class that has fallen to him during that time. Except in emergencies no duty will be required of the old officer of the day or the old guard until four hours after they have been relieved. [A. R. 367].

Signal corps exempt from duty, when.

186. Detachments of the Signal Corps shall be exempt from detail for any other duty, except when in the judgment of the commanding officer the importance of the duty will not permit exemption. [A. R. 369].

187. As far as the exigencies of the service will permit, detachments for armed service will be formed by taking battalions, companies, platoons, or other subdivisions in turn, according to the roster. [A. R. 370].

188. Officers or enlisted men detailed for detached service while on other duty will be relieved from that duty, if practicable, in time to march with the detachment. [A. R. 371].

189. When a detachment is to be formed from the different organizations of a command the adjutant or Adjutant-General forms its contingent, verifies the details, and sends it to the place of assembly, or turns it over to the detachment commander. [A. R. 372].

190. When detachments meet, the command is regulated while they serve together as if they formed one command, but the senior officer cannot prevent the commander of any detachment from moving when he thinks proper to execute the orders he has received. [A. R. 373].

191. On the return of a detachment its commander reports to the headquarters from which he received his orders. [A. R. 374].

192. There will be daily at least two roll-calls, viz.: At reveille and retreat. Commanding officers may also order roll-calls in special cases at such times as they deem necessary. The roll will be called on the company parade by the first sergeant, superintended by a commissioned officer. Ordinarily there will not be any formation for roll-call at tattoo, but the prescribed signal will be sounded, and fifteen minutes thereafter lights will be extinguished and all noise and loud talking will cease. Call to quarters will be sounded at the designated time, and fifteen minutes later taps. At taps all lights not authorized by the commanding officer will be extinguished and the first sergeant or other non-commissioned officer, as the company commander may direct, will inspect each company and report to the officer of the day the names of all unauthorized absentees. Reveille roll-call will, ordinarily, not take place earlier than 5:30 A. M.

193. Except at the ceremony of parade, the result of a roll-call will be reported after the companies have been dismissed, to the officer superintending the call, who will report the result to the commanding officer. [A. R. 377].

194. In camp and garrison the commanding officer fixes the hours for reports, issues, and roll-calls, and for the performance of stated duties and fatigues. In garrison, retreat will be not later than sunset. The signals will be sounded by the field musicians in accordance with authorized drill regulations. [A. R. 378].

Policing quarters. 195. After breakfast, and after stable duty in the mounted service, the tents or quarters and adjacent grounds will be policed by the men of the companies and the guard-house or guard-tent by the prisoners, or by members of the guard, if there be no prisoners. [A. R. 379].

ARTICLE XXI.

HONORS, COURTESIES AND CEREMONIES.

Honors. 196. The officers named below will be received with standards and colors dropping, officers and troops saluting, and the bands and field music playing, as follows: The President, the President's March; the General, the General's March; the Lieutenant-General, trumpets sounding three flourishes or drums beating three ruffles; a major-general, two flourishes or two ruffles; a brigadier-general, one flourish or one ruffle. [A. R. 380].

197. To the Vice-President, the members of the Cabinet, the Chief Justice, the President of the Senate, the Speaker of the House of Representatives, American or foreign ambassadors, and Governors within their respective States and Territories the same honors are paid as to the General; to the Assistant Secretary of War and to American or foreign envoys or ministers, the same honors as to the Lieutenant-General; to officers of the Navy the honors due to their relative rank; to officers of marines and volunteers, and militia when in the service of the United States the honors due to like grades in the regular service; to officers of a foreign service the honors due to their rank. [A. R. 381].

Colors or standards, how saluted. 198. The national or regimental color or standard, uncased, passing a guard or other armed body will be saluted, the field music sounding "to the color," or "to the standard." Officers or enlisted men passing the uncased color will render the prescribed salute; with no arms in hand, the salute will be made by uncovering. [A. R. 382].

Must stand at attention. 199. Whenever "The Star Spangled Banner" is played by the band on a formal occasion at a military station, or at any place where persons belonging to the military service are present in their official capacity, all officers and enlisted men present will stand at attention. The same respect will be observed toward the national air of any other country when it is played as a compliment to official representatives of such country. [A. R. 383].

No honors paid by troops on march. 200. No honors are paid by troops when on the march or in trenches, except that they may be called to attention, and no salute

is rendered when marching in double time or at the trot or gallop. [A. R. 384].

201. The commanding officer is saluted by all commissioned officers in command of troops or detachments. Troops under arms will salute as prescribed in drill regulations. [A. R. 385].

Commanding officer to be saluted.

202. All officers salute on meeting and in making or receiving official reports. Military courtesy requires the junior to salute first, but when the salute is introductory to a report made at a military ceremony or formation to the representative of a common superior—as for example, to the adjutant, officer of the day, etc.—the officer making the report, whatever his rank, will salute first; the officer to whom the report is made will acknowledge by saluting, that he has received and understood the report. When under arms the salute is made with the sword or saber, if drawn; otherwise with the hand. A mounted officer dismounts before addressing a superior not mounted. [A. R. 386].

Officers salute on meeting.

203. On official occasions officers, when indoors and under arms, do not uncover, but salute with the sword if drawn; otherwise with the hand. If not under arms, they uncover and stand at attention, but do not salute except when making or receiving reports. [A. R. 387].

When indoors.

204. When an enlisted man, without arms, passes an officer he salutes with the hand farthest from the officer. If mounted he salutes with the right hand. Officers are saluted whether in uniform or not. [A. R. 388].

Enlisted men without arms.

205. An enlisted man, armed with the saber and out of ranks, salutes all officers with the saber if drawn; otherwise he salutes with the hand. If on foot and armed with a rifle or carbine, he makes the rifle or carbine salute. A mounted soldier dismounts before addressing an officer not mounted. [A. R. 389].

Enlisted men armed.

206. A non-commissioned officer or private in command of a detachment without arms salutes all officers with the hand, but if the detachment be on foot and armed with the rifle or carbine, he makes the rifle or carbine salute, and if armed with a saber he salutes with it. [A. R. 390].

207. An enlisted man, if seated, rises on the approach of an officer, faces toward him and salutes. If standing, he faces the officer for the same purpose. If the parties remain in the same place or on the same ground, such compliments need not be repeated. Soldiers actually at work do not cease work to salute an officer unless addressed by him. [A. R. 391].

Soldiers at work do not salute.

208. An enlisted man makes the prescribed salute with the weapon he is armed with, or if unarmed, whether covered or uncovered, with the hand, before addressing an officer. He also makes the same salute after receiving a reply. [A. R. 392].

209. Indoors, an unarmed enlisted man uncovers and stands at attention upon the approach of an officer; he does not salute unless he addresses or is addressed by the officer. If armed he salutes as heretofore prescribed, without uncovering. [A. R. 393].

210. When an officer enters a room where there are soldiers, the word "Attention" is given by some one who perceives him, when all rise and remain standing in the position of a soldier until the officer leaves the room. Soldiers at meals do not rise. [A. R. 394].

211. Soldiers at all times and in all situations pay the same compliments to officers of the Army, Navy, Marine Corps, and volunteers and to officers of the organized militia in uniform as to officers of their own regiment, corps, or arm of service. [A. R. 395].

212. Officers will at all times acknowledge the courtesies of enlisted men by returning salutes given, in the manner prescribed in drill regulations. When several officers in company are saluted, all who are entitled to the salute return it. [A. R. 396].

Salutes with cannon.

213. Salutes with cannon will be fired under charge of commissioned officers, who shall be present at the firing and direct it. Guns using metallic-case ammunition will be used whenever practicable; in their absence other breech-loading guns should be preferably used. Muzzle-loaders will not be used. For breech-loaders using cartridge bags, the bags will be made of silk, measuring in length at least one and one-half times their diameter, and care will be taken that the sponges are not worn, and that they thoroughly fill the chamber or bore of the gun, and when the same gun is fired more than once, that the intervals between the discharges are sufficient to allow the chamber or bore to be thoroughly sponged and chamber examined. Unless all of these conditions be fulfilled salutes will not be fired with this class of guns.

214. Salvos are simultaneous discharges from several cannon; they correspond to volleys of musketry and are fired by way of salute only over the graves of officers at the time of burial. The order designating a funeral escort prescribes whether the fire shall be three volleys of musketry or three salvos of artillery. [A. R. 400].

215. Salutes will be fired between sunrise and sunset only, and, as a rule, not on Sunday unless required by international courtesy. The national flag will always be displayed at the time of firing a salute. [A. R. 401].

National salutes.

216. The national salute is twenty-one guns. It is also the salute to a national flag.

When in camp the salute to the Union, commemorative of the Declaration of Independence and consisting of one gun for each State, is fired at noon on July 4, at every post provided with suitable artillery. [A. R. 402].

217. The President, both on his arrival at and departure from a military post, or when in its vicinity, receives a salute of twenty-one guns. No other personal salute is fired in his presence. Personal salutes.

The sovereign or chief magistrate of a foreign country receives the salute prescribed for the President; members of a royal family receive the salute due their sovereign.

An ex-President of the United States receives a salute of twenty-one guns.

The Vice-President receives a salute of nineteen guns.

When officials other than those named visit military posts, they receive salutes as follows:

	GUNS.
President of the Senate, and American or foreign ambassadors, 19	
Members of the Cabinet, the Chief Justice, the Speaker of the House of Representatives, a committee of Congress officially visiting a military post, Governors within their respective States or Territories, or a governor-general, and the civil governor of the Philippine Islands.....	17
The Assistant Secretary of War or the Assistant Secretary of the Navy, when officially visiting a military post; the vice-governor of the Philippine Islands, and American or foreign envoys or ministers.....	15
Ministers resident accredited to the United States.....	13
Chargés d'affaires	11
Consuls-general accredited to the United States.....	9
The General	17
The Lieutenant-General	15
Major-General	13
Brigadier-General	11

The term "governor-general" shall be taken to mean an administrative officer under whom officers with the title of governor are acting. [A. R. 404].

218. As a rule, a personal salute is to be fired when the personage entitled to it enters a post. Salutes, when fired.

When several persons, each of whom is entitled to a salute, arrive together at a post, the highest in rank or position is alone saluted. If they arrive successively, each is saluted in turn.

An officer assigned to duty according to his brevet rank is entitled to the salute prescribed for the grade to which he is assigned.

A retired general officer making an official visit is saluted according to his rank.

An officer, whether civil, military, or naval, holding two or more positions, either of which entitles him to a salute, receives only the salute due to the highest grade. In no event is the same person to be saluted in more than one capacity.

Personal salutes at the same place and in compliment to the same person, whether civil, diplomatic, military, or naval, are never to be fired oftener than once a year, unless such person shall have been in the meantime advanced in rank. [A. R. 405].

219. Officers of the Navy are saluted according to their relative rank; officers of marines and of the volunteer forces or militia in the service of the United States, and officers of foreign services, are saluted according to rank. [A. R. 406].

220. When a civil functionary entitled to a salute arrives at a military post, the commanding officer meets or calls upon him as soon as practicable, and will tender him a review if the garrison consists of not less than four companies. When a general officer visits a post within his command the troops will be paraded for review, unless he directs otherwise. When a salute is to be given an officer junior to another present at a post, the senior will be notified to that effect by the commanding officer. [A. R. 407].

221. In addition to the foregoing, occasions of a public nature frequently arise when salutes are both desirable and proper. Orders will be given in such cases. [A. R. 408].

222. The flag of a military post will not be dipped by way of salute or compliment. [A. R. 409].

223. Officers arriving at the headquarters of a military command, or at a military post, will call upon the commander thereof as soon as practicable and register their names. If the visiting officer be senior to the commander, the former may send a card, in which case it becomes the duty of the commander to make the first call. [A. R. 410].

224. Escorts of honor may be composed of any or of all arms, according to the circumstances. They are detailed for the purpose of receiving and escorting personages of high rank, civil and military, when they arrive and depart. The troops for this purpose will be selected for their soldierly appearance and superior discipline, and are formed and maneuvered as prescribed in the authorized drill regulations. The post commander in each case will detail an officer to attend the personage escorted, and to bear communications from him to the commander of the escort. [A. R. 419].

Troops to be paraded.

Visits.

Escorts of honor.

225. On the receipt at the State capital of official notice of the death of the President of the United States, the commanding officer of the post will, on the following day, cause a gun to be fired every half hour, beginning at sunrise and ending at sunset. [A. R. 420].

Gun to be fired
every half hour.

226. When the funeral of an officer, who was entitled to a salute, takes place at or near a military post, minute guns will be fired while the remains are being borne to the place of interment, but the number of guns will not exceed that to which the officer was entitled as a salute. After the remains are deposited in the grave a salute corresponding to the rank of the deceased will be fired, in addition to three salvos of artillery or three volleys of musketry. [A. R. 422].

Funeral salutes.

227. On the death of an officer at a military post the flag is displayed at half-staff and so remains, between reveille and retreat, until the last salvo or volley is fired over the grave; or if the remains are not interred at the post, until they are removed therefrom. [A. R. 425].

Flag at half-staff.

228. During the funeral of an enlisted man at a military post the flag is displayed at half-staff. It is hoisted to the top after the final volley or gun is fired, or after the remains are taken from the post. The same honors are paid on the occasion of the funeral of a retired enlisted man. [A. R. 426].

229. All military posts in sight of each other display their flags at half-staff upon the occasion of one doing so. The same rule is observed toward all vessels of war. [A. R. 427].

230. When the flag is displayed at half-staff it is lowered to that position from the top of the staff. It is afterwards hoisted to the top before it is finally lowered. [A. R. 428].

Flag at half-staff,
how lowered.

231. The funeral escort of an officer will be commanded by an officer of the same grade; if none such be present, by one of the next lower grade available. The ceremony is prescribed in the drill regulations. [A. R. 430].

Funeral escorts.

232. The funeral escort of a non-commissioned staff officer will consist of sixteen men, commanded by a sergeant; of a sergeant, of fourteen men, commanded by a sergeant; of a corporal, of twelve men, commanded by a corporal; of a private, of eight men, commanded by a corporal. [A. R. 431].

Funeral of non-
commissioned
officer.

233. The funeral escorts of officers of field artillery will be as follows: Colonel, twelve pieces; lieutenant-colonel and major, eight pieces; captains, four pieces; lieutenant, two pieces. The escort of an enlisted man will consist of one piece. Caissons need not accompany the pieces. [A. R. 432].

234. Six pall-bearers will be selected, as far as practicable from the grade of the deceased. [A. R. 433].

Pall-bearers.

- Uniform and side arms worn.** 235. Officers and enlisted men attending military funerals wear uniform and side arms and in the funeral procession follow the mourners in order of rank, seniors in front. The funeral of an officer is attended by such officers of the post or organization in the field as other duties will permit. The funeral of a non-commissioned officer is attended by the non-commissioned officers and privates of the regiment, or such part of it as may be present and can be spared from other duties; that of a private by the non-commissioned officers and privates of his company. [A. R. 434].
- Badge of mourning.** 236. The badge of military mourning is a knot of black crepe worn upon the sword hilt for a period not to exceed thirty days. [A. R. 435].
237. As family mourning, officers may wear a straight band of crepe five inches wide around the left arm above the elbow. [A. R. 436].
238. The drums of a funeral escort will be covered with black crepe or thin black serge, furnished by the quartermaster. [A. R. 437].
- Colors not draped in mourning except.** 239. The colors of a regiment will not be placed in mourning or draped, except when ordered by the Adjutant-General. Two streamers of crepe seven feet long and about twelve inches wide attached to the ferrule below the spearhead will be used for the purpose. [A. R. 438].
- Ceremonies.** 240. All ceremonies will be conducted as prescribed in the authorized drill regulations. [A. R. 439].
- Daily parade.** 241. There will in camp be daily one parade, morning or evening, as the commanding officer may direct, which will not be dispensed with except on urgent occasions. All officers and men will be present unless specially excused or on duty incompatible with such attendance.
- Flag, when hoisted or lowered.** 242. At every military post or station the flag will be hoisted at the sounding of the first note of the reveille, or of the first note of the march, if a march be played before the reveille. The flag will be lowered at the sounding of the last note of the retreat, and while the flag is being lowered the band will play "The Star Spangled Banner."
- Memorial day.** 243. On Memorial Day, May 10, at all stations, the national flag will be displayed at half-staff from sunrise till midday, it will then be hoisted to the top of the staff and will remain there until sunset. It is urged on all organizations as far as possible to participate in Memorial Day exercises, and in this way express fitting testimonial of respect for the heroic dead and honor to their patriotic devotion.

244. Troops while in camp will be mustered for pay on next to Troops mustered. the last day of the encampment, unless otherwise ordered by the commanding officer. Officers will be designated by the commanding officer to assist in the muster of troops.

245. Each muster will, when practicable, be preceded by a minute inspection. If the command consist of more than one company the inspection may be preceded by a review. If the day for muster falls on Sunday, such review and inspection will be omitted.

246. In camp or on other continuous service, troops will be mustered for pay as may be ordered by the commanding officer. Muster and pay rolls.

ARTICLE XXII.

GUARDS.

247. The authorized Manual of Guard Duty of the Regular Army is the guide in all matters relating to duties of guards not contained in these regulations.

ARTICLE XXIII.

INSPECTOR-GENERAL'S DEPARTMENT.

248. The sphere of inquiry of the Inspector-General includes Duties. every branch of military affairs except when specially limited in these regulations or in orders. Inspectors-general and acting inspectors-general will exercise a comprehensive and general observation within the command to which they may be respectively assigned over all that pertains to the efficiency of the Guard, the condition and state of supplies of all kinds, of arms and equipments, of expenditures of public property and moneys, and the condition of accounts of all officers charged with public funds or property, of the conduct, discipline, and efficiency of officers and troops, and report with strict impartiality in regard to all irregularities that may be discovered. They will make such suggestions as may appear to them practicable for the correction of any defect that may come under their observation.

249. Inspectors-general or acting inspectors-general assigned to a military command are under the immediate direction of its commanding general; when not so assigned they are under the orders of the commander-in-chief. They will make the general and such

special inspections as the commanding general may direct within the limits of his command.

Specific orders.

250. The commander-in-chief may from time to time detail acting inspectors-general to make such inspections as he may specifically designate in orders.

251. Inspectors-general or acting inspectors-general will make known their orders or instructions to the commanding officers whose troops and affairs they are directed to inspect, and these officers will see that every facility and assistance, including clerical aid, if requested, is afforded.

Cannot give order unless authorized.

252. An inspector-general or acting inspector-general will not give orders unless specially authorized to do so, and then only in the name of the superior giving such authority. He will report with strict impartiality all irregularities. He should refrain from informal conversation or comment upon the subjects under investigation. [P. A. R. 892, A. R.].

Must exercise care that no injustice be done.

253. An inspector-general or acting inspector-general will exercise the greatest care that he does no injustice to organizations or individuals. When investigating accusations prejudicial to the character of an officer, he will make known to the officer their nature, and give him an opportunity to make his own statement in writing, which will be appended to the report. Copies or extracts from an inspection report reflecting upon or commending the character or efficiency of an officer may be furnished him by the commander to whom the report is submitted. [P. A. R. 893, A. R.].

Can administer oaths.

254. An inspector-general or acting inspector-general detailed to investigate alleged attempts to defraud the State, or any irregularity or misconduct of any officer or agent of the State, has authority to administer oaths to witnesses.

Special inspections.

255. Special inspections and investigations within the limits of a command (territorial or tactical) may be made under the orders thereof; but in all cases involving expense to the State, the selection of officers to perform such shall be made by the commander-in-chief, and restricted as far as possible to officers on duty at general headquarters.

Inspections once per year.

256. All military organizations shall be inspected at least once in each fiscal year by inspectors-general or acting inspectors-general designated by the commander-in-chief; such inspections to include armories.

Reports to be forwarded to adjutant-general.

257. Reports of prescribed inspections of troops, stations and accounts of officers will be forwarded to the Adjutant-General. In case irregularities, deficiencies, or misconduct are reported, the division, brigade, or regimental commander, as the case may be,

will be furnished with a copy of such report by the Adjutant-General, with instructions to correct such irregularity, deficiency or misconduct.

258. Inspections of troops will be conducted as prescribed in the authorized drill regulations. When the command consists of more than one company the inspection will, if practicable, be preceded by a review. [A. R. 904].

Methods of inspection.

259. The written reports of inspectors-general and acting inspectors-general will set forth a correct return of the troops, the number present at and absent from the station, and the absentees from inspection, and whether irregularities, etc., reported at last inspection, have been remedied; after which will follow a statement of the results of the inspection, dealing only with defects, deficiencies, irregularities, recommendations, and commendations, whereof the various items will be paragraphed and stated separately. Brief statement will be made of various drills, and exercises held for the inspector, and the report concluded with an exposition of the conclusions arrived at as to the military efficiency, discipline, and instruction of the command.

Written reports.

260. Inspections in armories will embrace the following subjects:

Inspection in armories.

1. Officers present, those absent from any cause, or permanently incapacitated; whether the number of enlisted men in ranks at inspection corresponds to returns, how absentees are accounted for, and how many appear under arms at inspection; the number of men in the band, and if any are not musicians.

2. Whether the commanding officer observes the system of instruction and treatment of subordinates enjoined by the regulations; whether justice is promptly and legally administered; the zeal of the commanding officer and his ability to perform his duties.

3. Whether officers are efficient, reporting any intemperance or immorality, and mentioning any officer or soldier who has distinguished himself, or shown special efficiency in any department of study or duty.

4. The efficiency of administration of staff officers, the correctness of their accounts; whether payments are made in accordance with law and regulations, and whether surplus supplies are taken up on returns and all deficiencies accounted for.

5. Efficiency, discipline, and appearance of the troops; state of arms, equipments, and accouterments of all kinds; sufficiency, uniformity, and fit of clothing; whether schools for officers and non-commissioned officers are held as prescribed and properly conducted; nature and amount of drills, recitations in tactics and

drill regulations, target practice, practice marches, practice in out-post duty, field service, minor tactics, and gymnastic exercises; efficiency in signaling; the number of desertions.

6. Whether there is a suitable room for use as a library or reading-room; whether newspapers and periodicals are provided for the enlisted men.

7. Condition of all public property, and whether used for private purposes; whether buildings and property are properly secured against fire, theft, and damage.

8. Whether regimental and company books, papers and files are properly kept, and the prescribed rolls and returns are properly prepared and promptly forwarded.

9. Efficiency of hospital corps in ambulance and litter-bearers' drill, and methods of rendering first aid to the wounded.

261. Inspectors-general and acting inspectors-general while inspecting a command of troops will call upon the regimental, battalion and company commanders and surgeons for a report by name of any officer or enlisted man under their immediate command who is incapacitated for service either mentally, morally, or physically. When any officer or enlisted man is so reported the inspector will thoroughly investigate and submit his conclusions therein to the Adjutant-General.

262. On completion of an inspection of troops the inspector-general or acting inspector-general will furnish to the Adjutant-General a written statement of all irregularities and deficiencies observed, which will be kept on file for the information of commanding officers. The Adjutant-General will furnish copies of such report calling attention to the irregularities or defects found, to the commanding officers of troops so inspected, recommending that proper remedies be applied to correct each of the irregularities or defects found.

263. Regimental commanders will cause one inspection of the troops under their command to be made in their armories, semi-annually by a field officer, when practicable. A report of such inspections will be furnished to the regimental commander, a copy of which shall be forwarded to the Adjutant-General.

264. Inspectors-general and acting inspectors-general will inquire as to the necessity, economy, and propriety of all disbursements, their strict conformity to the law and regulations appropriating the money, and whether officers charged with funds comply with the law and regulations in keeping their accounts and making their deposits. A statement of receipts and expenditures and of their distribution of funds, with lists of outstanding checks, and other liability, upon forms furnished by the Adjutant-General.

Irregularities
to be reported.

Semiannual
inspections.

Disbursements.

265. When an officer ceases to act as a disbursing officer, or for any reason closes his accounts, he will prepare a closing statement of his money accounts; he will forward the statement to the Adjutant-General through military channels.

ARTICLE XXIV.

PROCEDURE OF MILITARY COURTS AND BOARDS.

266. The procedure of military courts and boards shall conform, General provisions. as near as may be, to the rules laid down in the Manual for Courts-martial and Courts of Inquiry as revised by the United States War Department, and as such manual may hereafter be modified by competent authority. That wherever in such use of said manual the context or subject requires the words "United States" to read "State of North Carolina," and the word "Army" to read "National Guard," and the words "Statutes of the United States," or their equivalent, to read "Laws of North Carolina," such change or changes will be made.

267. The order promulgating the sentence of a court-martial shall be issued and signed by the officer appointing the court, or his successor. Said order shall set forth the fact of trial, date and place of trial, number and date of the order convening the court, names of the officers composing the court, name of the person convicted, finding and sentence of the court, and the sentence as modified by the said reviewing authority.

268. All commissioned officers, except chaplain, are eligible to Composition. sit on courts-martial; medical officers, however, should be detailed for such duty only when unavoidable.

269. Courts will, as far as practicable, hold their sessions so Sessions. as to interfere least with ordinary routine duties, and, when necessary for the sake of an immediate example, a court will be ordered to sit without regard to hours.

270. When a member of the North Carolina National Guard is Confinement. sentenced by summary, regimental or garrison court-martial, at a time when such member is not on active duty, such sentence shall not include confinement, except as authorized by the statutes of North Carolina.

271. At home stations, when charges and specifications have Summary courts. been referred to a summary court for trial, the commanding officer of the company of which the accused is a member, shall arrange with the trial officer as to time and place of trial, and at such time and place it will be the duty of such commanding officer to produce the person of the accused and the witnesses for the State.

The attendance of accused and witnesses shall be arranged for when practicable through military channels, and the accused may be confined not to exceed five days prior to trial, if such confinement is necessary to secure such attendance; provided the order of commitment for such confinement be not issued before the charges against the accused have been referred to the trial officer.

Regimental and
garrison courts.

272. While troops are at home stations the attendance of accused, and the witnesses belonging to his company or other similar unit, before regimental and garrison courts will be arranged as provided for in securing their attendance before summary courts in the preceding paragraph. When it is necessary to continue time of trial to procure such attendance, the commanding officer of such company or unit shall arrange with the judge-advocate of such garrison or regimental court for the time and place of trial, subject to the approval of the president of the court. The attendance of civilian witnesses and witnesses before such courts from other organizations will be secured by the judge-advocate.

Summary courts,
charges and
specifications.

273. In procedure in summary courts formal charges and specifications need not be drawn. In lieu thereof form U. S. No. 12 (record of summary courts) shall be used, properly filled out and signed by the officer preferring charges. After reference thereof and trial thereunder the original form, with the required record thereon, shall be forwarded to the appointing authority for approval, and a duplicate copy bound as a page of the trial officer's record of summary courts.

274. General courts-martial shall be appointed, their proceedings reviewed and their sentence promulgated only by the commander-in-chief of the National Guard of North Carolina. Garrison and regimental courts-martial shall be convened, their proceedings and findings reviewed and their sentences promulgated only by the brigadier-general or other officer commanding the brigade to which the accused belongs, or by the Adjutant-General, in case the accused belongs to an organization not brigaded, or whenever the sentence involves the discharge of a soldier. A summary court-martial shall be appointed, charges submitted to them for trial, their findings reviewed and sentences promulgated only by the commanding officer of the regiment.

Courts of inquiry.
Oath of secrecy.

275. The prescribed oath (117 A. W.) does not compel secrecy on the part of the members of a court of inquiry and the recorder in regard to the proceedings, but such secrecy as is required of members of a court-martial should be observed.

Close sessions.

276. Courts of inquiry are inherently close courts, to which auditors and spectators may have access by permission, and not of right.

277. The order convening a court of inquiry must state whether the court is to report facts or not, also whether or not it is to give an opinion. It may be ordered to report the facts with or without an opinion. By facts is understood, not the testimony merely, but the conclusions gathered from weighing all the testimony. The court should also be instructed whether its attention is to be extended to a general investigation or to be confined to the examination of particular points only, as the case may seem to require, in the judgment of the commander-in-chief. Where the subject is multifarious, the court should be instructed to state its opinion on each point separately, that the proper authority may be able to form his judgment. Scope of investigation.

278. After mature deliberation on the evidence adduced, they proceed to find a state of facts, if so directed by the order constituting the court, and to declare whether or not the grounds of accusation are sufficient to bring the matter before a court-martial, and also to give their opinion of the merits of the case, if so required. Necessary findings.

279. It is not necessary to publish the proceedings or opinion of the court, although it may be done in general orders. Publish findings.

280. The records of general courts-martial and of courts of inquiry are filed with the Adjutant-General. The complete proceedings of regimental, garrison and summary courts will be filed with the appointing authority or delivered to such court's successor when terms of service of such courts are concluded. Disposition of records.

281. Boards for any purpose not otherwise specially authorized may be ordered by the commander-in-chief whenever occasion requires. Such boards are usually instructed in orders what they are to do. There is but little difference in the general form of the reports of military boards; they should be addressed, unless otherwise ordered, to the officer ordering the board. Special boards.

ARTICLE XXV.

SMALL ARMS PRACTICE AND CARE OF ACCOUTERMENTS.

282. Small arms practice will be conducted and reports thereof made in accordance with the authorized firing regulations and orders from the War Department (A. R. 355), supplemented by orders from the Adjutant-General's Department of North Carolina.

Targets and
ammunition
provided.

283. Requisite targets and ammunition will be provided by the quartermaster-general of North Carolina, upon proper requisition. Such ordnance stores must be accounted for on the next succeeding return of ordnance, and accountable officers will not certify to any expenditure thereof until such expenditure has actually been made.

Annual allowance.

284. The annual allowance of targets and ammunition shall be fixed from time to time in orders.

285. All officers in charge of ammunition must see that it is kept in a proper place, from which, in case of fire or other emergency, it can be easily removed, or where, in case of fire cutting off access, its explosion will do the least damage to surrounding property.

286. No ammunition will be kept in an armory, headquarters, or other place, without due notice to the proper officials of the fire department of the city or town in which it is kept, or without notice to the underwriters, who may have given policies of insurance upon the building wherein it is stored, or upon the contents of such building.

287. The greatest care will be exercised at all times by both officers and enlisted men to keep ball cartridges separate from blank cartridges.

288. Requisitions for ammunition will be made upon the quartermaster-general.

How expended.

289. Ammunition for which an officer is accountable will not be expended except under his direction, and an officer's certificate as to the necessity for such expenditure must accompany his next ordnance return.

290. Arms will not be left loaded in armories, quarters or tents, or when men are off duty.

Prizes for marksmanship.

291. To encourage marksmanship, the Governor is authorized to offer annually a State decoration to those who shall excel in small arms practice: a brigade prize, not exceeding \$100 in value, for competition among the organizations of the brigade, armed with rifle or carbine, and three prizes of the value of \$300, \$200 and \$100, respectively, to be awarded to the three companies in each regiment having the highest general figure of merit. The Governor may also, in his discretion, provide suitable decorations and prizes for proficiency in practice with light and heavy guns. All such prizes to be competed for under regulations prescribed by the commanding officer of the National Guard approved by the Governor.

ARTICLE XXVI.

CORRESPONDENCE AND RECORD-KEEPING.

291½. The law requires that when a military organization is mustered out of the service of the United States all of its records must be sent to the Adjutant-General of the Army, in order that they may be used in the subsequent settlement of claims against the Government of all accounts growing out of such service, and for other official purposes. As the volume of such records in the aggregate under the most favorable conditions cannot be other than enormous at the close of a war, it is most desirable that they should comprise only the most essential data. Again, when engaged in actual service in the field, it is always difficult and often impossible for regiments to maintain unbroken records. It is usual for the headquarters' wagons, in which the records are carried in charge of the regimental clerks, to be taken to a place of safety, usually some miles in the rear, so that it may happen that the adjutant as well as the sergeant-major may be separated from their office for some days. During this time it is important that they retain all correspondence, letters, telegrams, and orders, etc., that may have been received, and copies of all sent, by the commanding officer, though they be in skeleton, rough draft, or simplest notation, and that these important papers be recorded as early as possible. That they may be prepared for such emergency, it is necessary that all officers and men concerned with the making or keeping of military correspondence should be fully instructed in the simplest and most essential details.

Records sent to
adjutant-general.

THE BUSINESS OFFICE.

292. All the clerical business of a military command is transacted at some designated place to which is given the name of "office" or "headquarters." The former is used to designate the place of business of an officer of a supply department, as well as the highest executive authority, such as "Office of the quartermaster (or paymaster)," "adjutant-general (of a State or) of the Army." The term "headquarters" expresses the location of an officer commanding troops; but in its modern application is used to designate the source from which orders and instructions issue. It does not apply to a company, troop, or battery as such, but does apply to a regiment, brigade, division, army corps, or army; to an expeditionary force, as well as to an independent command, though it may not be composed of a greater number than a company. It is proper to say "Headquarters, 3d Infantry," 3d

Source from which
orders and instructions
issue.

Brigade, 3d Division, etc.; but not "Headquarters, Company C, 3d Infantry," nor "Headquarters, 3d Field Battery," nor "Headquarters, 3d Battalion." Some National Guard companies use the form "Quarters of Company H, — Regiment of Infantry, N. G. of —," "Armory of — Field Battery, N. G. of —." These forms are unobjectionable. A battalion being a tactical unit, its location should be expressed: "2d Battalion, 2d Infantry, N. G. S. N. Y., Schenectady, N. Y." In the field, unless operating independently, the battalion loses its identity, and its location is that of its regiment. In the District of Columbia, and perhaps in some States, the battalion is recognized by law as an administrative unit, with an adjutant and other staff officers, and in such case "Headquarters, 3d Battalion, 2d Regiment, D. C. N. G.," is not improper, but such a use of the term is not recognized in the Army, where battalion commanders have no administrative duties. Also the term "headquarters" would not be used in connection with a fort, camp, cantonment, barracks, etc., though it may be the station of a regiment or brigade. "Fort Monroe, Virginia"; "Vancouver Barracks, Washington"; "Camp George H. Thomas, Georgia," and not "Headquarters, Fort Monroe, etc." The 55th Iowa National Guard at its home station at Ames, or if forming the garrison at Fort Des Moines, would use the term "Headquarters, 55th Iowa National Guard," in correspondence and orders exclusively regimental, but "Fort Des Moines" merely, in matters of post administration. As a rule the headquarters of a regiment of organized militia are officially at the city or town where its colonel resides; in the field they are at the point where the colonel may be; with volunteer troops they follow the rule of the Army.

ADJUTANTS, ETC.

Adjutant's duties.

293. The adjutant of a regiment, in addition to his other duties, has charge of its clerical business, and issues orders and instructions in the name of the commanding officer, who may be the colonel, lieutenant-colonel, or a major, etc.; an assistant adjutant-general or chief of staff, that of a brigade, division, or army corps; the adjutant-general, that of the Army, or of a State or Territory. Orders and instructions to a company, troop, or battery, are given verbally by the first sergeant in the name of the captain; a first sergeant does not sign orders in the name of the captain. If it be desirable that he should send out notices for drill, parade, etc., he can give them in his own name, for which he has abundant authority. It is not improper to use letter paper with printed headings, "Headquarters, 3d Infantry, Pennsylvania National Guard, office of the commanding officer," or "office of the ad-

jutant"; "2d Battalion, 1st Infantry, District of Columbia, National Guard, office of the adjutant," or "Company B, 1st Georgia State Troops, office of the captain," nor to have such letter paper provided with a printed brief and indorsement for routine subjects. In short, anything that tends to neatness and system in military correspondence or record-keeping is to be encouraged. And the value of such system becomes the more apparent when the troops are ordered into the field, or on campaign, when prompt dispatch of communications becomes an important factor, and sufficient clerical force is not always available.

Neatness and system in military record-keeping.

THE CLERICAL FORCE.

294. The sergeant-major occupies toward a regimental headquarters the position of chief clerk, and has charge, under the adjutant, of all clerical work, as well as the custody of the records. When the command is about to take the field, it is his duty to arrange for a sufficient supply of books, blanks, and stationery, including rubber stamps of every character that will save work, and provide a place in a headquarters wagon for their transportation; that clerks and orderlies are detailed, and their several duties laid down and understood; when in the field to see that the adjutant's office is set up as soon as camp is made, and all its machinery in immediate working order. The same duties devolve upon the brigade and division sergeant-majors or chief clerks toward their respective commands. At superior headquarters the clerical work is performed by details from the troops, under the direction of the adjutant-general. The first sergeant is generally charged with the clerical work of the company, and it is usual to detail a suitable man to assist him, who is borne on the rolls as company clerk.

Sergeant-major's duties.

OFFICE BUSINESS.

295. The following General Order No. 109 will be complied with except the order book will not be discontinued, and each brigade, regiment, battalion, company, and detachment commander will keep an order book with a copy of each general and special order issued.

GENERAL ORDERS,
No. 109.

WAR DEPARTMENT,
WASHINGTON, June 18, 1906.

1. The use of the letters-received book with index, the letters-sent book with index, and the order book, will be discontinued throughout the Army by August 31, 1906, or as soon thereafter as practicable, in all administrative units and offices below department headquarters. These books will be replaced by a cor-

correspondence book with index, a document file, and an order file. The correspondence book and index will be furnished in each case by the bureau that is supplying the books now in use.

2. The record-card system prescribed by paragraph V, War Department Orders, May 15, 1894, is authorized for general use at division and department headquarters.

3. The title on all post, regimental, and company letters-received and letters-sent books remaining on hand for issue, including those in the Philippines Division, will be changed to "CORRESPONDENCE BOOK," and the "Instructions for use of Correspondence Book" will be substituted for the "Instructions" now appearing on the inside of the top cover of the old style letter books. The title on the indexes to these old letters-received and letters-sent books will be changed to "Index to Correspondence Book," and the "Instructions for use of Correspondence Book" will be substituted for the "Instructions" now appearing in each index book.

Changed to correspondence book.

A sufficient number of the new style correspondence books for supply to each regiment, independent battalion, and company in the Army will be procured. The book will be 4 inches wide, 8½ inches long, and about ¾ of an inch thick, made of paper of *first-class quality*, suitably bound, with flexible back. Including the index the book will contain 362 pages; the index will be apportioned as follows:

Index to be apportioned.

One page for each of the letters I, J, K, N, U, V, X, Y, Z.

Two pages for each of the letters A, G, H, L, W.

Three pages for each of the letters E, F, M, O, P, Q, S, T.

Four pages for each of the letters B, D, R.

Six pages for the letter C.

4. Distribution of the correspondence books to the various administrative units and offices will be made by September 1, 1906, or as soon thereafter as practicable, as follows:

a. To post and artillery district headquarters, the converted post or regimental letters-received book, with converted index.

b. To the offices of the various staff officers at posts keeping a correspondence record, the converted company letters-received book, with converted index.

c. To regimental headquarters, to headquarters of battalions not organized into regiments, and to each company (band, detachment, etc.), the new style correspondence book.

5. After the supply of the converted post and regimental letters-received books shall have been exhausted by issue, the converted company letters-received books will be issued to all post and artillery district headquarters, and to the offices of the various staff officers indicated above, until the entire supply of the con-

verted letters-*received* books shall have been exhausted. Issue will then be made as hereinbefore indicated of the converted letters-*sent* books, to continue until the supply shall have been exhausted, after which the new style correspondence book will be issued exclusively.

6. The following instructions will be placed on the inside of the top cover of each correspondence book (converted and new) and of each separate index :

INSTRUCTIONS FOR USE OF CORRESPONDENCE BOOK.

(a) In the correspondence book will be entered with ink or indelible pencil a brief of each item of correspondence in respect to which a record is necessary and a notation of the action taken thereon. Each item will be numbered from one forward continuously and without break for any new year. No communication exhibiting the notation of a previous entry should be again entered in the same correspondence book, unless, for special reasons, it should become necessary or desirable to transfer a remote entry to one of current date, or unless additional space should be required to continue the record. A space of at least three lines will be left below each original entry for use in continuing the record.

A brief of each item of correspondence.

(b) Each item will be indexed under its subject, and when necessary under the name of the writer of the communication and the names of persons mentioned therein.

(c) The index entries will bear numbers corresponding to those of the items. Where many communications are received from the same official, the name of the writer need not be indexed if it be found that the index of the subject of such communication answers all practical purposes.

Index entries to bear numbers.

(d) The correspondence book will be supplemented by a "Document File." The papers of that file will be numbered to correspond with the numbers of the items and of the index entries and will be filed according to their serial numbers. The file will contain the original documents or communications when these are retained, and carbon, letterpress, or other legible copies of all letters, indorsements, or telegrams sent with regard to the same. The file will also contain similar copies of all letters, indorsements, or telegrams originating in the administrative unit or office. When more than one paper pertaining to the same item is placed on the file, the papers will be placed in an envelope, if practicable, and the number of the item will be noted thereon. Papers differently numbered, but on a related matter, may also be kept together when desired, but if so kept, a reference slip must be inserted to account for the paper absent from its serial place.

Document file.

Notation of origin and receipt.

(e) No record will be made beyond the mere notation of the fact of origin or receipt and disposition in respect to the following:

1. All papers not pertaining to the business of the office at which received; such papers should be transmitted forthwith to the proper place for action.

2. Accounts current; vouchers; returns of personnel and of stores and other property; inventory and inspection reports; requisitions; muster and pay rolls.

3. Mere letters of transmittal; such letters when received will be destroyed forthwith.

4. Requests for and acknowledgment of receipt of publications and blanks.

5. All other communications that have no permanent value and that are finally disposed of by answers thereto.

Papers filed.

(f) The serial numbers in the "Document File" will consequently not be complete, but whenever a paper is filed therein the abbreviation "Doc." will be placed after the proper entry in the correspondence book in order to indicate that the paper itself, as well as any record pertaining to it, will be found in the "Document File."

Size of official letter paper.

296. A standard sheet of letter paper measures 10½ inches in length by 8 inches in width; of foolscap paper, 13 by 8, and in ordering paper for official use, this measurement should be insisted upon for the reason that it fulfills every requirement for subsequent systematic handling. An official letter should refer to one subject only, and when the contents of the communication cover but a single page a half sheet of letter paper only should be used. Should the length of the communication require more than one page, it is better to write on one side of the paper only, so that the outside of the second sheet, where the communication does not cover more than two pages, may be used for briefing and indorsements. When more than three pages are required for the body of the communication, an additional half sheet, or more if necessary, should be neatly attached to it, so that the last or outer page may be left entirely blank. In the field the exigencies of the situation may frequently require communications to be written on sheets of note paper, pages from notebooks, backs of envelopes, etc. In such cases they should, when received, be pasted on a sheet of the standard size of letter paper.

Official letters to refer to one subject.

Post-office address to be given.

297. The post-office address of the writer should be given in his official letters, and indefinite expressions of locality which do not indicate where a letter was written, and to which reply is to be addressed, are to be avoided. Official communications should be signed or authenticated with a pen and not by fac-

First fold.

*104 Madison Street,
Charlotte, N. C.,
January 20, 1904.*

*To the Adjutant-General,
State of North Carolina,*

(Through Military Channels.)

Sir:

Having changed my residence from Washington to this city, I have the honor to request that I be transferred from Company G, 2d Infantry, of which I am a member, to one of the companies of the 1st Infantry located in this city.

Very respectfully,

*Henry T. Washington,
Corporal Co. G., 2d Infantry,
North Carolina National Guard.*

Second fold.

Third fold.

Model of letter showing proper folding.

Face of the letter and position for folding it; dotted lines above show where creases come in folding.

simile, and signature should be plainly and legibly written, with the rank and regiment or corps of the writer annexed.

Letters of transmittal.

Letters of transmittal should be used only when necessary, and when used must refer only to the matter transmitted; no letters of transmittal are required with rolls, returns, requisitions, estimates, or periodical reports.

BRIEFS AND INDORSEMENTS.

298. When a letter is received by the official to whom addressed, or through whom forwarded, if written on letter paper it should be folded in three, and if on foolscap in four equal folds parallel with the writing, so that each fold will be $3\frac{1}{2}$ or $3\frac{3}{4}$ inches in width. The inner or left of the sheet is the top when folded; the left fold of the outer page is the first fold. This first fold is used exclusively for the "brief," the office marks, notes of inclosure, and dates of receipt by the various offices through which it passes.

First fold for the brief.

Brief to be made at first receiving office.

299. The "brief" is made at the first office at which it is received and entered. The first line of the brief should give the city or town from which it is written, the street address, if possible, and the date of the communication, and should commence 2 inches from the top of the fold. A half inch below this line the name of the writer and his rank, company, and regiment (if an officer or soldier) should be given. If the purport of the communication is exclusively of an official character, the rank or office of the writer should be given rather than his individual name, thus: "Commanding officer, Co. K, 3d Regiment," "assistant adjutant-general, 1st Brigade," "adjutant-general (of the State or Territory or of the U. S. Army)," "quartermaster-general," "paymaster-general," etc. One-half inch below this should be given a brief analysis of the contents of the communication, avoiding the use of unnecessary words and bringing out the salient points of the communication. Inclosures to the original communication should be noted just below the brief, thus: "1 inclosure," "4 inclosures."

Office marks.

The date of receipt at the first office at which the communication is received and entered should be noted at the bottom of the first fold, say $\frac{1}{4}$ inch from the bottom, thus: "Received, Co. G, 2d N. C. Inf., Jan. 4, 1904;" a similar notation should be made on the next imaginary line above by the office at which the communication is next received, thus: "Received, headquarters, 2d N. C. Inf., Jan. 24, 1904," and so on from the bottom toward the top of the fold by each office at which the communication is successively received. If a rubber stamp is used for this purpose care should be taken that it be put on neatly and in the order above indicated,

First fold.

5-1904, G, 2d Inf., N. C. N. G.
 21-1904, Hdqtrs., 2d Inf., N. C. N. G.
 73-1904, Hdqtrs., 1st Brig., N. C. N. G.
 18-1904, Hdqtrs., 1st Inf., N. C. N. G.
 3-1904, D, 1st Inf., N. C. N. G.

Charlotte, N. C.
 January 20, 1904.

Washington, Henry T.
 Com'l Co. G, 2d Infantry,
 North Carolina Nat. Guard.

Requests, for reasons stated, trans-
 fer to one of the companies of the 1st
 Infantry, located at Charlotte.

1 inclosure to 5th ind.
 1 inclosure to 9th ind.

Recd. A. G. O., Feb 12, 1904.
 Recd. Co. D, 1st Inf., Jan. 31, 1904.
 Recd. Hdqtrs., 1st Inf., Jan. 29, 1904.
 Recd. Hdqtrs., 1st Brig., Jan. 27, 1904.
 Recd. Hdqtrs., 2d Inf., Jan. 24, 1904.
 Recd. Co. G, 2d Inf., Jan. 21, 1904.

Second fold.

24 [1st indorsement.]

Co. G, 2d Inf., N. C. N. G.,
 Washington, Jan. 22, 1904.
 Respectfully forwarded to the Adju-
 tant, 2d Inf., N. C. N. G., Washington,
 N. C., recommending transfer as re-
 quested.
 John W. Doe,
 Capt., Co. G, 2d Inf., N. C. N. G.
 Commanding.

[2d indorsement.]

Hdqtrs., 2d Inf., N. C. N. G.,
 Washington, Jan. 26, 1904.
 Respectfully forwarded to the As-
 sistant Adjutant-General, 1st Brig., N.
 C. N. G., Statesville, N. C., approved.
 William P. Roe,
 Colonel, 2d Inf., N. C. N. G.,
 Commanding.

94

[3d indorsement.]

Hdqtrs., 1st Brig., N. C. N. G.,
 Statesville, Jan. 28, 1904.
 Respectfully referred to the Com-
 manding Officer, 1st Inf., N. C. N. G.,
 Charlotte, N. C., for remark and re-
 commendation.
 By command of Brig. Gen'l Hale:
 A. T. Brown,
 Assistant Adjutant-General.

Recd. back Feb. 8, with report and 1
 inc. to 5 ind.

Third fold.

44 [4th indorsement.]

Hdqtrs., 1st Inf., N. C. N. G.,
 Charlotte, Jan. 30, 1904.
 Respectfully referred to the com-
 manding Officer, Company D, 1st Inf.,
 N. C. N. G., Charlotte, N. C., to know
 if the transfer of this man to his com-
 pany will be agreeable.
 By order of Colonel Smith:

H. R. Dupont,
 Captain and Adjutant.

Recd. back Feb. 4, with report and 1
 inc. to 5th ind.

[5th indorsement.]

Company D, 1st Inf., N. C. N. G.,
 Charlotte, Feb. 4, 1904.
 Respectfully returned to the Adju-
 tant, 1st Inf., N. C. N. G., Charlotte,
 N. C., inviting attention to accom-
 panying report of 2d Lieutenant C. P.
 Jones of this company, which is ap-
 proved.

Henry Williams,
 Capt. Co. D, 1st Inf., N. C. N. G.,
 Commanding.

1 inclosure.

Back of letter with brief, indorsements, and notations.

so as to leave sufficient space for the successive stamps above. In the same manner the date on which a paper is received back is to be noted in red ink below the indorsement referring it, thus: "Received back —, 1904, with report," or "with report and — inclosures," if such is the case.

300. The number given the communication by the office at which it is first received should be placed about $\frac{1}{4}$ inch from the top of the first fold, thus: "5—1904, G, 2d N. C. Inf.," and the num-

Back of fourth fold.

2

manding General, 1st Brigade, N. C. N. G., Statesville, N. C., who is authorized to transfer the within-named man from Company G., 2d Infantry, as a private, to Company D, 1st Infantry.

By order of the Governor and Commander in Chief:

Samuel White,
Adjutant-General.

[9th indorsement.]

Hdqtrs., 1st Brig., N. C. N. G.,
Statesville, February 22, 1904.

Respectfully returned to the Commanding Officer, 2d Infantry, N. C. N. G., Washington, N. C., inviting attention to accompanying copy of Par. 4, Special Orders No. 27, c. s., from these headquarters.

By command of Brigadier-General
Hale:

A. T. Brown,
Assistant Adjutant-General.

1 inclosure.

Fourth fold.

[6th indorsement.]

Hdqtrs., 1st Inf., N. C. N. G.,
Charlotte, February 7, 1904.

Respectfully returned to the Assistant Adjutant-General, 1st Brigade, N. C. N. G., inviting attention to the remarks of the Commanding Officer, Company D, which are concurred in.

George K. Smith,
Colonel, 1st Inf., N. C. N. G., Commanding.

[7th indorsement.]

Hdqtrs., 1st Brig., N. C. N. G.,
Statesville, February 10, 1904.

Respectfully forwarded to the Adjutant-General of North Carolina, Raleigh, N. C., approved.

John B. Hale,
Brigadier-General, Commanding.

Recd. back Feb. 21, with one inclosure to 9th indorsement.

[8th indorsement.]

Office of the Adjutant-General,
Raleigh, N. C., Feb. 19, 1904.

Respectfully returned to the Com-

Method of folding and attaching additional slips.

ber given it by successive offices should follow below, thus: "28—1904, headquarters, 2d N. C. Inf.," "75—1904, headquarters, 2d Brigade, N. C. N. G.," etc. Where rubber stamps are used for this purpose, regularity is not so essential, provided a due degree of neatness be observed and care taken that one stamp shall not be placed over another.

INDORSEMENTS.

301. Indorsements commence at the top of the second fold and are numbered serially in order of dates on the second and succeeding folds, leaving room after each for office marks. It is to be noted that the use of the word "headquarters" is not to be attached to companies, troops, or batteries; that company commanders and adjutants of battalions and regiments sign "by order," assistant adjutants-general of brigades, divisions, and other higher commands, "by command," thus: "By order of Major Smith," "By order of Colonel Brown," "By command of Brigadier-General Hale," "By command of Major-General Scott," etc. The instructions of higher officers not exclusively military are communicated by the use of the words "By order" or "By direction," thus: "By order of the Governor," "By order of the Secretary of War, or Assistant Secretary of War." When the space on the second and third folds of the paper is exhausted by successive indorsements, additional space is provided by pasting slips of paper on the underside of the last fold—that is, to the bottom edge of the original paper, each slip when attached to have the same length and width as the original fold and to turn back upon the last fold like the leaf of a book, so that the first fold, on which the brief is made, is always outside. If a half sheet of letter paper of practically the same size as the original sheet of paper on which the communication is written be pasted on the underside of the last fold so that the outer edges will rest exactly even with the outer edge of the original paper, the object sought for can be exactly obtained. Printed labels by way of indorsements, pasted one on top of another, a method followed by some departments of the Government, has never been encouraged by the War Department. In no case should loose wrappers be placed around an official paper except as a mere covering.

Where to write indorsements.

INCLOSURES.

302. All inclosures should be numbered and be given the proper office marks as above stated. Inclosures to the original communication are noted on the first fold just below the brief. If

Inclosures to be numbered.

others are added when an indorsement is made, their number, "1 inclosure," "4 inclosures," should be noted at the foot of the indorsement to which they pertain, and also on the first fold of the original communication just below the notation of inclosures to the original communication. To the latter notation should be added the number of the indorsement to which they belong, thus: "1 inclosure, 5th indorsement"; "4 inclosures, 7th indorsement." Inclosures to indorsements are numbered in the same series as those of the original paper, and the number of the indorsement to which they belong is added below. If few in number and not bulky, inclosures may be kept inside the original paper, otherwise they will be folded to the same measure as the original paper and put in a wrapper marked "inclosures." It is a rule of the Adjutant-General's Office that clerks through whose hands official papers pass will make the inclosures and slips secure when they are not so, patch up any papers that are mutilated or torn through much handling.

CHANNEL OF COMMUNICATION.

Military channels.

303. As a rule, communications, whether from a subordinate to a superior, or vice versa, should pass through intermediate commanders. All communications on official matters intended for the Secretary of War or the Chief of Staff should be addressed to the Adjutant-General of the Army and forwarded by company commanders to the adjutant of the regiment, by the regimental commander to the assistant adjutant-general of the brigade, by the latter to the assistant adjutant-general of the division, if there be any, by the latter to the adjutant-general of the State (or Territory), thence to the Adjutant-General of the Army. This does not mean that every communication that is addressed by a writer to the Adjutant-General of the Army, or of a State or Territory, through military channels, must necessarily go to him. On the contrary, it should ordinarily be answered by the first officer through whose hands it passes who possesses the correct information upon which to base a reply. Questions on disputed points of drill regulations, of guard manual, firing regulations, or Army Regulations, or of uniform, or interpretations of the militia law, which come from members of the militia to the Adjutant-General of the Army by thousands every year, ought not as a rule to go beyond regimental headquarters. All communications from superiors to subordinates should be answered through the same channel as received. This rule, however, is not to be interpreted as including matters in relation to which intermediate commanders can have no knowledge and over which they are not expected to exercise control.

First fold.

Charlotte, N. C.,
February 3, 1904.

Capt. Henry Williams,
Company D, 1st Infantry, N. C. N. G.

Sir:

In obedience to your instructions of the 1st instant, I called upon Corporal Henry T. Washington, Company G, 2d Infantry, who has recently removed to this city from Washington and desires transfer to some one of our city companies, and I have the honor to report that in my opinion this man will prove an acceptable acquisition to our company. He is employed as cashier with the —— Tobacco Company of this city, is about thirty

(30) years of age, unmarried, of gentlemanly and soldierly appearance, and has no objection to coming to us as a private, in the confidence that he will secure promotion if given an opportunity to demonstrate his ability to deserve it.

Very respectfully,

C. P. Jones,
2d Lieut., 1st Inf., N. C. N. G.

304. It is a regulation of the Army that officers who forward communications will indorse thereon their approval or disapproval, and no communication is forwarded to the Adjutant-General of the Army for the action of the Chief of Staff or the Secretary of War without some recommendation or expression of opinion.

73-1904, Hdqtrs., 1st Brig., N. C. N. G.
21-1904, Hdqtrs., 2d Inf., N. C. N. G.

Inclosure to 9th indorsement.

First fold of inclosure to ninth indorsement of model.

21-1904, Hdqtrs., 2d Inf., N. C. N. G.
73-1904, Hdqtrs., 1st Brig., N. C. N. G.

Inclosure to 5th indorsement.

First fold of inclosure to fifth indorsement of model.

305. The commanding general of a corps, division, or brigade, as also the commanding officer of a regiment or battallon, communicates with those under his command through a staff or other suitable officer. To others of equal or superior rank, they themselves sign communications.

306. All military records must be carefully preserved. The Revised Statutes (sections 5403-5408) prescribe penalties for the fraudulent or wrongful destruction, withdrawal, or removal from any public office of any public record, paper, or document of any department. So long as a military organization is in the service of the State its records pertain to and are the property of the State, and should not be taken therefrom. When a militia organization comes into the service of the United States it should commence an entirely new set of records, making timely requisition for the necessary books. All public records and papers, such as letters and telegrams received, books of general and special orders and circulars, correspondence books, guard report, morning report, descriptive and clothing, sick reports, etc., are the property of the United States, and will be required by the War Department in the settlement of claims against the Government and for other official purposes; so that whenever militia organizations are mustered out of the United States service all such records should be carefully labelled and packed and marked, showing the command to which they pertain, and forwarded by express to the Adjutant-General of the Army.

Military records to be preserved.

307. The use of colored inks, except as carmine and red ink are used in annotation, is prohibited in the records and correspondence of the Army, and must not be used by militia organizations when in the service of the United States.

ORDERS.

308. The orders of commanders of armies, corps, divisions, brigades, regiments, posts, territorial departments and districts are denominated "general orders" or "special orders" of such army, corps, etc., according to character. Publications of decisions, interpretations of law, or regulations, or orders, or matters of information of interest to the troops, are denominated "circulars." Orders issued by commanders of battalions, companies, or small detachments are simply denominated "orders." General and special orders, circulars, and orders are numbered in separate series, each beginning with the calendar year or at the time of the establishment of the headquarters, and the first order or circular of each year should, by a memorandum at the foot, give the number of the last order and circular of the previous year, thus: "General Orders No. 104 was the last general order of 1903 from this office"; so that officers can see whether or not they have the series of orders complete, and, if necessary, ask for such as may be missing. General orders and orders of like character are usually printed, but sometimes written. When special orders are

Classes of orders.

First fold.

HEADQUARTERS 1ST BRIGADE,
NORTH CAROLINA NATIONAL GUARD,
Statesville, Feb. 21, 1904.

SPECIAL ORDERS, }
No. 27. }

* * * * *

4. At his own request and with the approval of all commanding officers concerned, Corporal Henry T. Washington, Company G, 2d Infantry, North Carolina National Guard, stationed at Washington, North Carolina, is transferred as private to Company D, 1st Infantry, North Carolina National Guard, stationed at Charlotte, North Carolina.

This soldier will turn over to the Commanding Officer of Company G, 2d Infantry, all clothing and other pub-

lic property for which the latter is accountable, who will forward receipt therefor, together with his enlistment paper and descriptive roll, to the Commanding Officer of the company to which he is transferred.

* * * * *

By command of Brigadier-General Hale :

A. T. BROWN,
Assistant Adjutant-General.

printed, they should be printed on paper of the same dimensions as that which is used for the written ones.

309. General orders are such that it is important that the whole command should know, that is, the time and place of issues and payments, hours for roll call and duties, police regulations and prohibitions, returns to be made and their form, laws and regulations for the Army, promotions and appointments, eulogies or censures, or results of trial by general courts-martial in all cases of officers, or of enlisted men involving matters of general interest or importance. As a rule, general orders should relate to but one subject, but when it is essential that more than one subject be published in general orders the same day, the separate subjects are distinguished by paragraphs, using the Roman numerals I, II, III, IV, etc. Scope of general orders.

310. Special orders are such as concern individuals or relate to matters that need not be made known to the whole command, such as directions for journeys, and leaves of absence of officers, assignments of officers to regiments, furloughs, transfers, and discharges of enlisted men. If more than one special order is issued in a day, each is denominated a paragraph, and distinguished from each other by Arabic figures: 1, 2, 3, 4, etc. Special orders.

311. When it is necessary or desirable to communicate information to the troops *that does not convey an order or instructions*, the same is published as a *circular*, usually in the same dimensions of paper as a general order. Circulars.

312. The head of an order should communicate the source from which it emanates, as well as the place and date, and the foot of the order the name and rank of the officer who gives the order. Thus: (for a division) "Headquarters, 1st Division, 5th Army Corps, Siboney, Cuba, June —, 1898, General (or Special) Orders No. —, By command of Major-General —, Lieutenant-Colonel and Assistant Adjutant-General;" (for a brigade) "Headquarters, 2d Brigade, 1st Division, 7th Army Corps, Tampa, Florida, August —, 1898, General (or Special) Orders No. —, By command of Brigadier-General —, Major and Assistant Adjutant-General;" (for a regiment) "Headquarters, 31st Michigan Volunteer Infantry, Macon, Georgia, November —, 1898, General (or Special) Orders No. —, By order of Colonel —, Captain and Adjutant;" (for a company) "Company B, 159th Indiana Volunteer Infantry, Falls Church, Virginia, May —, 1898, Orders No. —, Captain (or Lieutenant) Commanding." How to sign orders.

313. Blank books for the purpose of recording orders issued by companies, regiments, brigades, etc., are furnished by the Adjutant-General's Department, of the same size as the letters-received

book, and, after being recorded, should be signed by the officer signing the original order. As these records are of value in future settlements, facsimiles should never be used, nor the name written in by a clerk.

THE CARD-RECORD SYSTEM.

Not adaptable for field service.

314. The card-record system is a method of recording on cards instead of in books, and while it is a superior method for use in a permanent office, where the volume of work is considerable, it is not adaptable for use in the field. In this system the entries above described as being made in the letters-received and letters-sent books correspond to the entries made on the "record cards," and those in the index of these books to the entries made on the "index cards."

315. Under the card-record system there are three files, viz.: (a) a "record-card file," (b) an "index-card file," and (c) a "document file."

To contain an abstract of the communication.

(a) The record card contains a brief or abstract of the communication received and a record of the official action taken upon it; that is, a copy of the brief of the paper and a copy or abstract of such important indorsements as may be already on it, and a copy in full of the indorsement, letter, or telegram covering the action on the paper, and notation of any order or circular issued on it. The cards are numbered from one forward continuously and filed in numerical order. When the space on any record card is not sufficient to record all the data specified above, slips of the same size are attached to the card (on the back) as extensions.

Index card.

(b) The index card is the means by which the record card and the original paper are located. It contains the name and official designation of the writer of the communication and the subject of the same, a separate card being made for each name and each subject of material importance which the paper contains.

The record cards and index cards pertaining to a case are each stamped with the same official number; the former are filed in numerical order and the latter in alphabetical order.

Document file.

(c) A "document file" consists of the original papers, letters, or other communications which are received and which are retained on the files. These documents are numbered consecutively, and with numbers corresponding to those on the "record cards" and "index cards." With the original documents or papers are filed press copies of any letters or telegrams sent in relation thereto and copies of any orders issued thereon. If the original communication and accompanying papers be not retained in the

office, the record card must show that fact in each case, and the press copies of communications, the orders, memoranda, etc., relating to the case which are retained are placed in a jacket or envelope bearing the proper number and filed numerically. The "record cards" and "index cards" used in the files above specified are of uniform size, of 8 inches long by $3\frac{1}{4}$ inches wide, and written across their width. Further details of this system will be furnished upon application to the Adjutant-General of the Army.

316. The purpose of the company and regimental morning-report book is to secure a complete history or diary of its officers and men for the whole period of their connection with the command, as well as to afford the basis for requisitions for its subsistence, and it is, therefore, of the utmost importance that it be kept accurately and intelligently. The model page attached to the fly leaf, which explains the method of entering the "remarks" on the alternate pages, so as to show the number of rations to which the command is entitled, should be carefully read and thoroughly understood. The captions of the column rulings are self-explanatory so far as indicating their purpose. For detailed information it is to be noted, that men on special duty are such officers and men as are present with the command, who have been placed temporarily on a duty which prevents their detail for guard or the performance of their ordinary duty with the company; that is to say, an officer detailed as judge-advocate of a court, but not when recorder of a board, or as adjutant, commissary, or quartermaster, or a sergeant or other non-commissioned officer as acting first sergeant, or of a private as company clerk, or detailed for duty in the adjutant's or other office. Ordinarily, men will not be carried on special duty unless detailed in written orders. Men on "extra duty" are distinguished from those on "special duty" merely in that they receive the extra pay allowed by law for whatever special service they are performing, such as carpenters, painters, laborers, clerks, etc. The column of "Daily duty" is fully embodied in the two preceding columns and need not be filled out (the term is obsolete in the Army). "Present sick" are those officers and enlisted men who have been declared sick by the surgeon, and are present with the company, either in quarters or in hospital, and "In arrest" or "Confinement," those officers and men who are present with the company but in arrest, or confined in the guard-house, or possibly in the hospital. "Absent on detached service" are those who are on duty in a different place or station from the one at which the command is serving, or men who have been detailed on a duty which takes them away from the command for more than twenty-

Morning report.

Special and extra duty.

Absent.

four hours. "Absent with leave" are those who have received permission from proper authority to be absent; officers on leave of absence, enlisted men on furlough or pass, provided their passes extend beyond the time at which the report is to be rendered, and "Absent without leave," such men of the last enumerated classes as are absent without authority or have overstayed their pass. "Absent sick" are those who are officially known to the commanding officer to be sick, but are not with the company. "Absent in arrest and in confinement" or "Retained by civil authority," are those who have been placed in arrest or confined and are not present with the company. The column for "Present and absent," of course, includes the totals of the preceding columns under these heads. "Explanations of alterations since last report" are self-explanatory; the first sergeant and company commander must personally sign the book every morning; fac-similes are prohibited, and no officer or non-commissioned officer is permitted to sign for another.

WHEN IN THE FIELD.

Field records.

317. Too great emphasis cannot be given to the necessity of keeping a record of every letter, telegram, dispatch, order, or memorandum, of whatever character, received or sent during active operations in the field on campaign. To this end all officers performing the duties of adjutant, assistant adjutant-general, and aide-de-camp should procure and carry at all times note-books of suitable size to be carried conveniently in the pocket. Such note-books can be procured from any stationer, arranged with alternatè sheets of carbon, so that two or more impressions can be made of all communications sent or orders or instructions received from the commanding officer. Similar note-books should be carried by sergeant-majors, first sergeants, and orderlies. These note-books, when filled with the duplicate copies, together with communications received, should be sent back to headquarters as frequently as opportunity presents itself, in order that their contents may be properly recorded. The compact and durable manner in which typewriting machines are now made and packed for carrying render it practicable for at least one to be carried by each regimental headquarters.

Prompt reports.

318. Another indispensable requisite to the successful progress of a campaign is the prompt rendition of reports and returns. First sergeants, company clerks, sergeant-majors, and regimental, brigade and division clerks, should be thoroughly instructed at National Guard armories in the correct method of filling out such blank forms as morning reports, regimental returns and muster

rolls, brigade and division returns. Before entering upon a campaign, care should be taken to have a sufficient supply of all needed blank forms, but the clerks should previously be made so familiar with the forms that in the event that no blanks are to be had in an emergency, they will be able to rule them on blank sheets of wrapping paper, or any other available material.

319. It is a requirement of regulations (Troops in Campaign, 267) that within ten days after the close of every engagement or affair, the commanding officer of each regiment, separate battalion and light battery concerned will prepare and forward to the next superior headquarters a concise report of the part taken therein by his command, including the effective strength of the same, and the losses incurred, under the separate headings of "Killed," "Wounded," and "Missing," and a duplicate of this report is required to be forwarded direct to the Adjutant-General of the Army; brigade commanders, within ten days after the receipt of the reports of the organizations composing them; division commanders, within twenty days; and corps commanders, within thirty days thereafter are required to prepare and forward similar reports to the next superior headquarters. These are to be accompanied by appendices containing consolidated reports of the effective strength and casualties of the several commands, of the losses of property incurred, and a nominal list of the officers attached to their respective staffs; and duplicates of these reports are required to be forwarded direct to the Adjutant-General of the Army.

320. The importance of these last mentioned requirements cannot be overestimated. The necessity that commanding generals shall be advised as to the strength, efficiency, and availability of the various units of their command; that the importance of a victory or defeat may be estimated; that the anxiety of relatives and friends as to the fate of officers and men engaged may be relieved; that not infrequently the promotion or reward of an officer or soldier may depend upon his conduct in action; are among the many reasons why a neglect to render promptly the reports of this character are military offenses, inexcusable, and frequently irreparable.

Report of troops
when in campaign.

Importance of
reports.

PART III.

PUBLIC PROPERTY.

CLASSIFICATION, ISSUE, ACCOUNTABILITY,
DISPOSITION.

ARTICLE XXVII.

CLASSIFICATION.

321. Public property used in the military service is classified according to the department to which it pertains or by which it is controlled or issued, as follows: Quartermaster, Ordnance, Medical, Engineer, Signal, Commissary and Naval. In addition, the public money, which is disbursed and accounted for by the Pay Department, and all text-books, manuals and record documents issued, controlled and accounted for by the Adjutant-General's Department, are included in this general classification of public property.

Public property,
classification of.

322. Quartermaster property, or property of the Quartermaster's Department, consists of all public property furnished by or employed in the operation of the Quartermaster's Department, which is charged with the duty of providing means of transportation of every character, either under contract or in kind, which may be needed in the movement of troops and material of war. It furnishes all public animals employed in the military service, the forage consumed by them, wagons and all articles necessary for their use, and the horse equipments for the Quartermaster's Department. It furnishes clothing, camp and garrison equipage, barracks, storehouses and other buildings; constructs and repairs roads, railways, bridges; builds and charters ships, boats, docks and wharves needed for military purposes, and attends to all matters connected with military operations which are not expressly assigned to some other department. The Quartermaster's Department transports to the place of issue and provides storehouses for the preservation of stores supplied by other departments. General depots for the collection, manufacture and preservation of quartermaster stores, until required for distribution, are under the immediate control of the Quartermaster-General.

Quartermaster
property, defini-
tion of.

323. Ordnance and ordnance stores include cannon and artillery vehicles and equipments; apparatus and machines for the service and maneuver of artillery; small arms, ammunition and accouterments; horse equipments and harness for the field artillery and horse equipments for cavalry and for all mounted men except those in the Quartermaster's Department; tools, machinery and materials for the ordnance service, and all property of whatever nature supplied to the military establishment by the Ordnance Department. [A. R. 1541].

Ordnance
property, defini-
tion of.

Medical property,
definition of.

324. Medical property includes medicines, surgical instruments, containing chests and cases, and all property used by the Medical Department in the prevention and cure of disease, healing of wounds, sanitation and all property whatsoever supplied to the military establishment by the Medical Department.

Engineer property,
definition of.

325. Engineer property includes such scientific instruments, apparatus, tools and appliances as are required in the work of the Engineer Department, and all property of whatever nature issued to the military establishment by the Engineer Department.

Signal property,
definition of.

326. Signal property consists of all apparatus and appliances for communication, such as telegraph, telephone, cable and heliograph instruments, flags, lanterns, torches and all other means of intercommunication between posts of the military establishment, and all property whatsoever issued by and employed in the operation of the Signal Corps.

Commissary stores,
of what composed.

327. Commissary stores include all foodstuffs used in subsisting the individuals of the military establishment.

Naval property,
of what composed.

328. Naval property embraces all property of whatever nature issued by the Navy Department for the use of the naval militia, and includes ships, boats, ships' stores, naval ordnance, small arms, equipments, clothing for all enlisted men in the naval militia service and similar property.

ARTICLE XXVIII.

CONFORMITY TO ARMY STANDARDS.

Governor draws
and issues govern-
ment property.

329. The Governor of the State will determine, from time to time, what quantities and classes of public property shall be drawn from the several staff bureaus of the War and Navy Departments, and will direct the issue of such property to the National Guard.

Conformity to
army standards.

330. The public property used by the North Carolina National Guard will at all times conform to the same models, patterns, forms, proportions and kinds as that employed in corresponding staff corps, arms and branches of the regular army, in so far as it may be possible and practicable.

Uniform like
army.

331. The uniform of the National Guard of North Carolina shall be the same as that of the army, with such changes and modifications as shall be deemed necessary by the Governor, which changes and modifications will be published in orders from time to time.

ARTICLE XXIX.

FLAGS, COLORS, STANDARDS AND GUIDONS.

332. Only such flags, colors, standards, pennants and guidons as are prescribed by the Army Regulations and Field Service Regulations for the use of the army will be used by the National Guard and other militia forces of the State, and no ensign, pennon, streamer or banner of any kind other than those prescribed will be used at any time, except such as may be prescribed herein.

Allowed; prohibited.

333. In all inscriptions on name-plates and borne on scrolls of regimental and battalion colors and standards the words "North Carolina-National Guard" or other proper official designation shall be substituted for the designations and inscriptions prescribed for the army.

Inscriptions prescribed.

ARTICLE XXX.

CARE AND CUSTODY OF PUBLIC PROPERTY.

334. All property furnished to the National Guard or purchased from public funds will be kept in armories or other suitable and safe places, except when used in the discharge of military duty.

335. Arms and equipments must be kept in condition for immediate use.

336. Public property will not be used for any private purpose whatsoever, and will not be loaned to any person, and any officer violating this rule will be held responsible for the money value of the articles.

Loaning property prohibited.

337. All public property will be plainly marked as prescribed in Army Regulations and orders.

Marking.

ARTICLE XXXI.

ISSUES OF PUBLIC PROPERTY.

338. All issues of public property for the use of the militia of the State will be made by the Quartermaster-General, under the direction of the Adjutant-General. Issues will be made to but one accountable officer in each organization.

By whom and to whom made.

Ascertain the needs for ensuing year.

339. In order that the National Guard may be at all times sufficiently armed, uniformed and equipped, in accordance with the provisions of the United States statutes, the Commander-in-Chief will, on the 31st day of December in each year, ascertain from company and detachment commanders, through regimental and brigade commanders, the needs in uniforms, arms and equipments of each company and detachment for the ensuing year.

340. These estimates shall be itemized, and, when approved by the intermediate commanding officers, shall be submitted to the Governor for his action.

341. The Quartermaster-General shall, as soon as practicable after the receipt of these estimates, procure the arms, uniforms and equipments as directed by the Commander-in-Chief.

342. On receipt of the stores by the Quartermaster-General, the company and detachment commanders will be notified, and the particular stores requisitioned for by each company and detachment commander and approved by the Commander-in-Chief shall be shipped to him.

343. Company commanders, in making their requisitions, will exercise great care to ask only for articles strictly necessary to equip their commands.

Bonds required of officers receiving property.

344. All officers receiving public property hold such subject to the order of the Governor of the State, and are required to give bonds for the security, safe-keeping and return thereof, which bonds shall be given to the State in the form and amounts prescribed from time to time and kept on file in the Adjutant-General's Department. The Adjutant-General will, when necessary, institute suits on the bonds of officers failing to account for the property charged to them.

Requisitions separate for each kind of property.

345. Issues of public property to troops are made upon approved requisitions signed by the officer requiring the property for his organization. Separate requisitions will be made on forms, the same as are used in the army, in requiring property pertaining to the different staff corps, with such modifications as are necessary.

Duplicate requisition to be kept.

346. Requisitions for property will be forwarded through the regular channels to the Quartermaster-General. For the purpose of reference, officers forwarding requisitions should retain a duplicate copy.

Requiring officers to be notified of inability to issue.

347. In case any property required cannot be issued by reason of lack of sizes, insufficient supply, exhausted supply, or any other reason, the Quartermaster-General will make such notation on the requisition and notify the requiring officer for his information.

Articles ordered issued not to be required again.

348. Articles required in one requisition will not be included in a subsequent requisition without full and adequate reference to the

former requisition, and in no case will articles which have been ordered shipped on one requisition be included in a subsequent requisition.

349. When public property is issued by the State Arsenal, invoices signed by the Quartermaster-General, accompanied by receipts, each on the prescribed forms, shall be forwarded to the officer to whom the issue is made, who, after verifying the issue, will date and sign the two receipts and return them promptly to the Quartermaster-General, the two invoices being retained by the receiving officer to be vouchers to his next semiannual return, showing his authority for taking up the property, one copy of the invoice being placed with the copy of the return forwarded to the Quartermaster-General, the other copy with the return retained. The bill of lading sent by the Quartermaster-General should also be promptly signed and returned to him.

Invoices and receipts.

ARTICLE XXXII.

TURNING IN PUBLIC PROPERTY.

350. In every case of officers returning property of any kind to the State Arsenal, proper and correct invoices and receipts in duplicate for the same should be forwarded at once to the Quartermaster-General. The railroad receipt or bill of lading should be promptly forwarded to the Superintendent of State Arsenal.

351. When a company is ordered disbanded and is finally mustered out of the service, the officer accountable for all the property will transfer the same to the Quartermaster-General. All property in use by the organization, including all property not theretofore carried on property returns of the organization, will be regarded as property of the State, unless it can be proven to the satisfaction of the Adjutant-General of North Carolina that it is the private property of individuals. All property of disbanded organizations, after proper transfer to the Quartermaster-General, will be shipped to the State Arsenal and stored.

Property of disbanded organizations.

352. Officers accountable for public property for which they no longer have use may be permitted to turn same in to the State Arsenal, upon application to the Quartermaster-General.

Property not of use.

353. In every case of exchange of articles of the same kind, but of different sizes or numbers, with the State Arsenal, invoices and receipts will be passed each way, one set enumerating the articles turned in, the other set the articles issued in exchange.

Exchange, a double transfer.

ARTICLE XXXIII.

PUBLIC PROPERTY ACCOUNTABILITY AND RESPONSIBILITY.

354. Accountability and responsibility devolve upon any person to whom public property is entrusted and who is required to make returns therefor. Responsibility without accountability devolves upon one to whom such property is entrusted, but who is not required to make returns therefor. [A. R. 661.]

Governor account-
able to War
Department.

355. The Governor of North Carolina is directly accountable to the War Department for all public property issued by the several bureaus and departments thereof for the use of the North Carolina National Guard. All officers to whom this property may in turn be issued by the Governor are accountable to the Governor. The same rule applies to all naval property, for which the Governor is accountable to the Navy Department.

356. If an officer in charge of the public property of a command (not properly pertaining to a company or detachment) is, by order, leave of absence or any other cause, separated from it, the commanding officer or an officer designated by him will receipt and account for it. [A. R. 663.]

357. If it becomes necessary to remove all officers from the charge of public property, the commanding officer will take measures to secure it, and report the circumstances to the proper authority. [A. R. 664.]

358. A company or detachment commander is responsible for all public property pertaining to his company or detachment, and will not transfer his accountability therefor to a successor during periods of absence of less than a month, unless so ordered by competent authority. When such absence exceeds a month the question of responsibility is settled by the proper authority. [A. R. 665.]

Officers responsi-
ble, if not
accountable.

359. The officer in temporary or permanent command of a company or detachment is responsible for all public property used by or in possession of the command, whether he receipts for it or not. [A. R. 666.]

360. The property responsibility of a company commander cannot be transferred to enlisted men. It is his duty to attend personally to its security and to superintend issues himself, or cause them to be superintended by a commissioned officer. [A. R. 667.]

361. An officer will not, when it can be avoided, be detailed for duty which will separate him from public property for which he is accountable. [A. R. 668.]

362. 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 the return of his successor, stating that all the stores there taken up as received from such predecessor were actually turned over by him. [A. R. 669.]

Transfer of
property,
method of.

363. When an officer to whom stores have been forwarded believes them to have miscarried, he will promptly inform the issuing and forwarding officers. [A. R. 670.]

364. If an officer to whom public property has been transferred fails to receipt for it within a reasonable time, the invoicing officer will report the facts to the commanding officer of the former for action. Copies of all papers relating to the transaction will be filed with his returns. [A. R. 671.]

365. Upon the receipt of public property by an officer he will make careful examination to ascertain its quality and condition, but will not break original packages until issues are to be made, unless he has reason to believe the contents defective. Should he discover defect or shortage he will apply for a survey to determine it and fix the responsibility. Should he consider the property unfit for use he will submit inventories in triplicate and request the action of an inspector. The same rule will be observed in regard to packages when first opened for issue and for property damaged or missing while in store. [A. R. 672.]

Failure to receipt.

366. When packages of supplies are opened for the first time, whether because of apparent defect or for issue, the officer responsible, or some other commissioned officer, will be present and verify the contents by actual weight, count or measurement, as circumstances may require; and, in case of deficiency or damage, will make written report of the facts to the issuing officer. If only the officer responsible be present and make the report, he will secure the sworn statements in writing of one or more civilians or enlisted men regarding the condition of the property when examined. Should a survey be ordered, the Adjutant-General, or the officer to whom written report of the facts has been made, will refer to the surveying officer the report made by the examining officer, together with the sworn statements. At arsenals and

Opening packages.

depots where there are persons whose special duty it is to receive and issue public stores, the reports herein required may be made by them instead of officers of the National Guard.

Receipts evidence
of accountability.

367. The giving or taking of receipts in blank for public property is prohibited. [A. R. 674.]

The responsibility for nonexamination of all stores or property rests with the receiving officer, and his receipts for property will be conclusive as to his responsibility.

368. When it is impracticable for an officer to personally superintend his issues, as may be the case with one charged with disbursements or the care of depots, he should choose with great caution the agent to whom he entrusts the duty. [A. R. 677.]

Final returns
before discharge
or retirement.

369. An officer accountable for public property applying for discharge or retirement must turn over the property to the next in command or such other officer as may be designated by proper authority, giving duplicate invoices and taking duplicate receipts, and will forward with his resignation or application for retirement a property return, accounting for all the property and showing nothing remaining on hand to be accounted for.

Accountability
after resignation,
etc.

370. No resignation, retirement, removal, discharge, dismissal, nomination or appointment to other office shall in any way affect the liability of an officer for public property in his possession or for which he is responsible.

371. When transferring public property to a successor, both the transferring officer and the receiving officer shall verify the quantities by actual count.

ARTICLE XXXIV.

RETURNS OF PROPERTY.

All property
carried on returns.

372. All public property, whether paid for or not, must be accounted for on the proper returns. All public property unaccounted for when discovered by an accountable officer will be taken up and the usual returns rendered therefor. When discovered by officers not accountable for that class of property, or by enlisted men or civilian employees, they shall report the same as soon as practicable to an officer so accountable, who will take it up and account for it. In the absence of such an accountable officer the senior officer, enlisted man or civilian employee present will take charge of such property and report it to the Adjutant-General of North Carolina, with a view to its proper disposition.

Property pur-
chased from
public funds.

373. All property of whatever description purchased out of any public funds by authority of any council of administration, or by

any other officer or officers, and all property commonly known as "company property" or "regimental property," is property of the State of North Carolina and will be carried on the proper property returns of the officer in whose care or custody the property may be, except such property as is expendable in ordinary service or business of the organization. Whenever necessary to transfer this property in the case of retirement, resignation, relief from command or any other reason, this property will be transferred in the manner prescribed for all public property. Should any council of administration at any time order the sale of any such property, the money derived from the sale thereof will be covered back into the incidental fund controlled by such council of administration. A certified copy of the deposit slip from the bank where such fund is deposited, attached to a list of the articles sold, and the amounts received therefor, will be a voucher to and authority for dropping from the accountable officer's next returns of property.

374. An officer accountable for the public property of two or more companies will account for that pertaining to each separately.

375. An officer will be relieved from accountability for public property by showing receipts for the property from another officer authorized to receive the same, by being authorized to drop it on report of an inspector of a survey presenting certificates of expenditure, or by presenting such evidences of settlement as are required in cases of property damaged, lost, destroyed, etc. Relief from accountability.

376. Vouchers for issues or expenditures of property not authorized by regulations will be accompanied by copies of the orders directing the issues or expenditures. [A. R. 700.]

377. An officer will have credit for an expenditure of property made in obedience to the order of his commanding officer. If the expenditure is disallowed, it will be charged to the officer who ordered it. [A. R. 701.]

378. Public property expended in the military service must be accounted for by affidavit or the certificate of a commissioned officer or other satisfactory evidence. Expendable property accounted for.

379. When an enlisted man has by a court-martial been convicted of losing or damaging public property, the officer accountable for the property will send with his property return a certified copy of so much of the court-martial order as refers to the case, giving number, date and place of issue of the order, and stating on the face of said copy the rolls on which the charges are made. [A. R. 703.]

380. Should an officer responsible for public property fail to render the prescribed returns thereof within a reasonable time, a settlement of his accounts will be made by the Quartermaster-General. Failure to make returns.

of North Carolina, and the money value of the property with which he is charged will be reported against him for stoppage against his bond.

381. All returns of stores or supplies will be rendered as required by regulations or orders. All returns must be made in duplicate and each copy must have a full set of vouchers. Vouchers should be attached to the returns in the sequence of their numbers.

Separate returns
for each class.

382. Separate returns will be made for all Quartermaster, Ordnance, Medical, Signal, Engineer, Commissary and Naval property for which an officer is accountable or which an officer may find in his possession. One copy is forwarded to the Quartermaster-General, the other is retained by the officer.

Verification of
property on hand.

383. An officer accountable for public property will, as often as necessary, by actual count, verify the quantities reported on hand, in order that the quantities reported as on hand in his return shall be a true statement of his accountability.

Examination.

384. As soon as possible after the receipt of a return by the Quartermaster-General, it will be examined in his office, and the officer making the return will be notified of all errors and irregularities found therein and granted thirty days to correct them. Suspensions or disallowances will not be made on account of slight informalities which do not affect the validity of a voucher, but the officer's attention may be called to them. Whenever the errors have been corrected or compensation has been made for deficient articles, the return will be regarded as settled and the officer who rendered it will be notified accordingly.

385. If the necessary corrections in the returns be not made within the prescribed time, the facts will be reported to the Adjutant-General of the State for further action.

ARTICLE XXXV.

ACCOUNTABILITY.

The following regulations are prescribed to govern accountability for military stores and property of the United States in the hands of the militia:

Returns made
annually.

386. All the public property issued to the organized militia will be accounted for under the same regulations that now govern accountability for public property in the Army, and the chiefs of the several supply departments will furnish the Governors of the several States and Territories and the commanding general

of the National Guard of the District of Columbia the necessary blank forms for making the required returns of the public property so issued; returns to be made annually on the 31st of December of each year and sent to the War Department for examination and settlement.

387. The chiefs of the various supply departments will issue the necessary instructions for the safe-keeping, preservation, and accountability of all public property issued.

388. Under section 4 of the act approved June 22, 1906, it is required that the examination of unserviceable or unsuitable public property shall be made at least annually and the proceedings of the surveying officers of the militia will show in detail opposite each article on their reports in what respect the property is unserviceable or unsuitable; also indicating in each case, for the guidance of the Secretary of War, the disposition which should be made of said property. Should the surveying officer recommend sale of the property, the recommendation will state whether by auction or by inviting bids from dealers or others likely to purchase said articles, stating reasons; and in the case of any public property rendered unserviceable through causes other than the ordinary incidents of service, the surveying officer will investigate and report the causes and recommend to the Secretary of War the necessary action as to personal responsibility for the damages in each case.

Disposition of
unserviceable
property.

389. The surveying officer should fully investigate matters submitted to him, calling for all evidence attainable, and not limiting his inquiries to proofs or statements presented by parties in interest. He should rigidly scrutinize the evidence, especially in cases of alleged theft or embezzlement, and 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; hearing in person or by deposition all persons concerned in the subject-matter before him.

Duties of
surveying officer.

390. The party responsible for the property to be surveyed will in all cases furnish original certificates or affidavits or the testimony of the witnesses upon which he relies to relieve him from responsibility, and the proper number of duly attested copies of such affidavits should accompany the report.

391. As said section 4 provides that, if it shall appear that the loss or destruction of property was due to carelessness 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 or Territories under section 1661 of the Revised Statutes as amended, it is suggested that officers responsible

Property destroyed
through care-
lessness.

for property should be bonded and charged for any damage to or loss or destruction of the same and the money value deducted from any pay for military services that may become due them, unless they shall show to the satisfaction of the proper State authorities by their own affidavits or certificates or by one or more depositions that the damage, loss, or destruction was occasioned by unavoidable causes and without fault or neglect on their part.

392. With a view to aiding surveying officers in the performance of their duties, the following classification of the causes of damage to and of loss and destruction of military property are published:

1. Unavoidable causes, being those over which the responsible officers have no control, occurring (a) in the ordinary course of service, or (b) as incident to active field service; (c) accident or destruction without fault or neglect of responsible officer.
2. Avoidable causes, being those due to carelessness, willfulness, or neglect.

Classification of
lost and damaged
property.

Sale of condemned
property.

393. 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; but if advertisement in newspapers is indicated, the provisions of Army Regulations 498 to 505 apply, and request for special authority to advertise must be made upon prescribed forms, designating the newspapers in which advertisement is desired.

Proceeds of sale to
be deposited.

394. The net proceeds of a sale of condemned property, except subsistence supplies, after deducting necessary and reasonable expenses of advertising and auctioneer's fees, will be deposited by the Governor, or by the commanding general of the National Guard 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 supplies, the funds must be deposited as "miscellaneous receipts on account of proceeds of Government property"; if from sales of condemned ordnance stores, the deposit must be made on account of "sales of condemned ordnance stores." Funds received from the sale of condemned subsistence supplies must be deposited to the credit of the appropriation "Subsistence of the Army, 190 ." (appropriation current at the date of sale).

Report of sale of
condemned
property.

395. Immediately after a sale of condemned property an itemized report will be made by the Governor, or by the commanding general of the National Guard of the District of Columbia, to the chief of the bureau to which the property pertains, 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, accompanied by a copy of the order authorizing the sale, and receipted vouchers for expenses of sale. The report to the Quartermaster-General will be made on Form No. 94, Quartermaster's Department, "Account of sales at auction"; that to the Chief of Ordnance on Form No. 272, "Abstract of sales, Ordnance Department"; that to the Commissary-General on Form No. 44, "Sales at auction"; that to the Surgeon-General on Forms Nos. 15 and 16; that to the Chief of Engineers on Form No. 27, "Account of sales at auction," and that to the Chief Signal Officer on Form No. 214, "Inventory of property sold," and Form No. 215, "Account of sales"; all in duplicate.

RESPONSIBILITY FOR PUBLIC PROPERTY.

396. Every officer and enlisted man to whom public property of the State has been issued shall be personally responsible to the State for such property, and no one shall be relieved from such responsibility, except it be shown to the satisfaction of the Governor that the loss or destruction of such property was unavoidable and in no way the fault of the person responsible for the same; in all other cases the value of the property lost or destroyed shall be charged against the person at fault or to the organization to which it had been issued, and such person or organization, if not relieved from such charge by the Governor, shall pay the value of such property to the Adjutant-General within two years after such loss or destruction. The value of lost or destroyed property and the person or organization to be charged therewith shall be determined by a surveying officer duly appointed by the commander-in-chief.

Personal responsibility for property.

397. The detention of or refusal to give up, after a proper and reasonable demand, by any person any money or other property belonging to any organization, shall be grounds for the proper officer of that organization proceeding by filing necessary affidavits with a mayor or justice of the peace, to secure the arrest and conviction of the person unlawfully detaining or refusing to give up such money or property.

Procedure to secure arrest.

398. Officers and enlisted men of the organized militia who appropriate to their own use any government property shall be held accountable in either military or civil courts as may seem proper under the circumstances. Officers may request directions as to method of proceeding.

Property appropriated for personal use.

399. Officers accountable for military property kept in any building which may have been burglarized, immediately upon dis-

Burglary in armories.

covery of such burglary, will take the necessary steps to apprehend the burglar and to recover the property by filing the necessary affidavits with the proper civil officers and furnishing other evidence.

ARTICLE XXXVI.

SURVEYS ON PROPERTY.

400. Public property which has been lost or destroyed, or has become unserviceable or unsuitable from use in service, or from any other cause, will be surveyed by a disinterested officer of the organized militia, to be appointed by the Governor of the State.

Application for surveys.

401. The responsible or interested officer will furnish with his application for a survey his certificate of facts and circumstances, supported by the sworn testimony of witnesses or by the affidavits of enlisted men or others who are cognizant thereof. In cases where the property in question has been previously acted upon, the officer making the investigation will be so informed and the previous report will be considered.

Oaths.

402. The proper officers to administer oaths are judge-advocates general, judge-advocates of courts-martial, the trial officers of summary courts, and, in cases of investigation, the officer detailed to conduct the investigation, or the recorder, and if there be none, the presiding officer of any board appointed for such purpose. When none of these are within reach and available, recourse must be had to a notary public or other civil officer competent to administer oaths for general purposes.

Survey officer cannot condemn.

403. The surveying officer cannot condemn public property. His action is purely advisory. He will ascertain and report facts, submitting opinions and making recommendations upon questions of responsibility which may arise through accident, mistake or neglect. For example, he investigates and determines questions involving the character, amount and cause of damage or deficiency which public property may have sustained in transit, store or use, and which is not the result of ordinary wear and tear of the service, and reports the investigation made, his opinions thereon, and fixes responsibility for such damage or deficiency upon the proper party. He makes inventories of property ordered to be abandoned when the articles have not been enumerated in the orders for abandonment. He verifies the discrepancy between invoices and the actual quantity or description of property transferred from one officer to another, fixes definitely amounts received for which the receiving officer must receipt, and ascertains, as far as possible, where and how the discrepancy has occurred.

404. When the approved report of a surveying officer holds common carriers or persons not in the military service of the State of North Carolina responsible for the loss of or damage to public property or stores, the Adjutant-General of North Carolina will at once take steps to make collection from the parties so held.

405. Properly approved reports of surveys of property may be submitted as vouchers to property returns. They are not to be considered as conclusive until approved by the Secretary of War.

ARTICLE XXXVII.

CONDEMNATION OF PROPERTY.

406. Inspectors will exercise great care in examining property submitted to them for condemnation and in making recommendations regarding its disposition. Articles "to be continued in service" are such as are still serviceable. Those "to be dropped" from the returns are such as cannot be sold at the post and are not worth cost of transportation to the State Arsenal for repair. If worthless, they must be so far destroyed as to prevent any possibility of future presentation. Such articles as cannot be destroyed will, when practicable, be marked "I. C." (inspected—condemned), or will be broken up and the serviceable parts retained. Should the inspector's recommendation be disapproved in regard to articles marked "I. C." the marks will be cancelled and a certificate of the fact given to the responsible officer. Those "to be turned into depot" are such as cannot be repaired at the post and are worth cost of transportation. Small arms found to be unfit for service will be turned into the State Arsenal.

Duties of
inspectors.

407. Public property in use will not be reported as unserviceable nor condemned by an inspector merely because worn or shabby in appearance when really strong and serviceable. [A. R. 916.]

408. Great care will be taken to prevent property once condemned and ordered dropped from the returns from being again presented for inspection. When public property is presented to an army inspector for condemnation the officer responsible will certify on the inventory that the property has not been previously condemned. [A. R. 917.]

Second condemna-
tion prohibited.

409. The annual report of the Quartermaster-General will contain a complete statement in detail of the condemned property for the year, with the money value thereof, credited on the accounts of responsible officers.

410. When it shall appear on the 30th day of December from the records in his office that an officer is charged with property which is not accounted for as required, the Quartermaster-General shall make a detail report of same in his annual report to the Governor.

Bonds required.

411. Bonds will be required of all officers who are responsible for public property.

412. The amount of bonds will be fixed by the Adjutant-General.

413. Property will not be issued to an officer until his bond has been accepted by the Adjutant-General.

414. Bonds will not be accepted by the Adjutant-General until they are approved by the chief of the department by which the property is issued.

Disposition of
condemned
property.

415. Orders for the final disposition of condemned property will be issued by the Adjutant-General of the State on the inspection reports, each copy being made complete in itself. One will be forwarded to the Quartermaster-General and the others to the accountable officer, who will forward one with his return of property and file the other with his retained papers.

ARTICLE XXXVIII.

PUBLIC MONEY.

Public funds.

416. All moneys, from whatever source derived, pertaining to or supplied for the use of any organization in the National Guard, are, as regards responsibility and accountability, public funds.

Treasurers.

417. The regimental treasurer is the custodian of the public money in the regimental fund; this fund includes all money pertaining to regimental headquarters and band; and donations, contributions and collections from any source.

418. The company treasurer is the custodian of the public money in the company fund; this fund accrues from amounts transferred by commanding officers for care of State property and as balances from armory funds; from subscriptions of contributing members; from fines and dues of active members and from donations, contributions and collections from any source.

419. Money appropriated by the State must be expended or accounted for as required by law.

420. Involving the State in any contract for future payment of money in excess of appropriations is prohibited.

421. Funds pertaining to the National Guard shall not be received, held or disbursed by anyone, except a commissioned officer who is under bond, as required by law and regulations. Disbursements.

422. An officer accountable for public funds, desiring to resign, to retire or to be relieved from such accountability, will transfer all funds in his possession to an officer designated by higher authority as soon as the officer so designated shall have given required bond. He will then render a complete and final return of all receipts and disbursements since his last annual report, together with receipts for all moneys disbursed and transferred. Final return
before resignation,
etc.

423. When a bonded officer is relieved and his successor has not qualified, the former will forward, through military channels, a certified check, made payable to the Adjutant-General of the State, for the balance of his account. Certified checks.

424. Each treasurer will keep in the treasurer's book a full and itemized account, showing all receipts and expenditures in behalf of his organization, stating date, name and amount in each case. Treasurer's book.

425. Each treasurer will balance his account on the last day of each year, and also whenever relieved from duty as treasurer, and at other times make written report of the state of the finances to the council of administration, setting forth the balance on hand at date of last account; the itemized expenditures and receipts, with dates, names, and amounts and vouchers in each case, and the balance on hand at date of report. A statement of outstanding indebtedness and of amounts due the fund will be added to the report. The treasurer's book, when properly kept, should fulfill all the requirements of this report. Treasurer's
reports.

426. Supplies will be procured by purchasing officers only after inviting proposals for the same. The method and extent of notice inviting proposals, as well as the time intervening between first notice and opening of proposals, shall be determined and designated by the officer making the purchase, unless otherwise ordered. In every case, all parties concerned with a purchase shall exercise the greatest diligence and their best judgment to properly protect the State, to effect economy and to subserve the interests of the service. Method of
purchase.

427. An open-market purchase of supplies or engagement of services is one made without advertising, and is authorized in the following cases: Open-market
purchases.

1. In an emergency, as when the public exigencies require immediate delivery or performance and there is no time to advertise by newspapers, posters or circulars.

2. When it is impracticable to secure competition.

3. When proposals have been invited and none have been received.

4. When proposals are above the market price or otherwise unreasonable. [A. R. 549.]

428. Before making a purchase in open market the officer will inform himself concerning prevailing prices by inquiry among principal dealers in his locality. [A. R. 550.]

429. When advertisements or specifications thereunder do not announce fixed standards for articles required, they should be so worded as to permit bids to be considered item by item, and awards to be made for the most suitable articles of each kind offered. [A. R. 521.]

Copies for
adjutant-general.

430. A copy of each advertisement, notice and specification will be forwarded by the officer issuing it direct to the Adjutant-General of North Carolina, together with all information required for a complete understanding of the nature and necessity for the proposed contract or purchase, and in case of notice by circular, there will be indorsed on it the names of persons to whom sent.

Proposals and
awards.

431. In so far as they are applicable, the provisions of the Army Regulations governing "proposals and awards," unless modified by orders of the Adjutant-General's Department of North Carolina, shall obtain in the purchase of supplies and engagement of services in the National Guard.

Three forms of
purchase.

432. A purchase of supplies or engagement of services will be made:

1. By contract, "reduced to writing and signed by the contracting parties with their names at the end thereof." Agreements of this character only are termed "contracts" in these regulations. This method will be used when delivery or performance does not immediately follow an award or bargain.

2. By written proposal and written acceptance. This method may be resorted to when delivery or performance immediately follows award or bargain, or when specifically authorized.

3. By oral agreement. This method may be used under circumstances indicated in paragraph 427, if delivery or performance immediately follow the agreement.

PART IV.

ACTIVE SERVICE.

ARTICLE XXXIX.

IN AID OF THE CIVIL AUTHORITIES.

433. The National Guard is a constitutional and most important department of the State government, its function being, finally, to insure the perpetuity of the State as an organization by enabling the executive department of the State government to faithfully execute the laws provided by the legislative branch. The National Guardsman must, therefore, always remember that it is upon him, when the civil power has failed, the State relies for the vindication of its laws and institutions, imperiled from whatever cause.

National Guard to insure safety to person and property when civil power fails.

The service which the Guardsman is thus called upon to render to the State is invariably of the most delicate and difficult character, requiring from him the highest type of patriotic devotion to public welfare, a thorough knowledge of his duties and responsibilities and also that he should constantly maintain a state of efficiency and preparedness which would insure intelligent and prompt response when called upon by the civil authorities.

434. A thorough knowledge of the duties to be performed begets confidence and self-reliance—qualities of inestimable value in the military commander. Officers and men, therefore, should be frequently assembled for theoretical and practical instruction in subjects relating to their duties when acting in aid of the civil authorities. The course of instruction should embrace rules and systems for hasty mobilization; equipment and dress for riot service; transportation arrangements, including the difficulties which may be experienced when detouring after arriving in a riotous district; methods of progressing through the streets of a city wherein a mob has displaced the civil authority and finally such tactical problems as might be encountered in service of this character.

Schools for instruction in duties relating to active service to be held.

435. Regimental and battalion commanders should have on file at their headquarters complete rosters of the commissioned officers of their respective organizations, showing their business and residence addresses, together with telephone numbers and any other data which may be of assistance in locating officers when their services are hastily required.

Rosters of officers to be kept at headquarters.

436. Company commanders should have posted in their armories at all times full and complete rosters of their organizations, with every possible detail of information which will be of service in locating and notifying the members of their commands and which will assist in their rapid mobilization, whenever their services

Company commanders to arrange systems for hasty mobilization.

are required. This roster should disclose the residence addresses, places of employment, whether day or night; telephone numbers (if without telephone service the number of the nearest neighboring telephone should be noted); places where habitually found, together with any other data or information which may be serviceable. The company should be properly squaded, each man having a list of the squad to which he is assigned, containing also the data above suggested. Arrangements should be made by commanding officers for riot signals to be sounded by fire alarm, courthouse or town hall bells, or by steam whistle—one or the other of which may be found at every company station. The methods herein set forth are merely suggested, the plan to be adopted in each case being left to the judgment of the responsible officer. The adoption, however, of some effective system for hasty mobilization, which shall be thoroughly known and understood by the members of his command, is enjoined upon each company commander, and failure to comply with the requirements of this paragraph will subject the officer to charges of gross neglect of duty.

Guardsmen to take prudent preliminary steps for hasty mobilization when call is apprehended.

437. When insurrection is threatened or when there is reasonable apprehension on his part that riot, tumult or mob is likely to menace public peace and security and set at defiance the civil authority, it is the duty of the National Guardsman to take such prudent precautionary steps and measures as are necessary to insure speedy and effective assistance, should such be demanded by the civil authority. While, in the absence of specific orders to perform such service, a commanding officer is not authorized to parade or even assemble his command for purposes of intimidation or of exerting a moral effect, nevertheless, when, from common knowledge, intimation or suggestion from civil officials or from any creditable sources of information, he has reason to believe that the services of his command will be required by those authorized to demand such service, it is his duty to diligently avail himself of every proper means which will facilitate prompt mobilization of his command after receiving lawful orders to do so. It is also his duty, in times of actual or threatened public disorder, to take all necessary precautions looking to the safety and security of the arms, stores and other military and public property entrusted to his care and keeping.

Rigid discipline and exemplary conduct required when in active service.

438. The peculiar character of service which the National Guard is required to perform, when acting in aid of the civil authority, demands enforcement of the most rigid military discipline and such exemplary conduct on the part of officers and men as will command the respect and confidence of the people. Enrollment as a soldier has relieved him from none of the duties or obliga-

tions of citizenship. In volunteering his services as a Guardsman he is exemplifying the highest type of public duty which the citizen can render his State; hence, the importance and lofty character of his calling demand that the Guardsman on duty should not only present the ideal soldier, but also that his conduct and deportment should be such as will preclude criticism, and which will increase the forcefulness of his efforts to demand similar conduct from others. As a special aid to this end, commanding officers will, while engaged in suppressing domestic disturbances, prohibit the use of intoxicating liquors, except when used upon the recommendation of a medical officer.

Use of intoxicating liquors prohibited.

439. Upon receiving orders to act in aid of the civil authority, unless such orders are received in person from the official issuing same, commanding officers should immediately, by telegraph, telephone or other expeditious means, acknowledge receipt thereof, thus assuring the officer making the call, and to whom such information may be of the greatest importance, that his orders have been received by the military officer. When a call emanates from the Governor, the Adjutant-General's Department should be promptly and fully advised concerning important incidents and developments connected with the service being performed.

Acknowledging receipt of call.

440. The commanding officer should endeavor to keep in close telephonic or telegraphic communication with the official to whom he is ordered to report, advising him as to the progress of the movement ordered, the probable time of departure from home station and arrival at the designated point, and also of the route traveled. He should request the civil official to keep him fully advised as to conditions at the seat of trouble and to report, if possible, important developments. He should also request the civil official to meet the troops in person upon their arrival or to have present a deputy or other duly authorized representative who, to insure identification, should be able to present written advices over the official signature of the civil officer as to his personality.

Commanding officer should maintain communication with official to whom he is to report.

441. Troops ordered into service by the civil authorities should always be supplied with sufficient ammunition. Commanding officers should, therefore, at all times, preserve a supply of ammunition (500 rounds), to be known and designated as "emergency ammunition," which should be used for no other purpose. Failure to comply with the provisions of this requirement may result in disaster to the command involved, as well as to the public interests, and will subject the responsible officer to most serious charges.

"Emergency ammunition" supply to be preserved.

Provision should be made for securing information concerning movements of mob.

442. Commanding officers of troops acting in aid of the civil authorities should detail officers or enlisted men to accompany or precede the troops, in civilian dress, for the purpose of securing information and performing such other duty as may be necessary to the success of their operations and which, for obvious reasons, could not be accomplished by soldiers in uniform. Care should be taken that only men of good address and judgment be selected for this important service. When a command is ordered to report for duty at some distant city or locality, officers or men employed in this service should be immediately sent to the scene of trouble for the purpose of securing information which will be of service to the troops upon their arrival. A cipher code should be used to insure secrecy in the transmission of telegraphic or other messages.

Commanding officers may arrest and detain rioters.

443. Commanding officers may cause the troops to arrest all rioters and other persons found in open resistance to the civil authorities, or who, by words or actions, are encouraging such resistance or are endeavoring to incite the mob to deeds of violence. If police or other civil peace officers are available, they should be employed in making such arrests, under protection of the troops, who should always insure the success of their efforts. If police or other civil peace officers are not available, or if, from indifference or other cause they refuse or neglect to act, the commanding officer should detail members of his force to make such arrests. Persons so arrested may be turned over to the civil authorities or they may be held or incarcerated by the troops and detained until such time as it may appear to the commanding officer that their release will in no wise menace public peace and security, nor interfere with the success of his operations. But they are not authorized to punish any person for an offense, however amenable he may be to punishment, this duty belonging to the courts of justice.

444. Commanding officers should be careful to avoid giving the impression that the troops are to be subjected to abuse or made targets of without opportunity for defense or retaliation. Neither strict justice nor public policy demands that the legal agents of the State passively submit to indignities or physical injury while engaged in their lawful and necessary functions and duties. Officers should, therefore, be prompt to forcibly resist every attack made upon the troops by a mob. Under no circumstances are the troops to fire into a crowd without orders, except that designated sharpshooters may shoot down individual rioters who have fired upon or thrown missiles at the troops. The safe rule to be followed by military commanders, when acting in aid of the civil authorities

or in the suppression of domestic disturbances, is to use no unnecessary force, but to employ all the force of whatever kind that may be necessary to accomplish the object for which their services have been required.

445. If, after being called into service, no instructions be given to the military commander by the civil officer, or if there be a conflict of jurisdiction between public officers authorized to call to their aid the military force, and who shall make such call; or if contradictory, inconsistent or unlawful directions shall be given by such officer or officers, the military commander will, if the occasion shall require the use of a military force, himself so direct the troops as to secure the public peace and the due observance of the law, agreeably to the call made upon him by the civil authority. Under conditions such as are herein described, the military commander should immediately advise the Governor of the situation and receive instructions from him as to the method of procedure; but until such instructions shall have been received or until specific and proper orders are received from a lawful authority, the military commander will continue to control and govern affairs in such manner as will secure safety to person and property and due observance of law.

In conflict of jurisdiction military commander to assume entire control.

446. The Governor, as chief executive officer of the State, takes precedence over all other State officials, when considering the possible conditions under which the services of the National Guard may be required to enable the civil authorities to execute the laws. Therefore, whenever a conflict of jurisdiction arises, after troops have been ordered into service by any competent authority, it is the duty of the military commander to receive and execute such orders as he may receive from the Governor, and to look to him only for instructions and direction as to the services to be performed.

Governor takes precedence over all other State officials as executive officer.

447. After having been called into service by the Governor, officers will not, except as hereinbefore provided, permit their commands to be relieved from duty by any authority other than the Governor. If, for instance, an officer should be ordered by the commander-in-chief to report to the mayor of a municipality to act in his aid and the military commander, upon arriving at the designated point and reporting, should be informed by the mayor that the services of his command were not required, the commanding officer, before leaving the scene, should inform the commander-in-chief of the situation and await his orders to do so before taking any steps toward the withdrawal of his command from the locality.

Military not withdrawn until so ordered by official making call.

Troops to report immediately upon receiving call.

448. The law invests the Governor with full authority to call upon the military commander for the services of the troops under his command whenever, in the judgment of the civil officer, the public interests may demand such action; and it is the absolute duty of the military officer to immediately comply therewith. The Governor alone is to judge of the necessity for the call and he is not required to state his reasons therefor to the military commander.

Military officer to retain command of and direct troops.

449. The instructions of the civil officers are given in general terms, directing the military officer to disperse rioters or clear a place, or protect a building, an individual or individuals, or to insure safety to person and property, or to enforce due observance of law. But the civil officer is not authorized to interfere in any way with the formation or details of the force or its method of procedure. The military officer being held responsible for the success of the operation to be undertaken, it is for him alone to judge in what manner the troops shall effect the object which the civil officer has indicated, and to direct the force in the execution of the service in which it is engaged.

Warning mob to disperse.

450. Commanding officers, when ordered to disperse a tumult or riotous assemblage, will, unless special exigencies should intervene, observe the following method of proceeding: On approaching the place where the mob is congregated or the riot is progressing, the military officer in command will request the civil officer to give notice, in a loud tone of voice, requiring all persons so assembled to disperse forthwith. Unless such notice is given by the civil officer, the military officer will, himself, cause such notice to be given. After waiting a suitable time to allow the mob or rioters to disperse, troops will advance and clear the place or disperse the rioters. In this effort they will obtain, if possible, the active aid of the civil force, and especially the personal presence and authority of the civil authorities. If the troops shall then be attacked or resisted, so as to be unable otherwise to clear the ground or disperse the rioters, they may fire or use any other means necessary to attain the end desired; but in no case will they fire without the orders of their proper military commander.

Troops to fire if attacked or resisted.

Order to fire given by superior officer present.

451. The order to fire will be communicated to the troops by the superior military officer in command on the spot. It is impossible to specify in advance the particulars or the nature of each case of resistance or attack by rioters or persons engaged in a breach of the peace, which will justify the troops in taking life. His honest and reasonable judgment, in a case of apparent necessity, is all that is required by the law; and his law-

ful command will be sufficient protection to all who are subject to his orders.

452. By the laws of the land, homicide or the taking of human life is justifiable when necessarily committed by public officers and those acting under their command in their aid and assistance, in overcoming resistance to the execution of legal process, or to the discharge of any other legal duty; and it is justifiable when necessarily committed by any person in attempting by lawful ways and means to apprehend any person for any felony committed or in lawfully suppressing any riot or in lawfully keeping and preserving the peace.

Taking life justifiable in suppressing riot.

453. The rule of the law is that all persons who by their presence give countenance to a riot are principals, whether they engage in acts of violence or not, especially after notice given to disperse; yet, it often happens that a large proportion of a mob are in the first instance mere spectators or idlers, not meaning to aid in a breach of the peace. For this reason officers are enjoined, unless the exigencies of the case should render it impracticable, or as otherwise provided, to give the required notice and opportunity to disperse before proceeding to extremities, to the end that all those who are well disposed may retire in safety.

Rule of law, all persons encouraging mob by presence are principals.

454. As far as practicable in every case of firing, pains will be taken to make it effective only as against those who are actually engaged in the riot. If the mob be close to the troops the aim should be taken no higher than the center of the body; if very close it should be still lower, to guard against danger to innocent persons in the distance.

455. The troops are authorized to defend from attack or aggression their persons, their arms and any place or building in which they may be stationed; in case of any sudden onset on the troops, or any place or building occupied by them, or other urgent circumstances requiring instant attack or resistance, the notice or other measures preliminary to the action may be dispensed with; the order to fire in this case will be given by the military commander on the spot.

Warning to disperse may be omitted in emergency.

456. Experience having shown the evil results of firing with blank cartridges in attempts to suppress riots, such firing is prohibited. The only eventually merciful measures are the severe ones, and officers commanding troops engaged in the suppression of riots or the enforcement of law will have the troops understand that in event of their being ordered to fire upon the mob it must be done in the most effective manner.

Use of blank cartridges prohibited.

457. The Constitution of the State, Article XII, section 3, provides that "the Governor shall be commander-in-chief, and shall

Power to call out militia.

have power to call out the militia to execute the law, suppress riots or insurrection, and to repel invasion."

Troops called on by
civil authorities.

458. In all cases where the civil authorities call upon commanding officers to aid them with troops, the commanding officer should at once apply to the Governor for orders. Until orders from the Governor are received, the commanding officer places his command under the direction of civil authority (judge, sheriff or mayor), as a part of the *posse comitatus*.

Call to be made in
writing.

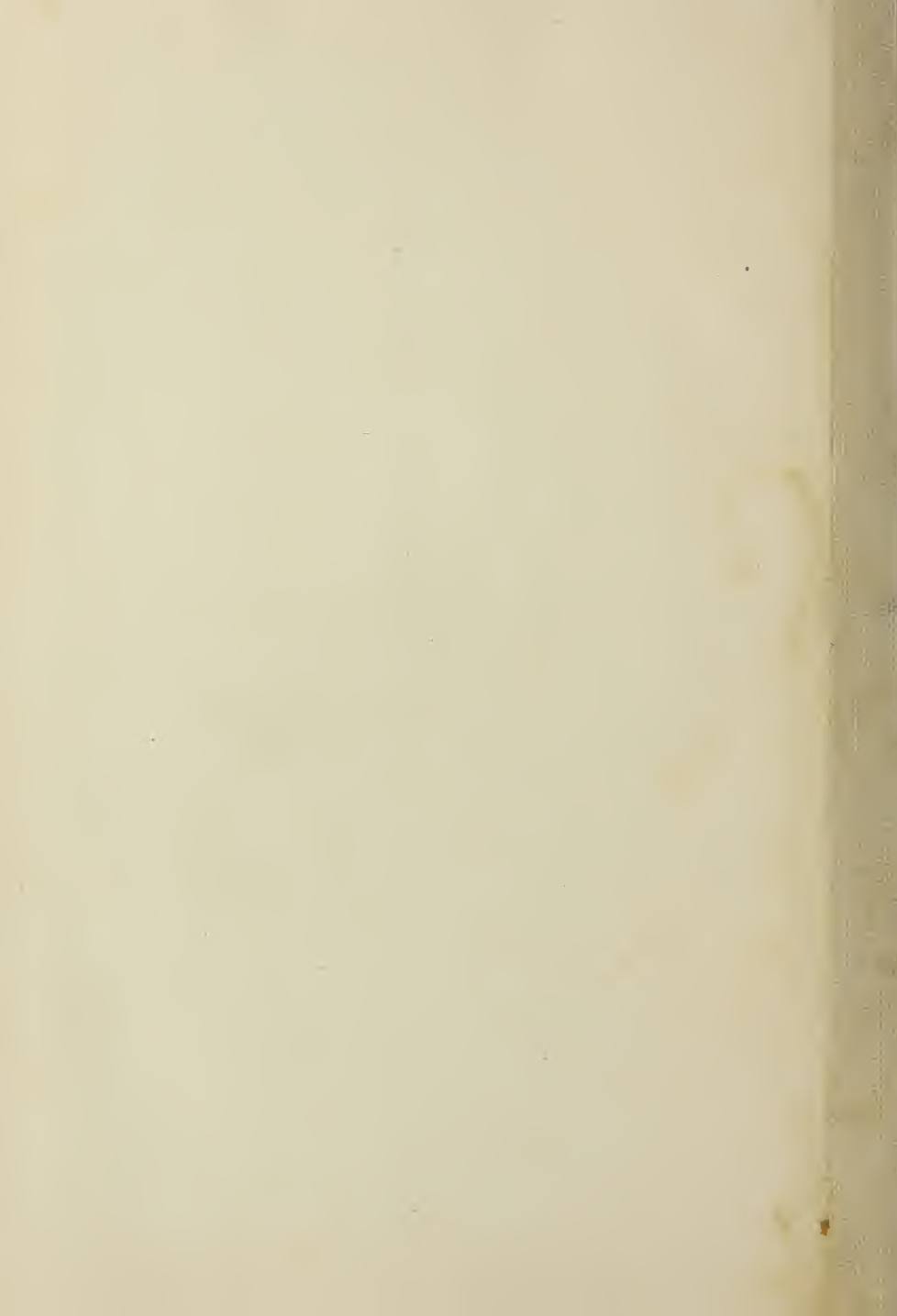
459. Commanding officers when called upon by the civil authorities, will require the call to be made in writing and signed officially.

Duty of post com-
mander.

460. When any civil officer vested with authority to call for the services of the troops shall make such call, the post commander to whom such request shall be addressed will forthwith comply with the same, and report his action immediately to the commander-in-chief or the Adjutant-General by telegraph, to be followed as soon as possible by a full report. When this request, by inadvertence or otherwise, is made of any subordinate officer of the post, he shall immediately order the troops to assemble, and he shall then report to the post commander with such request, and in the enforcement of the civil law all subordinate military officers shall be subject to the orders of the post commander, acting under the orders of the civil authorities.

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1915
SUPPLEMENT

TO THE

REGULATIONS

OF THE

North Carolina National Guard

RALEIGH, N. C.,
SEPT. 1, 1915

RALEIGH
EDWARDS & BROUGHTON PRINTING COMPANY
STATE PRINTERS AND BINDERS
1915

PART I

NORTH CAROLINA STATUTES

ARTICLES OF WAR

NOTE—Reference herein is made to Sections and Paragraphs amended or changed to date. Where no change is made the Regulations of 1907 remain in full force.

SECTION 4865, Chapter 102, Revisal of 1905, page 11, Regulations, is amended by Section 4865, Chapter 47, Acts of 1913, to read as follows:

The Administrative Staff shall consist of an adjutant general with the rank of brigadier general; one chief of quartermaster corps, one chief of ordnance, one inspector general, one surgeon general, one chief of engineers, one judge advocate general, one paymaster general, each with the rank of colonel. The Commander-in-Chief may appoint additional assistants to each of said officers with the rank not higher than that of lieutenant-colonel, if in his judgment it is for the best interest of the service.

SECTION 4867, Chapter 102, Revisal of 1905, page 12, Regulations, is amended by Section 4867, Chapter 47, Acts of 1913, to read as follows:

The Chief of quartermaster corps. First. There shall be one chief of the quartermaster corps, with the rank of colonel, to be appointed by the Commander-in-Chief. The Commander-in-Chief may appoint such assistants to the chief of quartermaster corps as he may deem proper for the best interest of the service. These officers shall be appointed and commissioned by the Governor upon the recommendation of the chief of quartermaster corps, and shall at the time of their appointment be officers in active service in the National Guard of the State, and shall be entitled to the rights and privileges of officers of the National Guard of corresponding rank. The chief of quartermaster corps shall have the necessary clerks and employees, not exceeding four, and as many general service corps men and laborers as may be required from time to time. The clerks and employees shall be appointed and the laborers hired with the approval of the Governor by the chief of quartermaster corps. The chief of quartermaster corps, under the direction of the Commander-in-Chief, shall be, and he is hereby authorized to appoint such laborers as may be neces-

sary from time to time, who shall be known as the general service corps.

Second. The chief of quartermaster corps may require his assistants to give bonds with sufficient surety in not exceeding ten thousand (\$10,000) dollars each to the people of the State, conditioned for the faithful performance of their duties, such bonds to be approved by the Governor and Adjutant General, and filed in the latter's office.

NOTE. Section 4867, by virtue of the provisions of Section 4883, Chapter 47, Acts of 1913, which reads as follows: "The Governor shall have the right and power and IT SHALL BE HIS DUTY from time to time to make such additional orders with regard to the organization, armament, equipment, and discipline of the organized militia as shall at all times cause it to comply with the requirements by law of the United States governing the organized militia of the several States." As will therefore be seen it is the duty of the Governor of North Carolina as Commander-in-Chief of the organized militia of North Carolina, to issue such orders from time to time embodying the orders issued by the War Department governing the organized militia. On August 1, 1913, the Secretary of War, by orders duly issued and published, prescribed the organization of the organized militia of the several states in which the Administrative Staff of the several states was fixed, and the rank of the officers of the Administrative Staff fixed proportionate to the strength of the organized militia of the several states. Following this order of the War Department, known as Circular No. 8, Division of Militia Affairs, War Department, the Governor of North Carolina, as Commander-in-Chief of the organized militia of North Carolina, issued General Orders No. 34, A. G. O., Raleigh, N. C., December 30, 1913. Reference is hereby made to this order, which rescinds and annuls Section 4867, Revisal of 1905, page 12, Regulations. For further reference to the legality of these provisions see case of

Houston v. Moore, 5 Wheat., 51.

It will also be noted that the above order also rescinds and annuls Section 4865, Chapter 47, Acts of 1913, in so far as it affects the organized militia.

SECTION 4869, Chapter 102, Revisal of 1905, page 14, Regulations, is amended by Section 4869, Chapter 47, Acts of 1913, by substituting in line two the word "debarred" for the word "disabled."

SECTION 4877, Chapter 102, Revisal of 1905, page 88, Regulations, is amended by Section 4877, Acts of 1913, as follows:

The third paragraph of said Section is amended by inserting the following instead of the text of said paragraph in the Regulations: "Courts-martial shall have the power to try any officer or enlisted man for any violation of any of the articles of war of the United States, of any Statute of the State of North Carolina regulating the government of the militia, and upon conviction when not in active service, may dishonorably discharge the person so convicted from the service, or may impose a fine not exceeding fifty (\$50) dollars, or may imprison for a period of thirty days the person so convicted, or both, and the commitment of the president of such courts in such cases shall be duly recognized by the sheriff or such county in which the organization is located of which the person so convicted is a member: *Provided*, that this section shall not be construed to be a limitation on the rights of courts-martial when on active service as to the punishment inflicted.

SECTION 4882, Chapter 47, Acts of 1913, under title of Additional Organizations, provides:

The Governor is hereby empowered to organize such additional companies, troops, batteries or other organizations conforming to the regulations of the War Department or laws of the State as he may deem necessary for the efficiency of the active militia.

SECTION 4899, Chapter 102, Revisal of 1905, pages 19 and 20, Regulations, is amended by Section 4998, Acts of 1913, as follows:

There shall be allowed annually to the commander of the brigade of infantry, to each colonel of an infantry regiment, and to the captain of the naval brigade, the sum of two hundred (\$200) dollars, and to the commander of the coast artillery corps the sum of one hundred (\$100) dollars, with which to defray the necessary expenses of their respective offices. There shall be allowed likewise annually to each company of infantry, each company of coast artillery, each battery of field artillery, each troop of cavalry, each division of naval militia, each band of the infantry regiments, each signal corps company, each company of engineers, and of the field hospital corps, which complies with the law and regulations of the State not exceeding in number so many as may be recommended by the War Department of the United States for the organized militia of the several states, to be applied to the payment of necessary current expenses the sum of two hundred and fifty (\$250) dollars, respectively. Each hospital corps or ambulance company shall receive two hundred and fifty (\$250) dollars per annum for like purposes. Every enlisted man shall receive twenty-five (25) cents for each drill participated in

by him at the home station of his organization, not exceeding two drills per month, payments to be made semi-annually upon certificate of the organization commander furnished to the Adjutant-General in such manner as from time to time may be prescribed by the Adjutant-General. The commanding officer of each company of infantry and artillery, and each troop of cavalry and each division of naval militia shall be paid annually the sum of one hundred (\$100) dollars, to be paid in semi-annual installments of fifty (\$50) dollars each. The quartermaster sergeant of each company of infantry and troop of cavalry and company or battery of artillery shall likewise receive the sum of fifty (\$50) dollars each, to be paid in semi-annual installments of twenty-five (\$25) dollars. Company, battery and division commanders shall file with the paymaster-general on the first of December each year an itemized statement of all receipts and disbursements of said funds. All amounts herein authorized shall be paid in semi-annual installments, and no payment shall be made unless all drills and parades required by law are duly performed by all organizations named. All organizations of the land and naval forces shall be located on lines of railroad, steamboat or telegraphic communication. No larger amount shall be paid out annually for the support and maintenance of the guard, including salaries and office expenses, than the sum of fifty thousand (\$50,000) dollars.

SECTION 4900, Chapter 102, Revisal of 1905, page 20, Regulations, is amended by Section 4999, Chapter 47, Acts of 1913, by substituting in line four "chief of quartermaster corps" for "quartermaster general."

SECTION 4904, Chapter 102, Revisal of 1905, page 20, Regulations, is amended by Section 5003, Chapter 47, Acts of 1913, as follows:

Field officers of separate corps and battalions and of corresponding grades in the naval brigade shall be elected by the commissioned officers of the separate corps and naval brigade; and company, battery, troop and naval division officers shall be elected by the enlisted men of such company, battery, troop and naval division at such time and place as may be fixed by the Commander-in-Chief; and such officers shall hold office until vacancies occur, either by promotion, resignation, removal, or death. The regimental staff officers shall be nominated by the permanent commander thereof.

Following Section 4913, Chapter 102, Revisal 1905, page 22, Regulations, insert the following:

SECTION 1, Chapter 103, Acts of 1913. That all active members of the National Guard of North Carolina, who comply with and

perform all duties required of them as members of said National Guard be, and they are hereby exempted from duty upon the public roads of the counties in which they reside, and shall also be exempt from service as jurors.

SECTION 2, Chapter 103, Acts of 1913. That on the first day of January and July of each year, beginning with the first day of July, one thousand nine hundred and thirteen, the commanding officer of each company, troop, battery, or division of the National Guard of North Carolina, residing in the above mentioned counties, shall file with the clerk of the superior court of the county in which said company, troop, battery, or division is located, a statement giving the names and rank of each member of his organization who has performed all military duties required of such member during the preceding six months, and any member of such military organization whose name shall not appear upon said statement shall not receive the benefit of the exemption provided in section one hereof during the six months immediately following the filing of said statement.

SECTION 3, Chapter 103, Acts of 1913. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SECTION 1 of An Act to amend Chapter 103 of the Public Laws of North Carolina, 1913, by adding at the end of Section 3 of said act the following: *Provided*, that no part of this act shall be construed as repealing, abridging or in any way affecting sections four thousand nine hundred and fourteen and four thousand nine hundred and fifteen of the Revisal of 1908.

Immediately following Section 4916, Regulations, insert:

CHAPTER 258, ACTS OF 1915.

AN ACT TO AMEND SECTION 1318 OF THE REVISAL OF 1905.

WHEREAS, the several counties of the State have been making appropriations to the several bodies of the National Guard in the State and doubt has arisen as to their authority to make these appropriations; and

WHEREAS, it is desirable that the Board of County Commissioners of the several counties should have the power to make such appropriations to the various organizations in their respective counties as the Board of County Commissioners may deem wise, therefore

The General Assembly of North Carolina do enact:

SECTION 1. That Section one thousand three hundred and eighteen of the Revisal of one thousand nine hundred and five be and the same is hereby amended by adding as subsection the following:

To appropriate such sums of money to the various organizations of the National Guard in their county and at such times as the Board may deem proper.

ARTICLES OF WAR.

ARTICLE 1.

Section 1342, U. S. Revised Statutes.

Article 72, page 38, Regulations, Repealed, Act of March 2, 1913.
 Article 73, page 38, Regulations, Repealed, Act of March 2, 1913.
 Article 75, page 38, Regulations, Repealed, Act of March 12, 1913.
 Article 80, page 39, Regulations, Repealed, Act of June 18, 1898.
 Article 81, page 40, Regulations, Repealed, Act of March 2, 1913.
 Article 82, page 40, Regulations, Repealed, Act of March 2, 1913.
 Article 83, page 40, Regulations, Repealed, Act of March 2, 1913.
 Article 94, page 42, Regulations, Repealed, Act of March 2, 1901.
 Article 110, page 44, Regulations, Repealed, Act of June 18, 1898.
 Article 123, page 45, Regulations, Repealed, Act of March 8, 1910.

SECTION 1202, REVISED STATUTES.

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.

That whenever, by any of the articles of war for the government of the army the punishment on conviction of any military offense is left to the discretion of the court-martial, the punishment thereof shall not, in time of peace, be in excess of a limit which the President may prescribe.

SECTION 2. That whenever a court-martial shall sit in closed session, the judge advocate shall withdraw, and when his legal advice or assistance in referring to record evidence is required, it shall be obtained in open court.

SECTION 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.

SECTION 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 purpose of the administration of military justice and for other purposes of military administration.

ACT OF MARCH 2, 1901, 31 U. S. REVISED STATUTES, 950.

Insert as follows:

SECTION 3. That the commanding officers authorized to approve the sentences of summary courts and superior authority shall have power to remit or mitigate the same.

SECTION 4. That post and other commanders shall, in time of peace, on the last day of each month, make a report to the department headquarters of the number of cases determined by summary court during the month, setting forth the offenses committed and the penalties awarded, which report shall be filed in the office of the judge advocate of the department and may be destroyed when no longer in use.

SECTION 5. That soldiers sentenced by court-martial to dishonorable discharge and confinement shall, until discharged from such confinement, remain subject to the Articles of War and other laws relating to the administration of military justice.

SECTION 6. That it shall be lawful for any civil officer having authority under the laws of the United States, or of any State or Territory or District to arrest offenders, to summarily arrest a deserter from the military service of the United States and deliver him into the custody of the military authority of the general government.

ACT OF MARCH 2, 1913, 37 REVISED STATUTES, 731.

On and after July first, nineteen hundred and thirteen, courts-martial shall be of three kinds, namely: First, general courts-martial; second, special courts-martial; and third, summary courts-martial.

General courts-martial may consist of any number of officers from five to thirteen, inclusive.

Special courts-martial may consist of any number of officers from three to five, inclusive.

A summary court-martial shall consist of one officer.

The President of the United States, the commanding officer of a territorial division or department, the superintendent of the Military Academy, the commanding officer of an army, a field army,

an army corps, a division, or a separate brigade, and when empowered by the President, the commanding officer of any district or of any force or body of troops, may appoint general courts-martial whenever necessary; but when any such commander is the accuser or prosecutor of the person or persons to be tried the court shall be appointed by superior competent authority, and no officer shall be eligible to sit as a member of such court when he is the accuser or a witness for the prosecution.

The commanding officer of a district, garrison, fort, camp, or other place where troops are on duty, and the commanding officer of a brigade, regiment, detached battalion, or other detached command, may appoint special courts-martial for his command; but such special courts-martial may in any case be appointed by superior authority when by the latter deemed desirable, and no officer shall be eligible to sit as a member of such court when he is the accuser or a witness for the prosecution.

The commanding officer of a garrison, fort, camp, or other place where troops are on duty, and the commanding officer of a regiment, detached battalion, detached company or other detachment may appoint summary courts-martial for his command; but such summary courts-martial may in any case be appointed by superior authority when by the latter deemed desirable: *Provided*, that when but one officer is present he shall be the summary court-martial for that command and shall hear and determine cases brought before him.

General courts-martial shall have power to try any person subject to military law for any crime or offense made punishable by the Articles of War, and any other person who by statute or by the law of war is subject to trial by military tribunals: *Provided*, that no officer shall be brought to trial before a general court-martial appointed by the superintendent of the Military Academy.

Special courts-martial shall have power to try any person subject to military law, except an officer, for any crime or offense not capital, made punishable by the Articles of War: *Provided*, that the President may by regulations, which he may modify from time to time, except from the jurisdiction of special courts-martial any class or classes of persons subject to military law.

Special courts-martial shall have power to adjudge punishment not to exceed confinement at hard labor for six months or forfeiture of six months pay, or both, and in addition thereto reduction to the ranks in cases of non-commissioned officers, and reduction in classification in the cases of first-class privates.

Summary courts-martial shall have power to try any soldier, except one who is holding the privileges of a certificate of eligibility to promotion, for any crime or offense not capital made punishable by the Articles of War: *Provided*, that non-commissioned officers shall not, if they object thereto, be brought to trial before a summary without the authority of the officer competent to bring them to trial before a general court-martial.

Summary courts-martial shall have the power to adjudge punishment not to exceed confinement at hard labor for three months or forfeiture of three months pay, or both, and in addition thereto reduction to the ranks in the cases of non-commissioned officers and reduction in classification in the cases of first-class privates: *Provided*, that when the summary court officer is also the commanding officer no sentence of such summary court-martial adjudging confinement at hard labor or forfeiture of pay, or both, for a period in excess of one month, shall be carried into execution until the same shall have been approved by superior authority.

ARTICLE 2.

Organization.

Paragraph 7, page 55, Regulations, is amended by Field Service Regulations 1914 as follows:

Minimum enlisted strength of

Company of Infantry is 65 enlisted men, composed of 1 first sergeant, 1 company quartermaster sergeant, 4 sergeants, 6 corporals, 2 cooks, 1 artificer, 2 musicians, 48 privates.

Troop of Cavalry is 65 enlisted men, composed of 1 first sergeant, 1 troop quartermaster sergeant, 6 sergeants, 6 corporals, 2 cooks, 1 farrier, 1 horseshoer, 1 saddler, 1 wagoner, 2 trumpeters, 43 privates.

Company of Coast Artillery is 65 to 70 enlisted men, composed of 1 first sergeant, 1 quartermaster sergeant, 4 sergeants, 6 corporals, 2 cooks, 2 mechanics, 2 musicians, 47 to 52 privates.

Battery of Light Artillery is 133 enlisted men, composed of 2 scout corporals, signal detail—1 corporal, 2 privates, mounted; 1 first sergeant, 1 quartermaster sergeant, 1 stable sergeant, 1 chief mechanic, 4 mechanics, 2 musicians, 3 cooks, 6 sergeants, 4 corporal gunners, 6 caisson corporals, 42 drivers, and 57 cannoners, making total of 99 privates.

NOTE. A company of engineers is not authorized. The two units authorized are (1) Pioneer Battalion of Engineers; (2) Pontoon Battalion of Engineers. See pages 16 and 17, Tables of Organization, Organized Militia, 1914.

Signal Corps Field Company, minimum strength 75, composed of 2 master signal electricians, 7 first-class sergeants, 10 sergeants, 17 corporals, 2 cooks, 24 first-class privates, 13 privates. This organization is divided into four Wire Sections and two Radio Sections.

Sanitary Troops. Sanitary train composed of 4 ambulance companies, 3 field hospitals, 1 medical reserve, 17 sergeants, 49 sergeants or corporals, 83 first-class privates, 133 privates. Total 275.

Ambulance Company. Two sergeants first-class, 7 sergeants or corporals, 1 acting cook, 11 first-class privates, 22 privates. Total 43.

Field Hospital. Three sergeants, first-class; 6 sergeants or corporals, 1 acting cook, 8 first-class privates, 15 privates. Total, 33.

Regimental Infirmary. One sergeant, first-class; 3 sergeants or corporals, 4 first-class privates, 8 privates. Total 16.

NOTE. See page 20, Tables of Organization, organized Militia, 1914.

THE DIVISION.

Paragraph 17, page 59, Regulations, amended by the following, commencing line seven (7) of said section:

INFANTRY DIVISION.

3 Captains	Aides.
1 Colonel	Chief of staff.
1 Major	Assistant chief of staff.
1 Captain	Assistant chief of staff.
1 Major	Adjutant.
1 Lieutenant Colonel	Inspector.
1 Major	Inspector.
1 Major	Judge advocate
1 Lieutenant Colonel	Quartermaster.
1 Captain	Quartermaster.
1 Lieutenant Colonel	Surgeon.
2 Majors	Surgeons.

ARTICLE 5.

Paragraph 30, page 62, Regulations, amended as follows:

1. Lieutenant General.
2. Major General.
3. Brigadier General.
4. Colonel.
5. Lieutenant Colonel.
6. Major.

7. Captain.
8. First Lieutenant.
9. Second Lieutenant.
10. Veterinarian, Cavalry and Field Artillery, Pay Clerk, Quartermaster Corps.
11. Cadét.
12. (a) Sergeant Major, regimental; Sergeant Major, senior grade, Coast Artillery Corps. (b) Master Electrician, Quartermaster Corps, Master Electrician, Coast Artillery Corps; Master Signal Electrician, Chief Musician. (c) Engineer, Coast Artillery Corps.
13. (a) Ordnance Sergeant, Quartermaster Sergeant, Quartermaster Corps; Sergeant, first-class, Hospital Corps; Electrician Sergeant, first-class, Coast Artillery Corps; Electrician Sergeant, artillery detachment, United States Military Academy. (b) Sergeant, first-class, Quartermaster Corps; First Class Signal Sergeant.
14. Quartermaster Sergeant and Commissary Sergeant, regimental; Electrician Sergeant, second-class, Coast Artillery Corps; Electrician Sergeant, second-class, artillery detachment, United States Military Academy; Master Gunner, Coast Artillery Corps.
15. Sergeant Major, squadron and battalion; Sergeant Major, junior grade, Coast Artillery Corps; Color Sergeant; Battalion Quartermaster Sergeant, Engineers and Field Artillery.
16. (a) First Sergeant; Drum Major. (b) Principal Musician; Band Sergeant and Assistant Leader U. S. Military Band; Chief Trumpeter; Fireman, Coast Artillery Corps.
17. Sergeant; Quartermaster Sergeant, company; Stable Sergeant.
18. Corporal.

In each grade and sub-grade date of commission, appointment or warrant, determines the order of precedence.

ARTICLE 10.

Post Non-commissioned Staff.

Paragraph 95, page 71, Regulations, is amended so as to read as follows:

The Post Non-commissioned staff consists of Ordnance Sergeants and of Quartermaster Sergeants, Quartermaster Corps. They are appointed by the Secretary of War after due examination, etc.

ARTICLE 11.

Paragraph 104, page 72, Regulations, is changed. See Enlistment blanks now furnished by the Adjutant General to the several organizations of the National Guard.

ARTICLE 19.

Paragraphs 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 173, and 174, pages 83, 84, and 85, Regulations, have been rescinded and repealed. See General Orders, No. 39, A. G. O., Raleigh, N. C., December 5, 1914.

NOTE. By an error of the printer this order was printed "Special Orders, No. 39," instead of "General Orders, No. 39." This order is herein specially referred to and should be attached to this Supplement by all officers.

ARTICLE 24.

Procedure of Military Courts and Boards.

The only courts now authorized by the United States Army Regulations, and therefore now authorized by the State of North Carolina, are (1) General Courts-martial, (2) Special Courts-martial, (3) Summary Courts, (4) Courts of Inquiry.

ARTICLE 26.

Correspondence and Record Keeping.

Paragraphs 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, and 306, pages 103 to 117, Regulations, are rescinded by General Orders, No. 29, A. G. O., Raleigh, N. C., August 4, 1914, embodying General Orders, No. 23, War Department, Washington, D. C., August 5, 1912, as follows:

STATE OF NORTH CAROLINA
ADJUTANT GENERAL'S DEPARTMENT
RALEIGH

GENERAL ORDERS.

No. 29.

August 4, 1914.

1. The provisions of General Orders, No. 15, A. G. O., N. C. series of 1912, relating to the method of writing letters and endorsements prescribed in General Orders, No. 23, War Department, dated August 5, 1912, are not being carried out by some of the officers of the Organized Militia of this State.

2. For the purpose of again calling attention to the Regulations made effective by the order above referred to the text of the

order is printed herein. All officers are hereby directed to comply with the provisions of the same.

By order of the Commander-in-Chief:

LAURENCE W. YOUNG,
The Adjutant General.

WAR DEPARTMENT, WASHINGTON.

GENERAL ORDERS,
No. 23.

August 5, 1912.

The method of writing letters and indorsements prescribed herein will be used hereafter in all official correspondence in the service of the War Department and the Army and with bureaus of executive departments. This order will be effective within the continental limits of the United States, Porto Rico, Panama, and Hawaii Territory on September 1, 1912, and in Alaska and the Philippine Islands on October 1, 1912.

1. *Heading, subject, and number of letter.*—The letter will begin with the place and date, written as at present; below this, beginning at the left margin, will come the word "From," followed by the official designation of the writer, or in the absence of any official designation, the name of the writer with his rank and regiment, corps, or department; below this, also beginning at the left margin, will come the word "To," followed by the official designation or name of the person addressed. Next will come on the subject of the communication, indicated as briefly as possible and in not to exceed 10 words. The words "From," "To," and "Subject" will begin on the same vertical line. The sending office number of the communication will appear in the upper left-hand corner.

Example.

176.

HQ. EASTERN DIVISION,
Governors Island, N. Y., May 25, 1911.

From: The Adjutant General.

To: Captain John A. Smith, 1st Inf.

(Through C. O., Madison Barracks, N. Y.)

Subject: Delay in submitting reports.

The Division Commander directs that you submit without further delay the reports of your recent inspection of the Organized Militia of the State of New York, and that you submit an explanation of your failure to comply with Par. 6, S. O. 25, c. s., these headquarters.

J. R. HENRY.

In case of letter paper, the upper third, and in the case of foolscap, the upper fourth of the sheet, will be devoted solely to the matter described in this paragraph. (See Par. 7.)

2. *Body*.—Then will come the body of the letter, which, when typewritten, will be written single-spaced, with a double space between paragraphs, which will be numbered consecutively.

3. *Signature*.—The body of the letter will be followed by the signature. If the rank and the regiment, corps, or department of the writer appear at the beginning of the letter, they will not appear after his name; but if they do not appear at the beginning of the letter, they will follow under his name as at present. For example:

200.

COMPANY A, 24TH INFANTRY,
Madison Barracks, N. Y., Jan. 3, 1911.

From: Commanding Officer, Co. A, 24th Inf.
To: The Commanding Officer.
Subject: Pvt. Smith's case.

The case of Pvt. Smith has been investigated and charges have been preferred under the 62 A. W.

ROBERT JONES,
1st Lt., 24th Inf.

MADISON BARRACKS, N. Y.,
Jan. 10, 1911.

From: Capt. John A. Smith, 24th Inf.
To: the Adjutant General, U. S. A.
Subject: Leave of absence.

I have this day taken advantage of the leave granted me by Par. 1, S. O. 1, Hq. D. E., 1911. My address will be c/o Army and Navy Club, 107 West 43d St., N. Y.

JOHN A. SMITH.

4. *Omission of ceremonial forms*.—All ceremonial forms at the beginning and end of letters, such as "Sir," "I have the honor," "I would respectfully," "Very respectfully," etc., will be omitted.

5. *Use of only one side of sheet*.—Only one side of the paper will be used, the writing beginning about one inch from the top.

6. *Office marks*.—The stamps bearing office numbers will be placed on the back of the lower fold of the first sheet. The received and received-back stamps will be placed immediately below the body of the letter, and, in the case of indorsements, immediately after the proper indorsement. When a communication of two or more sheets is filed, the back of the lower fold of the first sheet will be on the outside, thus exposing to view the office numbers.

7. *Brief.*—The matter described in paragraph 1 of this order will constitute the brief of the letter.

8. *Folding.*—Letter paper will be folded in three, and foolscap in four, equal folds, parallel with the writing; the top fold will be folded toward the back of the letter and the lower fold over the face of the letter. In three-fold letters both the brief and the office mark will be on the outside. In three-fold letters of more than one sheet the two lower folds of the sheets other than the first will be placed between the first and second folds of the first sheet, thus exposing to view both the brief and the office mark. In four-fold letters, whether of one or more sheets, the brief will be exposed to view by covering the office mark fold, or the office mark be exposed to view by covering the brief, according as it is desired to keep either the one or the other exposed to view for the purpose in hand.

9. *Inclosures.*—All inclosures will be numbered and will be given the proper office marks. Inclosures to the original communication will be noted on the face of the letter to the left of the signature. If others are added when an indorsement is made, their number will be noted at the foot of the indorsement to which they pertain and also on the back of the lower fold of the first sheet of the original communication. To the latter notation will be added the number of the indorsement to which they belong, thus "One inclosure—fifth indorsement." Inclosures to indorsements are numbered in the same series as those to the original paper and the number of the indorsement to which they belong is added below. If few in number and not bulky, inclosures may be kept inside the original paper; otherwise they will be folded together in a wrapper marked "Inclosures." Officers through whose hands official papers pass will make the inclosures secure when they are not so.

10. *General.*—A letter originating outside the military service will, if a brief on it is needed, be briefed in the manner explained in paragraph 1 of this order at the first office in which received and entered. A slip of paper of the proper length and width will be pasted for this purpose along the upper edge of the first page of the letter.

INDORSEMENTS.

11. *Form.*—The writing width of indorsements will be the same as that of letters. The first indorsement will begin about one-half inch below the rank after the signature of the writer of the letter, and succeeding indorsements will follow one another serially, with a space of about one-half inch between indorsements.

The serial number of the indorsement, the place, the date, and to whom written, will be written as shown in the example (pages 6 and 7).

When typewritten, indorsements will be written single-spaced with a double space between paragraphs. The paragraphs will be numbered consecutively.

12. *Additional sheets.*—Should one or more additional sheets be necessary for indorsements, sheets of the same size as the letter will be used.

13. *“Respectfully referred,” etc., to be omitted.*—In referring, transmitting, forwarding and returning papers, the expressions “Respectfully referred,” “Respectfully transmitted,” “Respectfully forwarded,” and “Respectfully returned,” will be omitted.

14. *Routine indorsements to be signed with initials.*—Indorsements of a routine nature, referring, transmitting, forwarding, and returning papers, will not be signed with the full name, but with the initials. For example:

1st Ind.

Hq. 24 Inf., Madison Bks., N. Y., Jan. 1, 1911—To C. O., Co. C,
24 Inf.

To note and return. M. A. R.

2nd Ind.

Co. C, 24 Inf., Madison Bks., N. Y., Jan. 2, 1911—To the Com-
manding Officer.

Returned. Contents noted. I. K. S.

Nothing in this order shall be construed as prohibiting the practice that obtains at present at division, department, and other headquarters of referring, transmitting, forwarding, and returning papers to the various staff officers thereat without signature or initials.

LETTERS OF INDORSEMENTS.

15. *Numbering of pages.*—The pages, beginning with the first, will be numbered midway about one-half inch from the bottom. In referring to an indorsement by number the number of the page will also be given. Thus: “5th Ind., page 3.”

16. *Carbon copies.*—All letters and indorsements that are typewritten, excepting letters of transmittal, reports of taking leave

of absence, periodical reports, and other communications of a similar nature, will be made with two carbon copies; one copy will be retained for the records of the office in which the letter was written, and the other will be forwarded with the communication for the files of the first office in which a complete copy of the communication is required for the records, but such forwarded copy will not be regarded as an inclosure within the meaning of paragraph 9, of this order. The carbon copy retained for the office record will be initialed by the person responsible for the letter, and such person is charged with the duty of seeing that the name of the official who signs the letter and any changes made before signature are inserted in the carbon. When a complete copy of a communication is not required for the records of an intermediate office the carbon copy will be forwarded to the next office. In offices authorized to use the record system prescribed in General Orders, No. 92, War Department, 1909 (see G. O., 216, War Department, 1909), the carbon copies will be made on sheets of perforated paper, furnished by the Quartermaster's Department, with perforated sections the same width as the standard record file cards; the sheets will be torn along the perforations and the sections attached to the record file cards. In other offices, the carbon copies will be made on ordinary paper and the retained copy filed in the document file. The provisions of this paragraph apply only to communications addressed to individuals and offices within the military service.

17. *Press copies.*—Hereafter press copies will not be used except by written authority of the Secretary of War.

18. *Communications written prior to the receipt of this order* are not subject to its provisions when in the future they are received or transmitted by any office or individual.

19. *Printed and multigraph forms.*—Nothing in this order is intended to prohibit the use of printed or multigraph forms of letters and indorsements in offices now using such forms, provided the forms conform to the general principles of this order. The back of the first sheet of such forms, except the fold containing office marks, may be used for indorsements.

20. *Channels of communication.*—All classes of official communications heretofore addressed to adjutants or to adjutants general other than The Adjutant General of the Army will in the future be addressed to the commanding officer concerned.

21. *Points not touched upon in this order* will be governed by the present regulations on the subject of correspondence.

22. *Example.*—The following example will be used as a guide in carrying out the instructions contained in this order:

FORT RILEY, KANSAS,
October 27, 1910.

From: The Ordnance Officer.
To: The Commanding Officer, 7th Cav.
Subject: New system of issuing ordnance stores.

1. In compliance with instructions contained in a letter from The Adjutant General's Office, dated November 27, 1909, regarding the testing of a new system of issuing ordnance stores, the following report concerning the working of this system is submitted.

2. As far as I have been able to observe, the new system has no disadvantages. Its advantages are:

* * * * *

A..... B.....,
1st Lt. 7th Cav.

1st Ind.

Hq. 7th Cav., Ft. Riley, Kans., Oct. 29, 1910—To the C. O., Ft. Riley, Kans.

I concur in the conclusions of the Ordnance Officer.

C..... D.....,
Major, 7th Cav., Comdg.

2d Ind.

Hq. Ft. Riley, Kans., Nov. 1, 1910—To Comdg. Gen. Dept. of the Mo.

Approved.

E..... F.....
Brig. Gen. Comdg.

(Stamp) To Chief Ordnance Officer.

3d Ind.

Hq. Dept. of the Mo., Nov. 2, 1910—To The Adj. Gen., U. S. A.

Approved.

G..... H.....,
Brig. Gen., Comdg.

4th Ind.

A. G. O., Nov. 5, 1910—To the C. of O.

10th Ind.

(Stamped
indorsement.)

A. G. O. D. D.

Nov. 25, 1910.

To the Chief Ordnance Officer.

[1930959, A. G. O.]

By order of the Secretary of War:

LEONARD WOOD,

Major General, Chief of Staff.

Official:

HENRY P. McCAIN,

Adjutant General.

PUBLIC PROPERTY.

ARTICLE 27.

In reading Article 27, pages 127, etc., read "Quartermaster Corps," instead of "Quartermaster General," whenever used.

ARTICLE 31.

In reading Article 31, pages 129 to 131, read "Quartermaster Corps," instead of "Quartermaster General," whenever used.

ARTICLE 32.

In reading Article 32, page 131, read "Quartermaster Corps," instead of "Quartermaster General," whenever used.

ARTICLE 34.

In reading Article 34, pages 134 to 136, inclusive, read "Quartermaster Corps" for "Quartermaster General," whenever used.

ARTICLE 35.

In reading Article 35, pages 136 to 140, inclusive, read "Quartermaster Corps" for "Quartermaster General," and also for "Commissary General," whenever used.

ARTICLE 37.

In reading Article 37, pages 141 and 142, inclusive, read "Quartermaster Corps" for "Quartermaster General," whenever used.

By order of the Commander-in-Chief:

LAURENCE W. YOUNG,

The Adjutant General.

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