

# MAINE STATE LEGISLATURE

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SEVENTY-FIFTH LEGISLATURE

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HOUSE

NO. 165

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*House of Representatives, Feb. 10, 1911.*

*Introduced by Mr. Hogan of Portland, who moved its reference to the committee on Military Affairs. By him tabled for printing pending reference to a committee.*

*C. C. HARVEY, Clerk.*

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STATE OF MAINE

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND ELEVEN.

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AN ACT to amend Chapter two hundred and six of the Public  
Laws of 1909 entitled An Act to consolidate and revise the  
Military Laws of the State of Maine.

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*Be it enacted by the People of the State of Maine, as follows:*

Section 1. Amend Section 2 of Chapter 206 of the Public  
2 Laws of 1909 by striking out in the fifth line thereof the  
3 words "biennially in April", and inserting in place thereof  
4 the words 'whenever the governor may deem necessary'  
5 and by striking out in the sixteenth line thereof the words  
6 "on or before the first day of May of the year when made"  
7 and inserting in place thereof the word 'forthwith' and by  
8 striking out in the seventeenth line thereof the words "on  
9 or before the tenth day of said May" and inserting in the

10 place thereof the words 'within ten days' and by striking out  
11 in the nineteenth and twentieth lines thereof the words "na-  
12 tional guard" and inserting in place thereof the words  
13 'active militia', so that said section as amended shall read as  
14 follows:

'Sect. 2. All male citizens who are more than eighteen and  
2 less than forty-five years of age, excepting idiots, lunatics,  
3 paupers, vagabonds, habitual drunkards, and persons con-  
4 victed of infamous crimes, and who are resident in this  
5 State, shall, whenever the governor may deem necessary, be  
6 enrolled by the assessors in the several cities, towns and  
7 plantations in which they reside, in such manner and accord-  
8 ing to such regulations as the governor shall prescribe. On  
9 such enrollment and opposite the name of each person who  
10 is exempt from duty under section one, or who is serving in  
11 the active militia, or who is unable by reason of physical  
12 disability to perform military duty, the assessors shall write  
13 the word "exempt" and state in each case the cause of ex-  
14 emption. The assessors shall subscribe said list and make  
15 oath that the same is true to the best of their knowledge and  
16 belief; and shall file the same with the clerk of the city,  
17 town or plantation forthwith; and each clerk shall, within  
18 ten days, make a certified statement of the total number en-  
19 rolled, the number marked exempt, the number belonging to  
20 the active militia and the number marked disabled, and for-  
21 ward the same to the office of the adjutant general.

Sect. 2. Amend Section 8 of Chapter 206 of the Public  
2 Laws of 1909 by striking out all of said section after the

3 word "appointment" in the fifteenth and sixteenth lines  
4 thereof and inserting in place thereof the following:

5 'All officers of the staff of the commander-in-chief except-  
6 ing the senior officer on duty in each of the staff departments  
7 shall be appointed and commissioned by the governor and  
8 shall hold office during his pleasure and until their suc-  
9 cessors are appointed and qualified', so that said section as  
10 amended shall read as follows:

11 'Sect. 8. The staff of the commander-in-chief shall con-  
12 sist of the adjutant general who shall be ex-officio chief of  
13 staff, quartermaster general, and paymaster general, with  
14 rank of brigadier general, an inspector general with rank of  
15 colonel, a judge advocate, with rank of lieutenant colonel,  
16 the senior officer on duty with each of the staff departments,  
17 and four aides-de-camp, with the rank of major and one  
18 naval aide with rank of lieutenant commander. All officers,  
19 except as otherwise provided in this chapter, and except the  
20 aides herein provided, must be at the time of their appoint-  
21 ment, commissioned officers in the active militia, on the act-  
22 tive or retired list of or above the grade of captain, but no  
23 officers shall be appointed from the retired list who shall  
24 have had less than eight years of service in the active militia,  
25 the last year of which shall have been within ten years im-  
mediately preceding the appointment.

26 'All officers of the staff of the commander-in-chief except-  
27 ing the senior officer on duty in each of the staff departments  
28 shall be appointed and commissioned by the governor and

26 shall hold office during his pleasure and until their suc-  
27 cessors are appointed and qualified.'

Sect. 3. Amend Section 20 of Chapter 206 of the Public  
2 Laws of 1909 by inserting after the word "otherwise" in  
3 the twenty-seventh line thereof the words 'whenever ordered  
4 by the governor' and by striking out in the twenty-eighth  
5 line thereof the word "annual", so that said section as  
6 amended shall read as follows:

'Sect. 20. The senior officer on duty in the ordnance de-  
8 partment shall have the rank of lieutenant colonel and shall  
9 from time to time submit to the adjutant general requisitions  
10 for all ordnance property, equipment, and accoutrements and  
11 all range and target material, which requisitions when ap-  
12 proved by the adjutant general, and submitted to and signed  
13 by the governor shall if they be for material issued to the  
14 State by the ordnance department be forwarded to that de-  
15 partment for supply, and if they be for material not so is-  
16 sued, then by direction of the adjutant general and in the  
17 manner prescribed in section twenty-seven, the senior ord-  
18 nance officer shall purchase and direct the issue of such  
19 ordnance property and range material, certify all bills there-  
20 for as correct, and transmit them to the adjutant general.

'He shall, when required or whenever he deems it neces-  
22 sary, report to the adjutant general upon the condition of  
23 the ordnance, arms and accoutrements on hand or issued to  
24 the national guard; he shall point out all deficiencies and,  
25 so far as he is vested with authority, he shall be responsible

26 that all organizations are armed and equipped as prescribed  
27 or as may hereafter be prescribed by the war department.

‘He shall be the inspector of and shall exercise general  
29 supervision over the small-arms practice of the national  
30 guard. No target range or shooting gallery for the na-  
31 tional guard shall be acquired, constructed, maintained or  
32 equipped, except upon his recommendation, unless the gov-  
33 ernor shall expressly order otherwise. Whenever ordered  
34 by the governor it shall be his duty to make or cause to be  
35 made by the regimental inspectors of small-arms practice  
36 an inspection of all target ranges and shooting galleries  
37 used by the national guard, to submit a report to the adju-  
38 tant general of the condition and necessities of each; and to  
39 make a detailed report of the transactions of his office to the  
40 adjutant general on the fifteenth day of December annually.

Sect. 4. Amend Section 38 of Chapter 206 of the Public  
2 Laws of 1909 by striking out all of said section and sub-  
3 stituting therefor the following:

‘Sect. 38. For the purpose of securing competent medi-  
5 cal practitioners to conduct the physical examination of ap-  
6 plicants for enlistment and to render medical service to any  
7 organization when so ordered by the commander-in-chief,  
8 the governor is authorized to issue commissions as first  
9 lieutenants of the medical reserve corps to such active  
10 licensed practitioners of medicine and surgery in this State  
11 as shall be favorably recommended by the senior officer of  
12 the medical corps, not to exceed one for each company or

13 other organization so situated that the services of an officer  
14 of the medical corps cannot be effectively available. Such  
15 officers are not entitled to retirement, but the commission so  
16 given shall confer upon the holders all the authority, rights  
17 and privileges of commissioned officers of like grade in the  
18 medical corps of the national guard, except promotions, but  
19 only when engaged in active duty in examining recruits or  
20 under orders from the commander-in-chief. They shall  
21 have rank in said corps according to the date of their com-  
22 missions therein, and when employed on active duty shall  
23 rank next below all officers of like grade in the active  
24 militia ; provided that any officer of the medical reserve corps  
25 who fails to perform his duty as herein prescribed shall for-  
26 feit his commission and not be eligible to re-appointment.

‘Officers of the medical reserve corps when called into or  
28 engaged in active duty shall be subject to all the laws, regu-  
29 lation, and orders for the government of the active militia ;  
30 and for conducting the physical examination of applicants  
31 for enlistment shall be entitled to such compensation as the  
32 governor in regulations may prescribe, and for all other ser-  
33 vices to the pay of first lieutenants of the medical corps.’

Sect. 5. Amend Section 52 of Chapter 206 of the Pub-  
2 lic Laws of 1909 by striking out in the twelfth, thirteenth,  
3 fourteenth, fifteenth and sixteenth lines thereof the words  
4 “nor shall it, upon the expiration of his present commission,  
5 prevent the re-election or re-appointment of any officer to  
6 the office he now holds for the same period of time and un-

7 der the same conditions as obtained heretofore and up to the  
8 passage of this act”, so that said section as amended shall  
9 read as follows :

‘Sect. 52. No person shall be elected, appointed or com-  
11 missioned to any of the following grades, who is over the  
12 age limit prescribed for each of the several grades, namely :  
13 Brigadier general, sixty-four years ; colonel and lieutenant  
14 colonel, sixty-one years ; major, fifty-six years ; captain,  
15 fifty years ; first lieutenant, forty-five years ; and second  
16 lieutenant, forty years. Any officer who shall, while serv-  
17 ing in any of the above grades, reach the age limit prescribed  
18 for said grade, shall, if eligible, be retired ; otherwise, hon-  
19 orably discharged. This section shall not apply to the adju-  
20 tant general of the State of Maine, and shall not serve to  
21 vacate any commission now in force ; nor shall it apply to  
22 chaplains of the national guard.’

Sect. 6. Amend Section 53 of Chapter 206 of the Pub-  
2 lic Laws of 1909 by adding thereto the words, ‘This section  
3 shall not apply to the adjutant general of the State of  
4 Maine’, so that said section as amended shall read as fol-  
5 lows :

‘Sect. 53. No officer of the active militia shall be per-  
7 mitted to serve in any of the following grades for a greater  
8 period than that prescribed for each of the several grades,  
9 namely : Brigadier General, five years ; colonel, six years ;  
10 lieutenant colonel, seven years ; major, eight years ; captain,  
11 nine years ; first lieutenant, ten years, and second lieutenant,



12 ten years. But should any officer be re-elected or re-ap-  
13 pointed to the office he now holds, the time limit of service  
14 in that grade shall be reckoned from the date of the ap-  
15 proval or passage of this act. When an officer shall have  
16 served the prescribed time in any one grade he shall be  
17 placed on the retired list. This section shall not apply to  
18 the adjutant general of the State of Maine.'

Sect. 7. Amend Section 54 of Chapter 206 of the Public  
2 Laws of 1909 by striking out all of said section and sub-  
3 stituting therefor the following:

'Sect. 54. Vacancies occurring in the various grades, ex-  
5 cepting the lowest, of the several staff departments and  
6 corps shall be filled by promoting and appointing the senior  
7 officer in the next lower grade of said department or corps.  
8 Vacancies occurring in the lowest grade thereof shall be  
9 filled in the following manner:

'In the medical department appointments shall be made by  
11 the governor upon the recommendation of a board of exami-  
12 nation consisting of three officers of the medical corps. Such  
13 boards of examination shall be convened by general orders  
14 from the adjutant general's office, which orders shall indi-  
15 cate the number of vacancies to be filled, and any active  
16 licensed practitioner of medicine and surgery in this State  
17 and who is physically sound shall be permitted to appear  
18 for examination.

'In the ordnance and subsistence departments any vacancy

20 shall be filled by the appointment thereto of any commis-  
21 sioned officer in the active militia on the active or retired  
22 list but if from the active list of at least five years' service,  
23 two of which shall have been as a commissioned officer, and  
24 if from the retired list that the last year of service on the  
25 active list shall have been within eight years immediately  
26 preceding the appointment.

'Commanding officers of brigades, regiments and separate  
28 battalions shall appoint their respective staff officers subject  
29 to the provisions of sections forty-seven, forty-eight, fifty-  
30 seven and fifty-eight of this act, who shall hold office during  
31 the pleasure of the officer making the appointment and until  
32 their successors are appointed and qualified, subject at all  
33 times to the same laws and regulations as apply to other  
34 commissioned officers of the national guard.

'Battalion staff officers are appointed by the regimental  
36 commanders upon recommendation of the battalion com-  
37 mander.'

Sect. 8. Amend Section 62 of Chapter 206 of the Public  
2 Laws of 1909 by striking out all of said section after the  
3 word "duty" in the thirty-second line thereof, so that said  
4 section as amended shall read as follows:

'Sect. 62. Any officer who is sixty-four years old, or who  
6 is found incapacitated for service by reason of physical dis-  
7 ability under the provisions of section fifty-eight, or who  
8 hereafter shall serve in any one grade the time limit as pre-  
9 scribed in section fifty-three, or who shall while serving in

10 any grade reach the age limit prescribed for that grade in  
11 section fifty-two and be eligible for retirement due to length  
12 of service or other cause specified in this section, shall be  
13 withdrawn from the active service and placed on the retired  
14 list.

‘Any officer who has served twenty-five years as a com-  
16 missioned officer in the active militia of this State, or who is  
17 sixty years old, may be, by order of the commander-in-  
18 chief, withdrawn from the active service and placed on the  
19 retired list.

‘Any officer who has served as a commissioned officer in  
21 the active militia of this State six consecutive years, or as  
22 such nine years not necessarily consecutive, or nine years  
23 either as an officer or soldier in which shall be counted hon-  
24 est and faithful service in the military or naval service of  
25 the United States, or both, provided six years of which have  
26 been service as a commissioned officer in the active militia  
27 of the State, shall, if he make application, be placed on the  
28 retired list with the highest rank held by him during his  
29 service.

‘Any officer who has served as a commissioned officer in  
31 the active militia of this State for a continuous period of  
32 fifteen years; honorable service in war, to be counted double,  
33 may at his own request be placed upon the retired list with  
34 one grade higher rank than that held at the time of his  
35 retirement.

‘Retired officers shall be entitled to wear the uniform of

37 the rank with which they were retired; they shall continue  
38 to be borne on the national guard register, shall be subject  
39 to military law, and may, in the discretion of the governor,  
40 be assigned to active duty.'

Sect. 9. Amend Section 66 of Chapter 206 of the Public  
2 Laws of 1909 by striking out in lines four and five the words  
3 "except that men may be enlisted as musicians if more than  
4 sixteen years of age", so that said section as amended shall  
5 read as follows:

'Sect. 66. Recruits enlisting in the active militia must be  
7 able-bodied men, free from disease, of good character and  
8 temperate habits, between the ages of eighteen and forty-  
9 five years; and in time of peace no person who is not a citi-  
10 zen of the United States and of this State, or who has not  
11 made legal declaration of his intention to become a citizen  
12 or who cannot speak, read, and write the English language  
13 or who does not reside within a town where an organization  
14 of the active militia is stationed, or within a radius of twelve  
15 miles, shall be enlisted in the active militia; provided that  
16 the character and the standard of the physical examination  
17 required for enlistment in the national guard shall be as  
18 prescribed in the regulations of the war department and the  
19 laws of the United States for the government of the or-  
20 ganized militia, and provided that no person under the age  
21 of twenty-one years, having parent or guardian entitled to  
22 his custody shall be enlisted or mustered into the active  
23 militia of the State without the written consent of such  
24 parent or guardian.

'No person not of the age specified above, no insane or in-  
26 toxicated person, no deserter from the military or naval ser-  
27 vice of the United States or of this or any other State, and  
28 no person who has been convicted of a felony shall be en-  
29 enlisted in the active militia.

'Hereafter all enlistments in the active militia shall be for  
31 a term of not less than three years, and no person shall  
32 again be enlisted whose service during the last enlistment  
33 in the active militia was not honest and faithful, or who has  
34 been dishonorably discharged or discharged without honor  
35 from any military or naval organization of the State or of  
36 the United States, unless he produces the written consent to  
37 such enlistment of the commanding officer of the organiza-  
38 tion in which he last served or from which he was dishon-  
39 orably discharged or discharged without honor and unless  
40 such enlistment be approved by the adjutant general.

'Men who have been discharged by reason of disbandment  
42 may be enlisted and shall then receive credit for the period  
43 served at the time of disbandment; and a man discharged  
44 for physical disability shall if such disability cease and he  
45 again enlists, receive credit for the period served prior to  
46 such discharge.

'Chief and principal musicians, musicians, and privates of  
48 the hospital corps may be enlisted as such.'

Sect. 10. Amend Section 75 of Chapter 206 of the Public  
2 Laws of 1909 by inserting after the word "regiment" in the  
3 third line thereof the words 'or corps', so that said section  
4 as amended shall read as follows:

‘Sect. 75. The commander-in-chief may in his discretion  
6 at such times and under such regulations as he may pre-  
7 scribe order each colonel commanding a regiment or corps,  
8 or, in case of his disability or when designated by him, of  
9 the lieutenant colonel, and each major commanding a battal-  
10 ion, to parade, inspect, and report upon the general military  
11 efficiency of the several companies under his command at  
12 least once each year. In addition to the inspections pro-  
13 vided for in this Section, the inspector general shall make  
14 the inspection prescribed in Section nineteen of this Chap-  
15 ter; and the commander-in-chief may, whenever he deems  
16 it necessary, order an inspection by a medical officer of the  
17 officers and men, armories, clothes and equipments of the  
18 active militia.’

Sect. 11. Amend Section 84 of Chapter 206 of the Pub-  
2 lic Laws of 1909 by striking out all of said Section and  
3 substituting the following in place thereof:

‘Sect. 84. Whenever in his opinion the state of the  
5 military fund and the appropriation to defray the current  
6 expenses of the naval reserve will warrant the expenditure  
7 the commander-in-chief is authorized to allow officers and  
8 enlisted men of the active militia reasonable compensation  
9 for attendance at drills under such regulations as he shall  
10 prescribe, such regulations to be prepared for his con-  
11 sideration by a special board consisting of the adjutant  
12 general, the commanding officer of the coast artillery corps,  
13 the commanding officer of the second infantry and the com-  
14 manding officer of the ship’s company naval reserve.’

Sect. 12. Amend Section 86 of Chapter 206 of the Public Laws of 1909 by inserting after the word "commander" in the ninth line thereof the words 'or other officer who in the opinion of the adjutant general is entitled to such remuneration,' so that said Section as amended shall read as follows:

'Sect. 86. In addition to all other pay and allowances herein provided, there shall be allowed, subject to such regulations as the commander-in-chief may prescribe, to an adjutant general on the staff of a brigade commander, to a regimental adjutant, to the senior officer of the medical department, to the senior officer of the ordnance department, each, a sum not exceeding one hundred dollars per annum. To the senior officer of the subsistence department, not exceeding fifty dollars per annum. To each company commander or other officer who in the opinion of the adjutant general is entitled to such remuneration, for care and responsibility of military property, not exceeding fifty dollars per annum; to each company clerk, and to each company quartermaster sergeant, not exceeding twenty-five dollars per annum.'

'To all officers ordered to make inspection or other journeys necessary in the military service, there shall be allowed all actual and necessary expenses incident to the performance of said service, including such incidental expenditures as are allowed by law and regulations to officers of the regular army when inspecting the organized militia.

‘Whenever deemed necessary, the adjutant general may  
29 authorize the computation of rations for enlisted men,  
30 which shall be at the rates fixed by the regulations of the  
31 United States in force at the time.

‘The adjutant general whenever necessary, and in such  
33 manner as he may deem best, shall provide suitable mounts  
34 for all officers and enlisted men required to perform mount-  
35 ed duty. He shall also approve all other just and reason-  
36 able claims, payments, and expenditures, legally made in  
37 behalf of the military service of the state.’

Sect. 13. Amend Section 92 of Chapter 206 of the Pub-  
2 lic Laws of 1909 by striking out in the fourth line thereof  
3 the words “one hundred and seven” and substituting there-  
4 for the word ‘ninety,’ and by striking out in the seventh  
5 line thereof the words “one hundred and eight” and sub-  
6 stituting therefor the words ‘ninety-one,’ so that said Sec-  
7 tion as amended shall read as follows :

‘Sect. 92. Any municipal officer who fails, refuses, or  
9 neglects to take effective measures for providing and main-  
10 taining such suitable drill-rooms, offices, armories, or head-  
11 quarters as prescribed in Section ninety, and any municipal  
12 officer who fails, refuses, or neglects to take effective meas-  
13 ures for providing and mantaining a suitable target range  
14 as prescribed in Section ninety-one, shall be guilty of a  
15 misdemeanor, prosecuted by complaint or indictment be-  
16 fore a court of competent jurisdiction, and upon conviction  
17 shall be fined not less than one hundred dollars nor more



18 than four hundred dollars, or imprisoned for not less than  
19 three months nor more than six months, or shall suffer  
20 both such fine and imprisonment, which fine shall be paid  
21 into the state treasury and credited to the military fund.'

Sect. 14. Section 95 of Chapter 206 of the Public Laws  
2 of 1909 is amended by adding thereto the words 'For each  
3 day actually employed in the transaction of the business  
4 of the armory commission military members other than the  
5 adjutant general shall receive the pay of their rank as pro-  
6 vided in Section 85 and civilian members shall receive as  
7 compensation the sum of five dollars; and all members  
8 shall be reimbursed for actual traveling expenses, such ac-  
9 counts to be paid from the military fund in accordance  
10 with the provisions of Section 87,' so that said Section as  
11 amended shall read as follows:

'Sect. 95. The adjutant general, together with two of-  
13 ficers of the line of the active militia of or above the grade  
14 of captain and two civilians appointed by the governor  
15 for at term of four years unless sooner relieved by proper  
16 authority and eligible to re-appointment for a like period,  
17 shall constitute an armory commission of which the ad-  
18 jutant general shall be the chairman, whose duty it shall  
19 be to exercise general supervision and control over all  
20 armories, drill-rooms, and headquarters offices, to consult  
21 and co-operate with the municipal authorities and to de-  
22 vise effective means of obtaining and maintaining such  
23 armories, and to fix, subject to the approval of the gover-  
24 nor, the compensation to be allowed to the municipalities

25 as rent for them: they shall have the power, after con-  
26 sulting and hearing the responsible municipal officers, to  
27 determine the administrative question of military suitability  
28 and adequate maintenance of all armories, drill-rooms, of-  
29 fices, and headquarters offices; and it shall be their duty  
30 to notify the responsible municipal officers of all deficiencies  
31 in these respects, and should such officers fail, refuse, or  
32 neglect to take effective measures for providing such suit-  
33 able buildings and their maintenance, the chairman of the  
34 commission shall initiate the prosecution prescribed by Sec-  
35 tion ninety-two. For each day actually employed in the  
36 transaction of the business of the armory commission mili-  
37 tary members other than the adjutant general shall receive  
38 the pay of their rank as provided in Section 85 and civilian  
39 members shall receive as compensation the sum of five dol-  
40 lars; and all members shall be reimbursed for actual  
41 traveling expenses, such accounts to be paid from the mili-  
42 tary fund in accordance with the provisions of Section 87.

Sect. 15. Amend Section 108 of Chapter 206 of the Pub-  
2 lic Laws of 1909 by striking out in the first line thereof  
3 the words "of this article" and inserting in the place there-  
4 of the words 'in regard to courts and boards established  
5 by this act,' so that said Section as amended shall read as  
6 follows:

'Sect. 108. The provisions in regard to courts and  
8 boards established by this act shall apply, so far as apposite  
9 to the naval reserve.'

Sect. 16. Amend Section 114 of Chapter 206 of the Pub-

2 lic Laws of 1909 by inserting after the word "arms" in  
3 the seventeenth line thereof the word 'uniform,' so that  
4 said Section as amended shall read as follows:

'Sect. 114. The uniform, arms, and equipment of the  
6 active militia shall be the same as those of the regular  
7 army and navy of the United States, except that on articles  
8 of uniform and equipment the distinguishing letters "Me."  
9 may be substituted for the letters "U. S.;" each organiza-  
10 tion of the national guard and every enlisted man thereof  
11 shall be uniformed, armed, and equipped by the state, as  
12 is or may hereafter be prescribed or provided by the Laws  
13 and Regulations of the United States for the organized  
14 militia, and no member or organization of the active militia,  
15 shall adopt, use or wear in the military service of the state  
16 any other uniform, arms, or equipment.

'All commissioned officers shall provide themselves with  
18 such uniforms, arms, and equipment as are required of  
19 commissioned officers of the regular army; and the ad-  
20 jutant general may purchase and issue as state property  
21 on memorandum receipt to commissioned officers such ar-  
22 ticles of arms, uniform, and equipment as he may deem  
23 necessary.

'The clothes, arms, military outfit, and accoutrements fur-  
25 nished by or through the state to a member of the active  
26 militia, and the uniforms, arms, and equipment required  
27 of commissioned officers shall not be subject to any suit,  
28 distress, execution, or sale for debt or payment of taxes.'

Sect. 17. Amend Section 123 of Chapter 206 of the Public Laws of 1909 by inserting after the word "responsible" in the fifteenth line the words 'and the costs and expenses incurred by entering into such bond shall be paid out of the military fund,' so that said Section as amended shall read as follows:

'Sect. 123. All property furnished by the state shall remain and continue to be the property of the state, to be used for military purposes only, and when not so in use shall be kept in the armories or designated places of deposit. Every officer receiving public property for military use shall be held responsible for the safe-keeping and the return of the same when called for; he shall account for and make such returns thereof as may be prescribed whenever called upon so to do by the governor or other proper authority, and every such officer shall, when required by the governor, give bond payable to the adjutant general of the state in such sum as he may direct, with good and sufficient sureties, conditioned to account for, safely keep, and return all military property of the state and the United States for which such officer may be accountable and responsible, and the costs and expenses incurred by entering into such bond shall be paid out of the military fund.

'Any officer, enlisted man or other person, who shall willfully or maliciously destroy, injure or deface any article of military property belonging to the state, or shall use it for other than military purposes, or shall have or retain the

28 same in violation of law or regulations shall be punished  
29 by a fine not exceeding fifty dollars. And in case any of-  
30 ficer or enlisted man of the national guard who has at any  
31 time through carelessness or inattention lost, destroyed, or  
32 suffered to be lost or destroyed, any state or government  
33 property which has been issued for his use, the paymaster  
34 general shall retain out of the pay or allowances or moneys  
35 due such officer or enlisted man for any military services  
36 whatsoever, an amount of money equal to the value of the  
37 property so lost or destroyed, and money so retained shall  
38 be credited to the account of such officer of the national  
39 guard as may be accountable to the state for said property.  
40 Such portion of said money as shall be for state property  
41 shall be turned in to the treasurer of the state, to be credited  
42 to the militia fund, and such portion as may be for United  
43 States property shall be turned in to the United States  
44 treasury to be credited to the state on its property re-  
45 turns.

Sect. 18. Amend Section 132 of Chapter 206 of the Pub-  
2 lic Laws of 1909 by striking out all of the first six lines  
3 thereof and substituting therefor the following:

4 'Sect. 132. Except as provided in the preceding Sec-  
5 tion the officers and soldiers of any troops whether active  
6 or reserve militia of this state or otherwise, appointed, en-  
7 listed, mustered or drafted into the military forces of this  
8 state, shall, at all times, and in all places, be governed by  
9 the following rules and articles and shall be subject to be  
10 tried by courts-martial. The word "officer," as used there-

11 in shall be understood to designate commissioned officers ;  
12 the word "soldier" shall be understood to include non-  
13 commissioned officers, musicians, artificers, and privates,  
14 and other enlisted men, and the convictions mentioned  
15 therein shall be understood to be convictions by court-  
16 martial.'

Sect. 19. Amend Section 132 of Chapter 206 of the Pub-  
2 lic Laws of 1909 by inserting after Article 26 the follow-  
3 ing:

'Article 29. Any officer who thinks himself wronged by  
5 the commanding officer of his regiment or corps, and, upon  
6 due application to such commander, is refused redress,  
7 may complain to the adjutant general. The adjutant gen-  
8 eral shall examine into said complaint and take proper meas-  
9 ures for redressing the wrong complained of.

'Article 30. Any soldier who thinks himself wronged by  
11 any officer may complain to the commanding officer of his  
12 regiment, who shall summon a regimental court-martial for  
13 the doing of justice to the complainant. Any party may ap-  
14 peal from such regimental court-martial to a general court-  
15 martial; but if, upon such second hearing, the appeal be  
16 groundless and vexatious the party appealing shall be pun-  
17 ished at the discretion of said general court-martial.'

Sect. 20. Amend Section 132 of Chapter 206 of the Pub-  
2 lic Laws of 1909 by striking out all of Article 64.

Sect. 21. Amend Section 132 of Chapter 206 of the Pub-  
2 lic Laws of 1909 by inserting after Article 80 the follow-  
3 ing:

‘Article 81. Every officer commanding a regiment or  
5 corps shall be competent to appoint for his own regiment  
6 or corps, courts-martial, consisting of three officers.

‘Article 82. Every officer commanding a garrison, fort,  
8 encampment for field service, or other place, where the  
9 troops consist of different corps, shall be competent to  
10 appoint, for such garrison or other place, courts-martial  
11 consisting of three officers.’

Sect. 22. Amend Section 132 of Chapter 206 of the Pub-  
2 lic Laws of 1909 by inserting after Article 112 the follow-  
3 ing:

‘Article 113. Every judge advocate, or person acting as  
5 such, at any general court-martial, shall, with as much ex-  
6 pedition as the opportunity of time and distance of place  
7 may admit, forward the original proceedings and sentence  
8 of such court to the adjutant general, in whose office they  
9 shall be carefully preserved.

‘Article 114. Every party tried by a general court-martial  
11 shall, upon demand thereof, made by himself or by any  
12 person in his behalf, be entitled to a copy of the proceed-  
13 ings and sentence of such court.’

Sect. 23. Amend Section 132 of Chapter 206 of the Pub-  
2 lic Laws of 1909 by inserting after Article 121 the fol-  
3 lowing:

‘Article 125. In the case of death of any officer while  
5 engaged in field service for instruction or otherwise the  
6 second officer in command of the troops with which said  
7 officer was serving at the time of his death shall immedi-

8 ately secure all his effects then in camp and shall make and  
9 transmit to the adjutant general an inventory thereof.

10 'Article 126. In the case of death of any soldier while  
11 engaged in field service for instruction or otherwise the  
12 commanding officer of his troop, battery, company or de-  
13 tachment shall immediately secure all his effects then in  
14 camp and shall, in the presence of two other officers, make  
15 an inventory thereof and transmit the same to the adjutant  
16 general.

17 'Article 127. Officers charged with the care of the effects  
18 of deceased officers or soldier shall account for and de-  
19 liver the same in accordance with such instructions as may  
20 be given by the adjutant general. And no officer so charged  
21 shall be discharged until he has deposited in the hands of  
22 the commanding officer of his regiment or corps all the  
23 effects of such deceased officers or soldiers not so accounted  
24 for and delivered.'