

PUBLIC GENERAL LAWS	PUBLIC GENERAL LAWS	PUBLIC GENERAL LAWS	PUBLIC GENERAL LAWS	PUBLIC GENERAL LAWS	PUBLIC GENERAL LAWS
<p>Professional fitness as the Governor shall prescribe. The examination to determine such qualifications for commission shall be conducted by a board of three commissioned officers appointed by the Governor from the Regular Army or the National Guard or both.</p> <p>19. A commissioned officer shall not be removed from office without his consent, except as provided in this Act or by regulations of the War Department; provided that, at any time the moral character, capacity and general fitness for the service of any commissioned officer may be determined by an efficiency board of three commissioned officers, senior in rank to the officer whose fitness for service shall be under investigation, and if the findings of such board be unfavorable to such officer and be approved by the official authorized to appoint such a board, he shall be discharged. Commissions of officers may be vacated upon resignation, absence without leave for three months, upon the recommendation of an efficiency board or pursuant to sentence of a court-martial.</p> <p>20. A commissioned officer tendering his resignation, if accepted by the Governor, shall receive an honorable discharge, provided he shall not be under arrest or returned to a military court for any deficiency or delinquency; and provided further, he be not indebted to the State in any manner, and that his accounts for money or for public property be correct. If the Governor accept the resignation of an officer who at the time shall be under arrest, under charges or returned to a military court for any offense, deficiency or delinquency, such officer shall then cease to be an officer and shall receive a discharge in such form as the Governor shall direct; nor shall he be again eligible to receive a commission unless he first re-enlist and until he shall have performed at least 60 per cent. of duty in each year under such enlistment for two successive years.</p> <p>21. Any man who is a citizen of the United States, or has declared his intention to become a citizen, if more than eighteen and not over forty-five years of age, able-bodied, of good character and temperate habits, may be enlisted in the organized militia of this State as provided in this Act and the National Defense Act and regulations made in pursuance thereof.</p> <p>No man above the age of forty-five shall be re-enlisted, except by permission of the Governor, and upon the recommendation of his immediate commanding officer.</p> <p>It shall be unlawful for any person to misstate his age for the purpose of securing enlistment in the organized militia of this State. It shall be unlawful for any person to enlist in two military organizations at the same time. Any person violating the provisions of this section shall be guilty of fraudulent enlistment.</p> <p>22. Men enlisting in the organized militia shall take and subscribe to the following oath of enlistment:</p> <p>"I do hereby acknowledge to have voluntarily enlisted this . . . day of . . . 19 . . . as a soldier in the National Guard of the United States and of the State of Maryland, for the period of three (or one) year . . . under the conditions prescribed by law, unless sooner discharged by proper authority. And I do solemnly swear that I will bear true faith and allegiance to the United States of America and to the State of Maryland, and that I will serve them honestly and faithfully against their enemies whomsoever, and that I will obey the orders of the President of the United States and of the Governor of the State of Maryland, and of the officers appointed over me according to law and the rules of Articles of War."</p> <p>All officers of the organized militia of this State shall be empowered to administer oaths of enlistment.</p> <p>23. Organization commanders may cause those under their command to perform any military duty, and shall be responsible to the Governor for the general efficiency of the units of the organized militia under their commands. Commanding officers of units shall be responsible to their immediate commanders for the equipment, drill, instruction, movements and efficiency of their respective commands. All officers and enlisted men shall be responsible to their immediate commanding officers for prompt and unhesitating obedience, proper drill and the preservation and proper use of the property of State and of the United States, or organization, in their possession. Units of the organized militia will be inspected by officers detailed for that duty, whenever in the judgment of the Governor it is deemed advisable and in addition inspections by officers of the Regular Army will be made as prescribed by the National Defense Act.</p> <p>24. Each company, troop, battery, detachment and unit in the organized militia shall assemble for drill and instruction, including indoor target practice, not less than forty-eight times each year, and shall, in addition thereto, participate in encampments, maneuvers or other exercises, including outdoor target practice, at least fifteen days in training each year, unless such company, troop, battery, detachment and unit shall have been excused from participation in any part thereof by the Governor; provided that credit for an assembly for drill or for indoor target practice shall not be given unless the number of officers and enlisted men present for duty at such assembly shall equal or exceed a minimum to be prescribed by the Gov-</p>	<p>ernor, nor unless the period of actual military duty and instruction participated in by each officer and enlisted man at each such assembly at which he shall be credited as having been present shall be of at least one and one-half hours' duration and the character of training such as may be prescribed by the Governor.</p> <p>25. Officers and enlisted men may be warned for duty as follows: Either by stating the substance of the order or by reading the order to the person warned, or by leaving a copy of such order at the last known place of abode or business, or by mailing to the post-office nearest thereto. Such warning may be given by an officer or non-commissioned officer. The officer or non-commissioned officer giving such notice or warning shall, if required, make a return thereof containing the name of the person warned and the time, place and manner of warning, if required by the officer issuing the order; such return may be verified by his oath, which may be administered by any officer. Such verified return shall be good evidence on the trial of any person returned as a delinquent, of the facts therein stated, as if such officer or non-commissioned officer had testified to the same before a military court on such trial.</p> <p>26. All arms, equipment and other property furnished to organizations of this State shall, when required by the Ranking Line Officer, or a commanding officer of any such organization be deposited in the armory of the said organization, and failure to deposit as aforesaid any article of such property by the person to whom it was issued, ten days after he shall have been notified, by written notice from the commanding officer as aforesaid, to return to the armory, shall be considered as a misdemeanor, and the person so offending shall be punished by a fine not exceeding double the value of the property thus illegally detained, to be recovered on the complaint of the Ranking Line Officer or of the proper commanding officer as aforesaid, in the same manner as prescribed for the collection of fines in this Article, except that the money so recovered shall be paid to the Ranking Line Officer of the State, to be by him applied to the militia fund; or by imprisonment in the county or city jail for not less than two weeks nor more than two months.</p> <p>27. Every officer and enlisted man to whom public property of the State or United States 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 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 Ranking Line Officer within ninety days after such loss or destruction. The value of the lost or destroyed property and the persons or organizations to be charged therewith shall be determined by an inspector appointed by the Ranking Line Officer. In cases of disagreement, such value shall be fixed by the Ranking Line Officer.</p> <p>28. At any time upon the report and recommendation of the Ranking Line Officer to the effect that an organization is not up to the proper standard of numbers, efficiency or discipline required, the Governor may, in his discretion, muster out of service such organization so reported inefficient, and thereupon the commissions of all the officers of such company or separate organization shall be vacated; provided, no organization of the National Guard, members of which shall be entitled to and have received compensation under the National Defense Act, shall be disbanded without the consent of the President.</p> <p>29. Whenever the organized militia or any portion thereof shall be ordered out for active duty by the Governor, or by his authority, either for State duty or in connection with the troops and forces of the United States, then the organizations and individuals so ordered out and performing service shall receive the pay herein specified for each day actually on duty. When the rate of pay allowed by the United States is less than the amount set forth in this Article, then the difference shall be paid out of the militia funds of the State.</p> <p>Officers shall receive the same per diem pay, including longevity, as officers of the Regular Army of like grade and length of service, except that nothing in this Section shall be construed as authorizing the Ranking Line Officer to draw any salary except that authorized and provided in the budget.</p> <p>Enlisted men shall be paid the following rates per day: First, second and third grades, two dollars and twenty-five cents; fourth grade, two dollars, fifth grade, one dollar and seventy-five cents; sixth grade, one dollar and fifty cents; and seventh grade, one dollar and twenty-five cents. And in addition to pay, each enlisted man shall receive rations as prescribed by the regulations of the United States Army, or commutation thereof at a rate not exceeding forty cents per day. Each enlisted man, who has served a full term of enlistment and who re-enlists within ninety days af-</p>	<p>ter the expiration of his previous enlistment, shall receive an increase of 10 per cent. of his pay during this enlistment, and for each three-year term of enlistment served thereafter an increase of 10 per cent. will be granted, until 40 per cent. has been granted; that any man who served in the Army or Navy of the United States during the World War shall receive credit for all former military service in computing the foregoing rates of percentage of pay increase.</p> <p>And provided further, that all enlisted men who qualify, as prescribed by the Governor, in small arms practice and who shall be present at the annual inspection of his organization next succeeding said qualification, shall be paid the following increase in the pay of their respective grades for a period of one year beginning on January first following such qualification: Experts, 20 per cent.; sharpshooters, 15 per cent.; marksmen, 10 per cent.</p> <p>For all purposes of this section, officers and enlisted men of the organized militia who entered the military or naval service of the United States in the Spanish-American or subsequent wars shall be entitled to credit for the time served in such service as if the service had been rendered in the organized militia.</p> <p>The provisions of this section not to apply when the troops are called or drafted into the service of the United States.</p> <p>30. The separate organizations in the City of Baltimore known as the Veteran Corps of the Fifth Regiment, Infantry, M. N. G., and Old Guard, M. N. G., respectively, shall be entitled to all rights and privileges conferred by this Article except that said organizations shall not be entitled to the privileges of retirement or to be placed on reserve list nor to wear a uniform not distinctive from the active military forces of the State; nor to share any appropriation made for the support of the militia, unless said organizations are called for service by the Governor in case of emergency to aid the organized militia in quelling insurrection, invasion, riot or breach of peace; when so called upon by the members of said organizations shall first sign, execute and deliver through their commanding officers to the Governor commanding the units of the organized militia to whom ordered to report, a form of enlistment to be prescribed by the Governor, for a term not to exceed ninety days at one time, and if the services of such organizations shall not be required for the full term of their enlistment they shall be discharged by the Governor. If called into the service of the State, the members of said organizations shall be equipped and paid by the State and shall, in so far as applicable, be considered a part of the organized militia of the State.</p> <p>31. No body of men other than the regularly organized units of the militia and the troops of the United States, except such military organizations as are now in existence, shall associate themselves together as a military company or organization or parade in public as a military company or organization, in any city or town in this State, except by permission of the Governor.</p> <p>No armed military force from another State, Territory or District, shall be permitted to enter the State for the purpose of doing military duty therein, without the permission of the Governor unless such force is actually under the authority of the War Department.</p> <p>32. The Governor may, upon the recommendation of their commanding officers, approved by the Ranking Line Officer, confer brevet commissions upon officers of the organized militia of a grade higher than the regular commission held by them. The Governor may also confer upon officers of the organized militia, brevet commissions of a grade equal to the highest grade in which they previously served in any organized militia, or in the Army of the United States. Brevet commissions shall carry with them only such privileges or rights as are allowed in like cases in the military service of the United States.</p> <p>33. To promote efficiency and as a reward for continuous service the Governor shall have the power, under regulations to be prescribed by him, to issue service medals of appropriate designs to officers and enlisted men of the organized militia of the State, who shall complete ten or more years of continuous service. Appropriate ribbon badges may be issued by the State to represent any medal issued or authorized and the wearing of such badge as a part of the uniform is authorized.</p> <p>34. In order to reward those citizens of Maryland who volunteered in the Spanish-American War or who served in the World War, the Governor shall have power, under regulations to be prescribed by him, to issue medals of appropriate designs to officers and enlisted men who served in either the Army or Navy of the United States.</p> <p>35. For the purpose of maintaining appropriate organization and to assist in instruction and training the President may assign the National Guard of Maryland to divisions, brigades and other tactical units, and may detail officers either from the National Guard or the Regular Army to command such units; provided, that when complete</p>	<p>units are organized within this State the commanding officers thereof shall not be displaced under the provisions of this section.</p> <p>36. Upon the termination of any emergency for which the National Guard has been drafted into the military service of the United States, all persons so drafted, upon being discharged from the Army of the United States, shall continue to serve in the National Guard of Maryland until the dates upon which their enlistments, entered into prior to their draft, would have expired if uninterrupted.</p> <p>37. All officers and employees of the State who shall be members of the organized militia shall be entitled to leave of absence from their respective duties, without loss of pay, time or efficiency rating, on all days during which they shall be engaged in field or coast defense training ordered or authorized under the provisions of this Act.</p> <p>38. Courts-martial in the organized militia shall be of three kinds, namely, general courts-martial, special courts-martial and summary courts-martial. They shall be constituted like, and have cognizance of the same subjects, and possess like powers, except as to punishments, as similar courts provided for by the laws and regulations governing the Army of the United States, and the proceedings of courts-martial of the organized militia shall follow the forms and modes of procedure prescribed for said similar courts. The jurisdiction of said courts or boards established under the provisions of this Article shall be presumed and the burden of proof shall rest on any person seeking to out such courts or boards of jurisdiction in any action or proceedings.</p> <p>General courts-martial of the organized militia not in the service of the United States may be convened by order of the Governor, and such courts shall have the power to impose fines not exceeding two hundred dollars; to sentence to forfeiture of pay and allowances; to a reprimand; to dismissal or dishonorable discharge from the service; to reduction of non-commissioned officers to the ranks; or any two or more of such punishments may be combined in the sentences imposed by such courts.</p> <p>In the organized militia, not in the service of the United States, the commanding officer of each garrison, fort, post, camp or other place, 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. Special courts-martial shall have power to try any person subject to military law, except a commissioned officer, for any crime or offense made punishable by the military laws of the United States, and such special courts-martial shall have the same powers of punishment as do general courts-martial, except that fines imposed by such courts shall not exceed one hundred dollars.</p> <p>In the organized militia, not in the service of the United States, the commanding officer of each garrison, fort, post or other place, regiment or corps, detached battalion, company or other detachment, may appoint for such place or command a summary court to consist of one officer, who shall have power to administer oaths and to try the enlisted men of such place or command for breaches of discipline and violations of law governing such organization; and said court when satisfied of the guilt of such soldier, may impose fines not exceeding twenty-five dollars for any single offense; may sentence non-commissioned officers to reduction to the ranks; may sentence to forfeiture of pay and allowances. The proceedings of such court shall be informal, and the minutes thereof shall be the same as prescribed for summary courts of the Army of the United States.</p> <p>39. All courts-martial of the organized militia, not in the service of the United States, including summary courts, shall have power to sentence to confinement in lieu of fines authorized to be imposed provided, that such sentences of confinement shall not exceed one day for each dollar of fine authorized.</p> <p>No sentence of dismissal from the service or dishonorable discharge, imposed by a court-martial, not in the service of the United States, shall be executed until approved by the Governor.</p> <p>In the organized militia, not in the service of the United States, presidents of court-martial and summary court officers shall have power to issue warrants to arrest accused persons and to bring them before the court for</p>	<p>trial whenever such persons shall have disobeyed an order in writing from the convening authority; to appear before such court, a copy of the charges or charges having been delivered to the accused with such order, and to issue subpoenas and subpoenas duces tecum, and to enforce by attachment attendance of witnesses and the production of books and papers, and to sentence for a refusal to be sworn or to answer as provided in actions before civil courts.</p> <p>40. Upon the finding of any such court-martial imposing any of said findings, and upon the approval of the findings by the officer appointing the court, the fine or fines so imposed shall be and become at once payable, and in case any officer or enlisted man, upon whom a fine has been imposed in accordance with the provisions of this section, shall fail, refuse or neglect to pay the fine so imposed upon him within ten days after he shall have been notified thereof, the said fine may be collected in the name of the State before any justice of the peace having criminal jurisdiction in the county or city where the delinquent resides, in the same manner as other fines or offenses against the general police regulations of the State are collected, upon the certificate in writing of the proper commanding officer, setting forth the findings of the court-martial and his approval thereof, upon the production of the said certificate before the said justice of the peace, and upon the arrest and production of the offender before the said justice of the peace, the said justice shall forthwith adjudge and require the fines so certified as having been imposed and approved, together with all the costs of the proceedings before him, to be paid, and in default of payments of said fines and costs as aforesaid, said justice shall commit the delinquent to the jail of the city or county where the said delinquent resides, for one day for every dollar of the said aggregate amount of fine and costs, but in no case shall the period of imprisonment exceed ten days. The fine so collected shall be paid by the said justice to the finance officer of the organization of which the offender was a member, to be applied by him to the military funds of the organization.</p> <p>41. No action or proceeding shall be prosecuted or maintained against a member of a military court or 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.</p> <p>42. The force organized as prescribed in this Act shall be considered in the actual service of the State, and the members thereof shall be subject to all military laws, orders and regulations prescribed for the government thereof, and all military offenses shall be considered, and they are hereby declared to be offenses against the general police regulations of the State, and shall be punishable by fine or imprisonment as provided in this Article.</p> <p>Except when on 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 power of the State or imminent danger thereof, and also in all cases not otherwise covered, commissioned officers may be tried by court-martial for the following offenses:</p> <ol style="list-style-type: none"> 1. Non-attendance without excuse at drill, parade, encampment, meeting for instruction or other duty ordered by competent authority. 2. Unmilitary or unofficer-like conduct. 3. Drunkenness on duty. 4. Neglect of duty. 5. Disobedience of orders or any act contrary to the provisions of the Militia Law of the State or to the orders and regulations prescribed for the government of the militia. 6. Refusing to grant a discharge to an enlisted man when entitled to same. 7. Oppression or injury of any under his command. 8. Conspiracy or attempt to break, resist or evade the laws or lawful orders given to a person or advising any person to do so. 9. Insult or disrespect to a superior officer in the line of military duty. 10. Presuming to exercise his command while under arrest or suspension. 	<ol style="list-style-type: none"> 11. Neglect or refusal, when commanding officer to order out the troops under his command when required by law or lawfully ordered by his superior officer. 12. Neglect or refusal to make a draft or detachment when lawfully ordered to do so. 13. Receiving any fee or gratuity for any certificate. 14. Neglect when detailed to drill or instruct a command to make complaint for neglect or violation of duty, as provided by law, or for any other neglect for which a commanding officer would be liable. 15. Refusal or neglect to obey a precept or order to call out the National Guard or Militia or an order issued in obedience thereto, or for advising any officer or soldier to do the like. 16. Making a false certificate account or muster, or parade return. 17. Conduct unbecoming an officer and a gentleman, or for conduct prejudicial to good order and military discipline. <p>Enlisted men may be tried by court-martial for the following offenses:</p> <ol style="list-style-type: none"> 1. Disobedience of orders. 2. Disrespect to superior. 3. Mutiny. 4. Desertion. 5. Neglect of duty. 6. Drunkenness on duty. 7. Conduct prejudicial to good order and military discipline. 8. Any act contrary to the Militia Law of the State or to orders and regulations issued for the government of the Militia. 9. Absence without proper excuse from or tardiness without like excuse in attending any drill, parade, encampment, meeting or instruction, or any other duty ordered by competent authority. 10. Neglecting to take proper care of any arms, uniforms, equipment or military property, or willfully injuring or destroying any arms, uniforms, equipment or military property whatever. 11. Fraudulent enlistment. 43. Any officer of the Organized Militia, on conviction of any of the offenses mentioned in the preceding Section may be sentenced to be dismissed from the service, fined to an amount not exceeding \$200.00, or reprimanded, or to all or either of such fines and penalties. Any enlisted man of the Organized Militia, on conviction of any of the offenses mentioned in the preceding Section, may be sentenced to be dishonorably discharged, reprimanded, and if a non-commissioned officer, reduced to the ranks, or fined to an amount not exceeding \$100.00, or to all or either of such fines and penalties. No excuse shall be valid for any absence from assemblies except bona-fide absence from the city or place where such assemblies are ordered, illness of member (such as would prevent attention to ordinary pursuits), or sickness in family requiring his personal care and presence; provided, however, that the court may, in its discretion, excuse his absence for any other reason satisfactory to it. No excuse will be valid for absence from annual inspection except illness of member such as would prevent his attendance, or illness in family requiring his personal care and presence. <p>Service of summons to appear before a court-martial shall be made by delivery to and leaving with each delinquent a copy thereof, or by reading it to him, or by leaving a copy at his last known place of abode or business, or by mailing to him a copy directed to his last known place of abode or business. The officer or enlisted man serving such summons shall, if required, make a return thereof containing the time, place and manner of such service, which may be verified by oath before any commissioned officer. Such verified return shall be as good evidence on the trial of such person so summoned of the facts therein stated, as if such officer or enlisted man had testified to the same before the court-martial.</p> <p>44. Any person, who shall secretly sell, dispose of, offer for sale, purchase, retain after demand by a commissioned officer of the Organized Militia, or in any manner pawn or pledge any arms, uniforms, equipment or other military property issued under the provisions of this Act, and any person who shall wear any uniform, or device, strap, knot or insignia of any design or character used as a designation of grade rank of office, such as are by law or general regulations duly promulgated and prescribed for the use of the Organized Militia or similar thereto, except members of the Army or Navy of the United States and the Organized</p>