

**THE MILITARY  
CODE  
OF PENNSYLVANIA**

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The Military Code of Pennsylvania by Various

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**VARIOUS**

**THE MILITARY  
CODE  
OF PENNSYLVANIA**



THE  
MILITARY CODE

OF

PENNSYLVANIA.-*Legislature*

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ACT OF ASSEMBLY APPROVED APRIL 13, 1887, AMENDED MAY 9, 1889, JUNE 2,  
1891, JUNE 10, 1893, JULY 5, 1895, MAY 5, 1897, AND APRIL 14, 1897,  
PROVIDING FOR THE ORGANIZATION, DISCIPLINE AND REGULA-  
TION OF THE NATIONAL GUARD OF PENNSYLVANIA; TOGETH-  
ER WITH ACT OF ASSEMBLY APPROVED MAY 15, 1893,  
PROVIDING FOR THE ESTABLISHMENT AND GOVERN-  
MENT OF A STATE NAVAL MILITIA. ALSO, ACT  
OF ASSEMBLY APPROVED JUNE 26, 1895.

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PRINTED FOR THE USE OF THE NATIONAL GUARD OF PENNSYLVANIA.

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WM. STANLEY RAY,  
STATE PRINTER OF PENNSYLVANIA.  
1898.

# THE MILITARY CODE

## OF PENNSYLVANIA.

### AN ACT

To provide for the organization, discipline and regulation of the National Guard of Pennsylvania.

Section 1. Be it enacted, &c., That the active militia of this Commonwealth shall hereafter be styled the National Guard of Pennsylvania, and shall be subject, at all times, to the orders of their officers.

Section 2. In the time of peace, the National Guard shall consist of not more than one hundred and fifty companies of infantry, five troops of cavalry and five batteries of artillery, four companies of engineers and a signal corps of one company, fully armed, uniformed and equipped, to be allotted and apportioned in such localities of the State as the necessity of the service, in the discretion of the Commander-in-Chief may require, and organized in such divisions, brigades, regiments, battalions and unassigned companies, with power to make such alterations in the organization and arrangement thereof, from time to time, as he may deem necessary: Provided, That there shall not be more than one major general and five brigadier generals of the line. But the Commander-in-Chief shall have power, in case of war, invasion, insurrection, riot or imminent danger thereof, to increase the said force and organize the same as the exigencies of the occasion may require: Provided, That whenever an officer shall be re-commissioned within six months after the expiration of his original commission, in the same grade, or in a lower grade than that in which he has served in the National Guard, his new commission shall bear even date with and he shall take rank from the date provided for in his former commission.

Name.

Peace organization.

Allotment and apportionment to be in the discretion of the Commander-in-Chief.

Generals of the line.

Organization may be increased in case of war, &c., by the Commander-in-Chief.

Re-commissioned officers to rank from date of former commission.

§2. Act of Assembly approved June 16, 1893. Original act of April 13, 1887, reads as follows:

"In the time of peace, the National Guard shall consist of not more than one hundred and fifty companies of infantry, five troops of cavalry and five batteries of artillery, fully armed, uniformed and equipped, to be allotted and

Organization, system of discipline, &c., to be similar to those of the United States army.

Changes and alterations.

Duplicate enlistment papers.

Physical examination.

Surgeon's certificate.

Officers.

Commander-in-Chief and his staff, with the rank of same.

Section 3. The organization of the National Guard shall conform generally to the provisions of the laws of the United States, and the system of discipline and exercise shall conform, as nearly as may be, to those of the army of the United States; and the Commander-in-Chief is hereby authorized to make changes and alterations therein, but such modifications shall conform, as nearly as practicable, to said laws, system, discipline and exercises; and each non-commissioned officer and private shall, at the time of enlisting, sign two enlistment papers, according to a form prescribed by the Adjutant General, one copy of which shall be retained by the company commander and one forwarded to and filed in the office of the Adjutant General; but, before any recruit shall be enlisted, he shall be subjected to the requisite physical examination by a regimental surgeon, or any surgeon or physician designated by the regimental commander, or commander of unassigned company, and the certificate of said surgeon or physician shall accompany said papers.

Section 4. The officers and non-commissioned officers of the National Guard shall be, as follows:

A Commander-in-Chief. The staff of the Commander-in-Chief shall consist of one Adjutant General, with the rank of brigadier general; one inspector general, one judge advocate general, one quartermaster general, one commissary general, one surgeon general, one general inspector of rifle practice and one chief of artillery, each with the rank of colonel; one Assistant Adjutant General, one assistant quartermaster general and one assistant commissary general, each with the rank of lieutenant colonel; and twelve aids-de-camp, each with the rank of lieutenant colonel; one sergeant

"apportioned in such localities of the State as the necessity of the service, in the discretion of the commander-in-chief may require, and organized in such divisions, brigades, regiments, battalions and unassigned companies, with power to make such alterations in the organization and arrangement thereof from time to time, as he may deem necessary: Provided, That there shall not be more than one major general and five brigadier generals of the line. "But the commander-in-chief shall have power, in case of war, invasion, insurrection, riot or imminent danger thereof, to increase the said force and organize the same as the exigencies of the occasion may require: Provided, That whenever an officer shall be re-commissioned within six months after the expiration of his original commission, in the same grade, or in a lower grade than that in which he has served in the National Guard, his new commission shall bear even date with and he shall take rank from the date provided for in his former commission."

"§3. "1. Enlistments date, not as to the time the recruit 'joins' a company of the National Guard, but from the final signing of the duplicate enlistment papers, as prescribed in the third section of the military code.

"2. The medical examination must precede the enlistment. It follows therefore that the surgeon's certificate should bear even or prior date to the enlistment affidavit or at least certify the exact day of such examination.

"3. If the certificate affirmatively shows the priority of such examination and, of course, that all physical requirements have been complied with, then the affidavit—in duplicate—should be properly filled up, subscribed by the recruit and attested by, either a civil officer empowered to administer oaths, or by one of the classes of military officers similarly authorized by section 23, of the code."

—Judge Advocate General, N. G. P., November 30, 1889.

major, one quartermaster sergeant, one commissary sergeant, one chief musician and one color sergeant.

Section 5. To the Division there shall be one major general; and one Assistant Adjutant General, one division inspector, one judge advocate, one division quartermaster, one commissary of subsistence, one surgeon-in-chief, one ordnance officer and one inspector of rifle practice, each with the rank of lieutenant colonel; and three aids-de-camp, each with the rank of major; one division sergeant major, one division quartermaster sergeant, one division commissary sergeant, one division ordnance sergeant, one division chief musician and one color sergeant.

Major general  
and his staff.

Section 6. To each brigade there shall be one brigadier general; and one assistant adjutant general, one brigade inspector, one judge advocate, one brigade quartermaster, one brigade commissary of subsistence, one brigade surgeon, one brigade ordnance officer, each with the rank of major; two aids-de-camp, each with the rank of captain; one brigade sergeant major, one brigade quartermaster sergeant, one brigade commissary sergeant, one brigade ordnance sergeant, one brigade chief musician and one color sergeant.

Brigadier general  
and his staff.

Section 7. To each regiment of infantry, one colonel, one lieutenant colonel, not to exceed three majors at the discretion of the Commander-in-Chief, one surgeon with the rank of major, one chaplain with the rank of captain, one adjutant (an extra first lieutenant), one quartermaster (an extra first lieutenant), two assistant surgeons with the rank of first lieutenant, one inspector of rifle practice (an extra first lieutenant), one sergeant major, one regimental quartermaster sergeant, one regimental commissary sergeant, one color sergeant, one hospital steward and one principal musician.

Officers of regi-  
ment of in-  
fantry.

To each battalion of not less than four companies of a regiment of infantry, one major, one adjutant (an extra second lieutenant), one sergeant major.

Section 8. To every troop of cavalry one captain, one first lieutenant, one second lieutenant, one assistant surgeon with the rank of first lieutenant, one quartermaster with the rank of second lieutenant, one first sergeant, one quartermaster sergeant, one commissary sergeant, five sergeants, eight corporals, two trump-

Officers and men  
of troop of cav-  
alry.

§7. Act of Assembly approved June 10, 1893. Original act of April 13, 1887, read as follows:

"To each regiment of infantry, one colonel, one lieutenant colonel, not to exceed three majors at the discretion of the commander-in-chief, one surgeon with the rank of major, one chaplain with the rank of captain, one adjutant (an extra first lieutenant), one quartermaster (an extra first lieutenant), two assistant surgeons with the rank of first lieutenant, one inspector of rifle practice (an extra first lieutenant), one sergeant major, one regimental quartermaster sergeant, one regimental commissary sergeant, one hospital steward and one principal musician."

§8. Act of Assembly approved June 10, 1893. Original act of April 13, 1887, read as follows:

"To every troop of cavalry one captain, one first lieutenant, one second lieutenant, one assistant surgeon with the rank of first lieutenant, one first sergeant,



Officers and men  
of company of  
infantry.

Battery of artil-  
lery, officers and  
men.

Officers and men  
of company of  
engineers.

Signal corps, offi-  
cers and men.

Company clerk.

The word "com-  
pany" defined.

eters, two farriers or blacksmiths, one saddler, one wagoner and twenty-eight privates minimum, thirty-eight privates maximum.

To every company of infantry one captain, one first lieutenant, one second lieutenant, one first sergeant, four sergeants, eight corporals, two musicians, thirty-five privates minimum, forty-five privates maximum.

To every battery of artillery one captain, two first lieutenants, one second lieutenant, one assistant surgeon with the rank of first lieutenant, one quartermaster with the rank of second lieutenant, one first sergeant, one quartermaster sergeant, one commissary sergeant, four sergeants, eight corporals, two musicians, two artificers, one wagoner and forty-six privates minimum and fifty-six privates maximum.

To every company of engineers one captain, one first lieutenant, one second lieutenant, one first sergeant, four sergeants, eight corporals, two musicians, thirty-five privates minimum, forty-five privates maximum.

To the signal corps of one company, one captain, one first lieutenant, one second lieutenant, one first sergeant, three sergeants, four corporals, two musicians and twenty-eight privates minimum, and thirty-two privates maximum.

To every company there shall be one clerk, who shall be detailed for that duty from the company.

For all the purposes of this act the word company or companies shall apply to and include the infantry, cavalry, artillery, engineer and signal corps forces.

"one quartermaster sergeant, one commissary sergeant, five sergeants, eight corporals, two trumpeters, two farriers or blacksmiths, one saddler, one wagoner, and twenty-eight privates minimum, thirty-eight privates maximum.

"To every company of infantry one captain, one first lieutenant, one second lieutenant, one first sergeant, four sergeants, eight corporals, two musicians, thirty-five privates minimum, forty-five privates maximum.

"To every battery of artillery one captain, two first lieutenants, one second lieutenant, one assistant surgeon with the rank of first lieutenant, one first sergeant, one quartermaster sergeant, four sergeants, eight corporals, two musicians, two artificers, one wagoner, and forty-six privates minimum, and fifty-six privates maximum.

"To every company there shall be one clerk, who shall be detailed for that duty from the company.

"For all the purposes of this act the word company or companies shall apply to and include the infantry, cavalry and artillery forces."

Section 3 amended by act of Assembly approved May 9, 1889, which read as follows:

"To every troop of cavalry one captain, one first lieutenant, one second lieutenant, one assistant surgeon with the rank of first lieutenant, one quartermaster with the rank of second lieutenant, one first sergeant, one quartermaster sergeant, one commissary sergeant, five sergeants, eight corporals, two trumpeters, two farriers or blacksmiths, one saddler, one wagoner, and twenty-eight privates minimum, thirty-eight privates maximum.

"To every company of infantry one captain, one first lieutenant, one second lieutenant, one first sergeant, four sergeants, eight corporals, two musicians, thirty-five privates minimum, forty-five privates maximum.

"To every battery of artillery one captain, two first lieutenants, one second lieutenant, one assistant surgeon with the rank of first lieutenant, one quartermaster with the rank of second lieutenant, one first sergeant, one quartermaster sergeant, four sergeants, eight corporals, two musicians, two artificers, one wagoner, and forty-six privates minimum, and fifty-six privates maximum.

"To every company there shall be one clerk, who shall be detailed for that duty from the company.

"For all the purposes of this act the word company or companies shall apply to and include the infantry, cavalry and artillery forces."

Section 9. The departmental and military duties of the officers provided for in this act shall be correlative with those discharged by similarly designated officers in the United States army.

Duties of officers.

Section 10. The military officers of the State shall be chosen, as follows:

How military officers are to be chosen.

The major general, by the Commander-in-Chief, with the consent of the Senate.

Major general.

Brigadier general, by the Commander-in-Chief, with the consent of the Senate.

Brigadier general.

Field officers of regiments and battalions, by the written or printed votes of a majority of the commissioned officers of the companies of the respective regiments and battalions.

Field officers.

The commissioned officers of companies, by the written or printed votes of a majority of the non-commissioned officers and privates of the respective companies.

Company commanders.

Company commanders shall give bonds, in the sum of one thousand dollars, in form to be prescribed by the Adjutant General, conditioned for the faithful discharge of the duties of their office.

To give bonds.

Section 11. The staff officers of the military force of the State shall be appointed in the manner following:

Appointment of staff officers.

The Adjutant General, the quartermaster general, the commissary general and the surgeon general by the Commander-in-Chief, with the consent of the Senate.

The inspector general, judge advocate general, general inspector of rifle practice, and chief of artillery by the Commander-in-Chief.

The Assistant Adjutant General, by the Adjutant General.

The assistant quartermaster general, by the quartermaster general.

The assistant commissary general, by the commissary general.

The aids to the Commander-in-Chief and the non-commissioned staff, by the Commander-in-Chief.

Section 12. Before entering upon the duties of their offices, the quartermaster general and the commissary general shall each give bond to the State, in the penal sum of twenty thousand dollars, to be approved by the Governor, conditioned faithfully to discharge the duties of their respective offices.

Quartermaster and commissary general, each to give bond.

Section 13. The assistant quartermaster general and the assistant commissary general shall [each] give bonds to the Commonwealth for the faithful performance of their respective duties, in such sums as may be approved by the Governor.

Assistants to give bond.

Section 14. The division assistant adjutant general, inspector, quartermaster, judge advocate, commissary of subsistence, surgeon-in-chief, ordnance officer, inspector of rifle practice and the aids-de-camp of the major general shall be appointed by the major general and approved by the Commander-in-Chief.

Appointment of division assistant adjutant general, inspector, &c.

Appointment of  
brigade assistant  
adjutant general,  
inspector, &c.

Section 15. The brigade assistant adjutant general, inspector, judge advocate, quartermaster, commissary of subsistence, surgeon, ordnance officer and the aide-camp to brigadier generals shall be appointed by the respective brigadier generals approved by the Commander-in-Chief.

Appointment of  
chaplains, adjutants, &c.

Section 16. Chaplains, adjutants, quartermasters and inspectors of rifle practice shall be appointed by the respective colonels, surgeons and assistant surgeons of regiments by the respective colonels and approved by the surgeon general.

Adjutants and quartermasters of battalions by the respective majors.

Assistant surgeons.

Assistant surgeons of battalions by the respective majors, to be approved by the surgeon general.

Assistant surgeons of troops of cavalry and artillery batteries by the respective captains, to be approved by the surgeon general.

Quartermasters of troops and batteries.

Quartermasters of troops of cavalry and artillery batteries by the respective captains.

Non-commissioned staff officers.

Division, brigade, regimental and battalion non-commissioned staff officers by their respective commanders.

Non-commissioned company officers.

Non-commissioned officers of companies by the respective captains, approved by their respective commanding officers.

Clerks.

Clerks, by the commanding officers of the respective companies.

Regimental quartermasters to give bond.

Regimental quartermasters shall give bonds in the sum of eight thousand dollars, conditioned for the faithful discharge of their office.

Bonds of quartermasters of troops and batteries.

Quartermasters of troops of cavalry and artillery batteries shall give bonds in the sum of one thousand dollars, conditioned for the faithful discharge of the duties of their office.

§15. Act of Assembly approved May 9, 1889. Original act of April 13, 1887, reads as follows:

"Chaplains, adjutants, quartermasters and inspectors of rifle practice shall be appointed by the respective colonels, surgeons and assistant surgeons of regiments by the respective colonels and approved by the surgeon general.

"Adjutants and quartermasters of battalions, by the respective majors.

"Assistant surgeons of battalions by the respective majors, to be approved by the surgeon general.

"Assistant surgeons of troops of cavalry and artillery batteries by the respective captains, to be approved by the surgeon general.

"Division, brigade, regimental and battalion non-commissioned staff officers, by their respective commanders.

"Non-commissioned officers of companies by the respective captains, approved by their respective commanding officers.

"Clerks, by the commanding officers of the respective companies.

"Regimental quartermasters shall give bonds in the sum of eight thousand dollars, conditioned for the faithful discharge of their office.

§16. Civilian Staff Officers.

"In answer to numerous inquiries on this subject, I would say: I can find no authority for a colonel to appoint civilians, under the title of paymasters, commissary, etc., on the staff, while the command is on a peace footing. Nor does it appear under the Code, that officers' commissions could issue or ever have issued to such civilians.

"I presume that such 'officials' are mere honorary assistants who wear the uniforms, as do certain ex-members of regiments and companies enrolled in 'veteran corps, viz., by authority of their respective organizations and not under any law of the Commonwealth.