

ADMINISTRATION : MILITARY LAW

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Administration: Military Law by W. H. Waldron

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W. H. WALDRON

**ADMINISTRATION
: MILITARY LAW**

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BY
CAPT. W. H. WALDRON
29TH INFANTRY

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Unit of
Capt. Waldron

WASHINGTON
UNITED STATES INFANTRY ASSOCIATION
1917

1917
CALIFORNIA

Night Operations

A Department devoted to the interest of newly-commissioned Infantry officers, officers of the Infantry Officers' Reserve Corps and candidates for commission.

Conducted by Capt. W. H. Waldron, 29th Infantry

ADMINISTRATION

- Q. What is Military Rank?**
A. 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 mark the relative positions and powers of the different classes of persons possessing it. (7)¹
- Q. What determines the order of precedence of officers in the military service?**
A. In each grade or sub-grade, the date of commission, appointment or warrant determines the order of precedence. (9)
- Q. Command exercised is by virtue of what?**
A. By virtue of office and the special assignment of officers holding military rank, who are eligible by law to exercise command. (13)
- Q. May an officer place himself on duty by virtue of his commission alone?**
A. No officer may place himself on duty without orders from competent authority except when it may be necessary to exercise the functions of his office to quell quarrels, frays and disorders among troops (old 24th Article of War); or, when upon marches, guards, or in quarters, different corps of the army happen to join or do duty together, when the highest ranking officer of the line of the army present assumes command of the whole (old 122d Article of War). (13)
- Q. What are the appropriate commands for officers of the several grades?**
A. 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. (14)
- Q. What is the status of an officer who succeeds another to any command or duty?**
A. He assumes the exact status of his predecessor. He will receive all the orders in force at the time; receive, receipt for and assume responsibility and accountability for all property and funds pertaining to his command or duty. (17)
- Q. May an officer of the Staff Departments command troops?**
A. An officer of the Staff Departments, whether he be one of the permanent officers or one detailed for duty therein, is eligible, by virtue of his commission, to command all enlisted men, but he cannot assume command of troops unless placed on duty under orders which specifically direct that it is done by authority of the President. (18)
- Q. Before whom may an officer of the Army take his oath of office?**
A. 1. Before any officer who is authorized by the laws of the United States or by local municipal law to administer oaths: Notary Public, Justice of the Peace, Clerks of Courts, etc.
2. A Department Judge Advocate.
3. The Judge Advocate of a General or Special Court Martial.
4. The trial officer of a Summary Court. (23)
- Q. What qualifications must a civilian possess for appointment as Second Lieutenant in the Army?**
A. 1. He must be unmarried.
2. He must be between the ages of 21 and 27 years.
3. He must be approved as to moral character, habits, mental and physical ability, education and general fitness for the service.
4. He must pass the physical examination required of recruits for admission to the

¹ Numbers refer to paragraphs in Army Regulations.

Regular Army, and the mental examination prescribed in general orders issued from the War Department covering the subject.

5. No person will be examined by a board of officers unless he has a letter from the War Department authorizing such examination.
 6. If the candidate has graduated from an institution where he received military instruction, he must present a diploma or a recommendation from the faculty of the institution.
 7. If the candidate is a member of the Organized Militia, he must present recommendations from the proper authorities thereof. (34-35)
- Q. What do you understand by the "Manchu Law"?*
- A. The "Manchu Law" provides that no officer of the line of the Army may be detached from duty with troops for more than four years out of six; that is, all officers of the line of the Army must serve with troops for at least two years out of every six years. (40)
- Q. What are the regulations governing the granting of leaves of absence to officers of the Army?*
- A. 1. Post commanders and officers having a similar status may grant leaves for one month.
 2. Commanders of territorial departments, tactical divisions and separate brigades may grant leaves for four months, or extend for that period leaves granted by their subordinate commanders.
 3. Chiefs of bureaus may grant leaves of four months to officers of their respective corps serving under their immediate direction, or extend to that period those already granted to such officers.
 4. Leaves of absence for three months from date of graduation are allowed graduates of the Military Academy.
 5. Leaves of absence will not be granted so that a company will be left without a commissioned officer, or a post without two commissioned officers and competent medical attendance.
 6. Leaves will not be granted during the period of active military operations except in cases of urgent necessity.
 7. Except under extraordinary circumstances an officer will not be granted a leave exceeding ten days until after he has joined and served with his organization for at least two years.
8. A sick leave of absence is granted only on the recommendation of a medical officer, after a thorough examination of the officer and a report completely covering the case in question. Sick leaves do not count against an officer's leave privileges.
 9. Leaves are granted in periods of months and days as "one month"; "one month and ten days," etc.
 10. A leave commences on the day following that on which the officer departs from his station. The day of departure is counted as a day of duty and the day of return as a day of absence.
 11. Officers on leave of absence are not allowed to go beyond the sea without the special permission of the authority granting the leave, or permission from higher authority.
 12. Permission to hunt is not counted against an officer's leave period, provided he submits a report containing a full description of the country traversed while hunting.
 13. By custom of the service the leave year extends from July 1st to the succeeding June 30th. An officer is entitled to thirty days' leave a year. This leave period may be allowed to accumulate for a period of four years.
 14. All correspondence relating to leaves, their extension and application for delays, is required to pass through the prescribed military channels.
 15. Verbal permits for an absence of less than 24 hours are not counted as leaves and are not noted against an officer on the rolls and returns. (49 to 66)
- Q. What action is required of an officer when he takes advantage of a leave of absence granted to him?*
- A. He writes letters to (a) His post or regimental commander; (b) the authority granting the leave when the latter is other than the post or regimental commander; (c) to the Adjutant-General of the Army, War Department, Washington, D. C.; containing the following information:
 1. The date of departure on leave.
 2. The address where correspondence will reach him.

The body of this letter would read as follows:

1. I have this 16th day of October, 1916, taken advantage of leave of absence for one month and twenty days granted by paragraph 18, Special Orders No. 224, c. s. (current series) Eastern Department.
2. My address during the period of this leave will be
543-142d Street,
New York City,
John Doe.

Any change in the address will be reported promptly to the same authorities. On return to duty a letter will be addressed to the same authorities informing them of such return to duty. (64)

Q. What action is taken by an officer when he reports to a station for duty?

- A. 1. He puts on his uniform and side-arms.
2. Proceeds to the office of the adjutant, introduces himself and indicates his desire to report to the Commanding Officer.
3. When informed by the Adjutant that the commanding officer will receive him, he places himself in front of the commanding officer, facing him, stands at attention, salutes and reports:

Sir, First Lieutenant John Doe, such-and-such organization, reports for duty.

4. At this time Lieutenant Doe presents a copy of the order directing him to report for duty. On the face of the order he will have previously noted the date and place of its receipt. (Received Oct. 16th, 1916—New York City.)
5. The Commanding Officer will return the salute, probably shake hands with him and welcome him to the regiment.
6. The remainder of the ceremony is rather in the nature of a social call, during which time Lieutenant Doe will receive instructions regarding quarters, messing, etc. (68)

Q. What action is taken when an officer has apparently taken undue time in reporting for duty after the receipt of an order?

- A. If he shall appear to have made unnecessary delay en route, he will be required to explain the cause thereof in writing.

If the commanding officer deem the explanation unsatisfactory, he will forward the same, with a statement of the facts in the case, to the department commander. (68)

Q. How are delays in reporting for duty and from leave regarded?

- A. When such delays are duly authorized, they are regarded as leaves of absence. (70)

Q. When orders directing the travel of officers contemplate the payment of mileage, what points must they specify?

- A. 1. They must state the specific duty enjoined.
2. They must state that "the travel directed is necessary in the military service." (71)

Q. When officers are summoned before a civil court as witnesses, what action is taken with respect to their transportation?

- A. 1. They receive necessary expenses incurred in travel and attendance from the civil authorities. Mileage or travel allowances will not be paid by the War Department.
2. If absolutely necessary transportation in kind may be furnished by the Quartermaster and the account forwarded to the War Department for presentation to the Department of Justice for payment. (75)

Q. What rules govern the retirement of an officer of the Army?

- A. 1. When an officer reaches the age of 64 years he is retired by operation of law.
2. When he reaches the age of 62 years he may be retired by order of the President.
3. He may be retired on his own request after having completed more than 30 years' service.
4. He may be retired at any time on account of disability or incapacity to perform the duties of his grade. (76 to 78)

Q. What rules govern the resignation of an officer of the Army?

- A. 1. The resignation tendered by an officer will be forwarded by his commanding officer, through military channels, to the War Department for the consideration of the President. Until the resignation is duly accepted the officer will not be considered out of the service.
2. A resignation tendered under charges

will be forwarded, accompanied by a report in the case and, if practicable, by a copy of the charges.

3. Leave of absence will not be granted on tender of resignation unless the resignation is unconditional and immediate. (79 to 82)

Q. May an officer on the active list of the Army hold a civil office?

- A. An officer of the Army on the active list who accepts or exercises the functions of a civil office contrary to law, thereby ceases to be an officer of the Army. An officer on the active list cannot lawfully accept or hold any office created by State or municipal authority, whether in State military organizations or otherwise. (82)

Q. What report is made on the death of an officer of the Army?

- A. 1. The place, cause, day and hour will be reported without delay by telegraph, by the immediate commanding officer, to the Adjutant-General of the Army, to the brigade commander, to the Coast artillery district commander, and to the Department commander.
2. If the officer is on the active list of the Army the report will show whether or not his death was from wounds or disease contracted in line of duty, or contracted as the result of his own misconduct. (83)

Q. What action is taken with respect to the public property and funds for which a deceased officer was accountable or responsible?

- A. 1. On the death of an officer in charge of public property or funds, his commanding officer will appoint a board of officers, three when practicable, which will inventory the same and make the customary returns therefor, stating accurately the amounts and condition.
2. These the commanding officer will forward to the chiefs of bureaus to which the property or funds pertain, and he will designate an officer to take charge of such property or funds until orders are received from the proper authority.
3. Cash on hand may be invoiced by the board to the deceased officer's successor, but balances to his credit with the treasurer, an assistant treasurer, or a designated depository, or a fiscal agent of the United States, over and above his

outstanding checks, will be deposited to the credit of the Treasurer of the United States by the chiefs of bureaus when the board has reported to the bureaus the balances over and above such checks. (86)

Q. What is the personnel of the Post Non-commissioned Staff of the Army?

- A. 1. Ordnance Sergeants.
2. Quartermaster Sergeants, Quartermaster Corps. (96)

Q. By whom are members of the Post Non-commissioned Staff appointed?

- A. They are appointed by the Secretary of War. (98)

Q. What qualifications must an enlisted man possess for appointment to the Post Noncommissioned Staff?

- A. 1. Ordnance Sergeants. From sergeants of the line who have served at least eight years in the Army, including four years as noncommissioned officers, and who are less than 45 years of age.
2. Quartermaster Sergeants, Quartermaster Corps. From competent noncommissioned officers of the Army who have served therein at least five years, three years of such service having been rendered as noncommissioned officers, and whose character and education shall fit them to take charge of public property, and to act as clerks and assistants to the proper officers of the Army in charge of public property.
3. Each class of these noncommissioned officers is required to pass a physical and mental examination prior to appointment. (98)

Q. When an enlisted man is detached from his company, what document accompanies him?

- A. A Descriptive List will be prepared and forwarded to his new commanding officer. (104)

Q. Is the Descriptive List ordinarily intrusted to the soldier?

- A. No. When it can be avoided the Descriptive List will not be intrusted to the soldier but to an officer or noncommissioned officer under whose charge he may be, or it may be forwarded by mail so as to arrive at the soldier's destination at or prior to the time he is scheduled to arrive. (94)

NOTE.—At this point it is considered advisable to explain the normal procedure in

transforming a man from his status of citizen to that of a soldier in the Army of the United States and to outline the administrative features of such transformation.

Any male citizen of the United States or any person who has legally declared his intention to become a citizen, if above the age of 21 and under the age of 35 years, ablebodied, free from disease, of good character and temperate habits, may be accepted for enlistment in the Army.

The citizen applies to the recruiting officer at any one of the numerous recruiting stations distributed throughout the country, for enlistment. After ascertaining that he fulfills the requirements as set forth in the preceding paragraph, the nature of the service and terms of enlistment are fully explained, any questions that he may bring up are answered, and before the enlistment blanks are filled in, the recruiting officer will read to him and offer for his signature the "Declaration of Applicant" to enlist in the Army of the United States, as follows:

DECLARATION OF APPLICANT.

I, _____ desiring to enlist in the Army of the United States for the term of seven years, do declare that I have neither wife nor child; that I am of the legal age to enlist and believe myself to be physically qualified to perform the duties of an ablebodied 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 any other service on account of disability or through sentence of either a 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. (Signed and witnessed.)

After this declaration has been signed the recruiting officer conducts a physical examination of the applicant sufficient in scope to detect any radical defects that would disqualify him for active service.

Having passed the physical examination the applicant is forwarded to one of the general Recruit Depots, of which one is located at each of the following points: Fort Slocum, N. Y.; Columbia Barracks, Ohio; Jefferson Barracks, Mo.; Fort Logan, Colo.; and Angel Island, Cal.

Before leaving the recruiting station the applicant's descriptive and assignment card

(generally known and referred to throughout the service as the "D and A Card") is begun. This card follows the recruit throughout his service until he joins his regular organization (Company, troop or battery), when it is disposed of as will be explained later.

Within a reasonable time after arrival at the recruit depot the applicant is given a critical physical examination by a Medical Officer of the Army, which, if he passes satisfactorily, is followed by his being sworn into the service of the United States; the making of his identification record, consisting of a front view and profile photograph and a minute description of all permanent or indelible marks on his body. If necessary he is then vaccinated against small-pox and the first injection of the typhoid prophylaxis is administered. His D and A Card is then completed down to the line "vaccinated" on the front of the card.

The recruit is retained at the depot for a variable length of time, where he is given such elementary instruction as is practicable in the time available, and is then forwarded to a regular organization. At this time his D and A Card is completed to include the signature of the Adjutant on the back and the card accompanies the recruit to his regiment where it is turned over to his commanding officer.

The man is assigned to a company and the commanding officer completes the D and A Card, showing the company to which assigned, and forwards the original card to the Adjutant-General of the Army.

The Commanding officer causes a true copy of the D and A Card to be prepared, which he furnishes to the company commander of the company to which the recruit has been assigned. The recruit has now joined his regular organization and will thereafter be borne on the rolls and returns thereof.

When a soldier is assigned to an organization the commanding officer of the organization opens a Descriptive List (commonly known in the Army as a D. L.) in his case. The data shown on the D and A Card being used wherever applicable.

The D. L. contains a complete record of the soldier's service and his accounts with the government. In it are entered:

1. His name, rank and organization.
2. Name and address of the person to be notified in case of emergency.

3. Date and place of enlistment.
 4. Place of birth and age at enlistment.
 5. Description, etc., as shown on D and A Card.
 6. A record of his previous military service.
 7. A record of his present service.
 8. Record of following facts: Date of appointment and grade to which appointed in case of noncommissioned officer; marksmanship or gunnery; furloughs granted; battles participated in; record of Medal of Honor or Certificate of Merit that has been granted; date of vaccination, with result; date of completion of typhoid prophylaxis.
 9. A complete record of convictions by court martial.
 10. The number of the enlistment period in which the soldier is serving.
 11. A record of allotments made by the soldier and the date to which same have been paid.
 12. Record of the soldier's deposits, showing date of deposit, amount deposited and name of paymaster with whom deposit was made.
 13. Complete statement of the soldier's clothing account with the Government, showing date of each issue of clothing, the money value of same and signature of soldier and witnessing officer; statement showing the clothing settlements that have been made between the soldier and government during the continuance of the Descriptive List.
 14. Any additional remarks pertaining to the soldier's service and accounts.
 15. When the soldier is separated from his company for any reason whatsoever his descriptive list will be completed up to the date of such separation by the entering of proper notations under the headings marked with a star on the Descriptive List blank. These notations include:
 - (a) Excellence in horsemanship.
 - (b) Physical condition at date of separation from the company.
 - (c) Character.
 - (d) Character of Service. (Honest and faithful or otherwise.)
 - (e) Date to which soldier was last paid and name of paymaster making the payment.
 - (f) Amount of money due the soldier or due the United States on account of clothing.
 - (g) Any money due the soldier other than pay.
 - (h) Any money due the United States to be stopped against the soldier's pay on the next rolls upon which his name appears.
 - (i) Under remarks, a statement showing the reason for completing the Descriptive List.
16. The Descriptive List thus completed is retained as a part of the company records and in case of transfer, or when the soldier does not completely sever his connection with the military service, a copy of the same, signed by the company commander, is forwarded to the new commanding officer of the soldier.
- Q. What is a furlough?*
 A. A furlough is a permit in writing, authorizing a soldier to be absent from duty for a definite period of time specified therein and authorizing him to go to a definite place. (106)
- Q. Who may grant furloughs to soldiers?*
 A. Any commanding officer. (106)
- Q. For what periods are the several commanding officers authorized to grant furloughs?*
 A. 1. Territorial Department commanders, Brigade, district and post commanders, and chief of the War Department bureaus, for three months.
 2. General Hospital, general supply depot, mine planter and regimental commanders for one month.
 3. A furlough for a period exceeding three months will not be granted except by the War Department, and then only under the most unusual and urgent circumstances. (106)
- Q. What general rules govern the granting of furloughs to enlisted men and the limitations placed on them?*
 A. A furlough will not be granted to an enlisted man about to be discharged. Not more than five per cent of a command may be on furlough at the same time.
 An enlisted man on furlough will not leave the United States to go beyond the sea unless the furlough includes permission to do so.
 The limits prescribed will be stated in the furlough, and if exceeded may be revoked and the soldier arrested.
 Furloughs granted to enlisted men serving beyond the continental limits of the United States, for the purpose of re-