

CHAPTER XIII.

BARRACKS AND QUARTERS.

SHELTER OF TROOPS, HORSES, AND MATERIAL.—The necessity for the simultaneous action of masses and the disciplinary supervision of inferiors by superiors involves the holding together of the troops in general, and of the individuals composing the same organization in particular. The assemblage of troops varies according to the degree to which this necessity presents itself, from their temporary concentration for tactical purposes to the sheltering of them in "civilian quarters" (*Bürger Quartiere*). Even in the latter case the quarters of each organization should be situated in the same section of the town, in order that disciplinary control may be exercised and the performance of military duty facilitated.

Living rooms in use for sheltering military persons are termed their *quarters*. A public military building fitted up for the accommodation of a unit (*Truppentheil*), or of a part thereof, is called a *barrack* (*Kaserne*), and the winter quarters assigned therein to officers and soldiers are designated as *barrack quarters*. *Official residences* (*Dienstwohnungen*) are such as are provided for individual military persons or civil officials of the military administration in military buildings belonging to the Government, or in private houses rented by the military administration for this special purpose. All other quarters are denominated *civilian quarters* (*Bürger Quartiere*); they are "natural quarters," or quarters in kind (*Natural Quartiere*), when provided by the town authorities and placed at the disposal of the troops, and *rented quarters* when hired by the occupants (*Servis-Empfänger*) themselves. If the authorities, instead of furnishing "natural quarters," prefer to fit up quarters barrack-like for a considerable number of men, or to erect or rent buildings for entire units, then the quarters are respectively designated as quarters of masses (*Massenquartiere*) and private barracks; such quarters, however, remain, in administrative respects, civilian quarters, unless special agreements have been entered into in particular cases with the town authorities touching the administration and equipment of the buildings.

A place in which troops are permanently located and where the necessary arrangements have been made for a permanent station is termed a *garrison place* or *garrison* (*Garnison*), and the troops stationed there constitute the *garrison*. Troops are said to be in garrison at a place when it is intended from the first that they are to be stationed there for six months or longer. A place occupied by troops for some weeks or months is called a *cantonment*; if they remain but one or two days they have their *marching quarters* there. Troops located outside of a town or village are said to be *in camp* if huddled or placed in tents; and *in bivouac* if unprovided with such shelter.

In determining the kind of shelter, tactical, sanitary, statistical, disciplinary, and administrative, circumstances are considered, and it must be decided in each case which of these circumstances is paramount. Troops may have to be provided for (1) in peace—under ordinary conditions; when changing station by marching; during exercises; under extraordinary circumstances; and (2) in war—during mobilization; during the strategic concentration and the assembling of the field army; during active operations while moving in the enemy's, an ally's, or the home country; during pauses in active operations; during an armistice, which may be of shorter or longer duration; during the occupation of hostile territory; while employed for *etappen* purposes; before or in fortresses; during marches of troops pertaining to the garrison army in the interior.

The utilization of the troops being different in all these cases, the shelter, if any is provided for them, necessarily varies. During active operations while in motion and especially when the touch with the enemy is kept up, all other considerations must yield to the necessity of constant preparedness for combat; and here the troops, at least those in advance, will naturally bivouac. On the other hand, sanitary and administrative conditions are given their greatest weight under ordinary peace conditions, and largely determine the construction and fitting up of barracks and other garrison buildings, as well as the requirements to which civilian quarters in garrison must conform. Between these extremes the peace and war conditions vary greatly and modify the requirements of the shelter that is desirable for the personnel and material.

Each military person not in camp or bivouac can lay claim, either to quarters, *i. e.*, to a properly fitted up, heated and lighted residence, or to commutation (*Servis*) therefor.

Prior to the enactment of the law of June 25, 1868, each person entitled to quarters had an absolute right to barrack or "natural quarters," the local authorities being obliged to furnish him, on demand, quarters appropriate to his grade, for the amount of his commutation. Since then only enlisted men have this right, while officers and the higher military officials not living in an official residence, or in barracks, are bound, when in garrison, to provide their own quarters and fuel out of their commutation, and can not lay claim to quarters in kind even where this is attended with difficulty. The same rule obtains with reference to shelter required for other garrison purposes, and for the preservation and storage of supplies. The authorities of towns or villages are no longer required to provide rooms for these purposes; such rooms must therefore be provided by the military administration. It is thought that the law controlling the subject at present is less advantageous to rural districts than to cities and towns, since the latter continue to profit from the presence of troops without having to incur any expense on their account, whereas country people, among whom troops are never quartered permanently, are still required to provide for them on marches and while in cantonments.

BARRACKS.—The conditions which a barrack must fulfill concern (1) the arrangement of the barrack, depending upon the officers, officials, and men to be accommodated; (2) the fitting it up with the necessary furniture, bedding, towels, etc.; and (3) the material for heating, lighting, and cleansing it.

THE ARRANGEMENT.—The amount of barrack room to which officers of each grade from a captain downward are entitled is fixed by regulations. Officers above the grade of captain are not quartered in barracks. The question as to whether and to what extent officers' quarters are to be included in a new barrack to be built is determined in each case by the local conditions; in general the rule is observed that quarters must be provided for at least one lieutenant per company. First sergeants and others of like rank, subphysicians and veterinarians, vice first sergeants, ensigns, staff trumpeters, quartermaster sergeants, and regimental and battalion clerks, are entitled each to a separate room; but, barring first sergeants, subphysicians and veterinarians, several persons of the classes mentioned (for example two ensigns) may be quartered together in a large room. Noncommissioned officers are not, as a rule, quartered in the same rooms with privates, but a separate room is set apart for every four of them. Quarters for not more than two married noncommissioned officers per company may also be supplied. Provision is further made for quartering in barracks the armorer, the saddler, the barrack inspector and his men, as well as the steward of the officers' mess. From 8 to 10 privates are quartered in one room, but it is deemed desirable that each barrack should contain several rooms accommodating as many as 24 men, which can also be used for instruction purposes. For every man a superficial space of 48½ square feet and an air space of from 460 to 480 cubic feet is allowed.

Besides the living rooms, the following are provided: Kitchen and dining rooms for the men; rooms for an officers' mess, if one is not elsewhere established for the entire garrison; company, battalion, and regimental storerooms; workshops; guard rooms, including such rooms as are suitable for the execution of disciplinary punishment and for imprisonment for light offenses; rooms for the cleaning of arms, clothing and leather equipments; bathrooms, including shower bath.

For administrative purposes there are supplied cellars or sheds for the storage of fuel; storerooms for utensils, bed sheets, pillowcases, blankets, etc.; a laundry, and in connection with it rooms for drying and mending clothes to be laundried; a fire engine room. The barrack yard must contain sufficient space for the formation of the troops and for the instruction of recruits. Provision must be made in the yard for the supply of a sufficient number of hydrants, water closets, pits lined with bricks for the preservation of ashes, rooms for the cleaning of clothes, stables for the authorized horses, drill and riding halls.

THE FITTING UP OF BARRACKS.—The number, kind and quality of the utensils, articles of furniture, bedding, etc., which are to be furnished to each barrack room for both the individual and joint use of the occupants thereof is fixed by regulations, as is also the number of articles that are authorized for the common use of all the troops barracked together; but a supply in excess of the authorized allowance must be kept on hand by the garrison administration, to enable it to replace articles unexpectedly lost or while undergoing repair or being washed. Among the articles supplied are woolen blankets, coverlets, pillowcases, and towels, as well as bed sacks and mattress covers. The washing of these articles is paid for by the Government.

For every kind of utensil, article of bedding, etc., a price and a period of life or service is fixed. The year's contingent (*Jahrescontingent*) is determined by these two factors on principles similar to those by which the clothing allowance is determined. Each intendantur receives annually a lump sum out of the fund appropriated for the purpose, which is exchangeable with the barrack repair fund, and from which the cost of maintaining and replacing the utensils, bedding, etc., is defrayed. It assigns a part of this sum to each local administration, for which the latter becomes accountable, and reserves the remainder to meet special demands that may be made upon it. Utensils can not be dropped as worthless until condemned by a deputy of the intendantur at the time of the annual barrack inspections (*Local Revisionen*), and for this occasion even the pieces of broken articles must be preserved. The manner in which the unserviceable articles are to be replaced and disposed of is decided upon at the same time. The condemned woolen blankets are used for repairs or as dishcloths, and such as are still fit for the purpose, are set apart as wraps during cold weather for detachments of recruits traveling long distances by rail. These blankets, after having been dyed black, are turned over under orders from corps headquarters to a regiment, battalion, or garrison administration, which becomes responsible for them.

It is the business of the garrison administration to attend to the repairing and complementation of the utensils. Transfers of surplus articles from one garrison to another that is in need of them are effected under the direction of the intendantur. All utensils, including articles of bedding, are stamped with the letters, "K. U." (*König's Utensil*—Royal Utensil), and with the years in which they were purchased and in which they were first used. Of the articles in use, the towels are replaced weekly, the bed sheets, pillow slips, and coverlets once a month, by clean ones. Woolen blankets are scoured once a year; bed and mattress sacks are washed whenever they are restuffed. The washing is done under the direction of the garrison administration at steam laundries. Garrison instead of barrack steam laundries have been established in several of the larger garrisons, and do both the hospital and garrison washing.

ARTICLES FOR EXPENDITURE.—Fuel is generally provided both to the hospital and the barracks of the garrison under the same contract. When coal is used and the railway connections admit of it, the requisite supply is obtained directly from the mine, the profit ordinarily accruing to the contractor being thus saved, and the chance of getting a better quality increased. The soft wood required to heat a room having a floor space of 388 square feet, and a height of from 10'30 to 11'32 feet during twenty-four hours of normal temperature, in April or October, constitutes the "fuel portion," and serves, together with the scale of authorized equivalents, as a basis for computing the fuel allowance. Rooms of this size accommodate 8 men; for larger ones a larger quantity of fuel is provided, an additional $\frac{1}{4}$ portion being authorized for each additional 2 men for whom the room contains the prescribed air space. During March and November the fuel portion is doubled; during December, January, and February it is trebled. Kitchens for one company are supplied with $9\frac{3}{4}$, those for two companies with 14 fuel portions per day, regardless of the season. Savings on the fuel portion are at the end of the "heating period" (April 23) returned to the garrison administration.

Illuminating material, consisting as a rule of petroleum and the necessary lamps and wicks, is furnished to all barracked persons except officers; also for the use of guard rooms, the noncommissioned officers' assembly room, the kitchens and mess rooms, hallways, yards, sinks, and stables, as well as for riding halls when necessary. Gas illumination is authorized only when the cost of it is less or not greater than the illumination by means of petroleum.

Police utensils and materials, such as brooms, wiping cloths, and sand for the policing of floors, stairs, yards, and roads are provided by the garrison administration, the brooms being purchased in open market.

Either horsehair, straw, or hay may be used for pillows, mattresses or bed sacks, according to the preference of the troops concerned. Hair mattresses are restuffed once a year, and an extra quantity of hair, amounting for mattresses to 4 and for pillows to 17 pounds, is allowed for the purpose. Straw sacks are refilled once and hay sacks twice a year; the old hay and straw is sold and the proceeds turned into the garrison administration fund.

THE UTILIZATION OF BARRACKS.—A "plan of occupation" (*Belegungsplan*), which must have been the subject of a previous conference between the intendantur and the troops concerned, is drawn up for every set of barracks, including the stables pertaining thereto. In the case of new constructions it is submitted at the same time with the plans and specifications and the estimate of the cost of the same. The plan is forwarded through the proper channel to the War Ministry, whose confirmation is necessary to give it effect. Modifications of it which are subsequently found desirable may be authorized by the commanding general, unless they involve a diminution of the capacity of the barracks as a whole, in which case the assent of the Ministry is also required. Each room or set of rooms is numbered according to a series which runs through the entire barrack; the number is set opposite to the room or set of rooms in the "plan of occupation," together with a statement of its floor and cubic space, as well as of its object, *i. e.*, whether it is to be used for administrative purposes, as kitchen, quarters for officers or men, etc. For the preservation of order and discipline, the barracks are divided into sections (*Reviere*)—this with the view of quartering each company, squadron, or battery apart from every other. Officers who are quartered in the barracks are chargeable with two-thirds of the commutation (*Servis*) of the grade for which the quarters occupied by them are intended.

When ready for occupation, a barrack, together with the utensils, furniture, bedding, etc., belonging to it, is formerly transferred by the garrison administration to the troops to be quartered therein, and a record is made of the proceedings relating to the transfer. The commanding officer designates an officer living in the barrack as "military barrack superintendent," who becomes the medium of communication between the garrison administration and the troops, turns over the rooms, furniture, etc., to the several companies, individual

officers and officials, disbursing and other commissions upon their receipts; sees that every one quartered in the barrack receives what he is entitled to, and, in conjunction with the "garrison administration," takes care that the regulations prescribed for the guidance of the inmates of rooms are observed, and that neither the buildings nor the furniture are abused or misused.

Whenever the troops leave the garrison without a definite understanding that they are to return, or permanently vacate their barrack for any reason, the retransfer of a barrack to the garrison administration involves the same formalities as the occupation. If these formalities are omitted, it is the duty of the senior officer of the garrison, or should no garrison remain, of the town authorities, to institute a transfer commission which represents the departed troops, who are chargeable not only with any ascertained damage to buildings and furniture (other than such as is occasioned by fair wear and tear), but also with the cost of the transfer proceedings.

PRIVATE BARRACKS.—In the smaller garrison towns where no barracks exist and none are to be erected by the Government, the local authorities or private persons sometimes offer to provide in whole or in part for the sheltering of the men and horses of a command on their own account. In some cases the stationing of troops in a town, or the leaving them there, is made conditional upon the erection of the necessary buildings for their accommodation by the communes. Any agreement touching rent or other indemnification entered into between them and the intendatur must be submitted to the War Ministry for confirmation. The military authorities can not, of course, bind themselves to keep a garrison of a certain size or any garrison in a place, since military, political, and other reasons may at any time necessitate a redistribution of troops. If the owners of private barracks not only furnish the buildings, but also the articles and the material needed for the furnishing, heating, lighting, and cleaning of them, they are compensated the same as persons upon whom soldiers are billeted; but as a rule they receive the authorized commutation also during the temporary absence of the troops at the autumnal maneuvers. In most cases, however, the military administration assumes the furnishing, heating, etc., of the barracks, and pays as rent only one-half, or less, of such commutation.

MANAGEMENT OF BARRACKS BY THE TROOPS.—If desired by them, the entire or partial management of their barracks may, with the approval of the commanding general, be assumed by the troops themselves, the commanding officer being responsible. The management is conducted on the same lines as that of the clothing, a special commission, composed as a clothing commission, being charged with the administration. The funds applicable to the purpose constitute regimental funds in the case of infantry and artillery, if an entire regiment occupies the same barracks, and are administered by the disbursing commission of the battalion to which the regimental staff is attached. Savings effected may be expended for the improvement of the barrack accommodations and in the interest of the men. The accounts are examined annually by the mustering or other specially designated commission, and on the strength of its report, and of personal observation, are settled by the commanding general when making his regular tour of inspection. The record of the settlement must be countersigned by the corps intendatur who thereby assumes the responsibility for its administrative correctness.

Troops managing their own quarters are paid monthly the full amount of the commutation according to the greatest number sheltered at any time during the month, only the same proportion as that retained for extraordinary repairs in the cases of public buildings being reserved. The buildings must be kept in good condition by the troops.

A partial management of the barracks by the troops may extend to the whitewashing of the interior of the barracks; the procurement, issue, etc., of the fuel; the procurement of the

glass or pottery utensils; the procurement, repair, and washing of bedding and towels; the procurement of illuminating material for the barracks; and the procurement of the utensils and illuminating material needed for the stables out of the proceeds of the sale of manure, or to a number of these things. In such cases the same amount is paid over to the troops by the garrison administration which the latter would have to expend for either of the purposes enumerated the money being accounted for under a separate head by the regular disbursing instead of through a specially instituted commission.

OFFICIAL RESIDENCES.—If to the occupant of a completely furnished residence the regular allowance of fuel and illuminating material is supplied, he has no further claim to quarters or to commutation thereof. Only the active field marshals, the commanding generals, the Prussian War Minister, the Chief of the General Staff of the Army, and the gouverneurs of Berlin, Mainz, and Metz have an absolute right to such a residence in a place where no suitable public building is available for the purpose, and where one would have to be rented, furnished, and kept in repair. No regulations exist in regard to the kind, number or quantity of the furniture, utensils, etc., with which such residences are to be fitted up, these matters being determined upon according to local conditions and the available means.

Some of the civilian officials of the military administration, such as the garrison, hospital, remount depot administrations; also instructors and rendants, and the lower functionaries of the cadet and other training institutions, the steward (*Ökonom*) of the War Academy, etc., whose residence in the institutes with which they are connected seems to be necessary, are entitled free of charge to an unfurnished official residence, which represents a part of their income, the money equivalent of which is included in the computation of their authorized pension. Where no such residence can be assigned them in a public building, one must be provided by the military administration.

Partly because of the nature of the services required of them and also by reason of custom, an absolute right to an unfurnished official residence attaches to a number of military officers, such as those of the chief of the military cabinet (adjutant general), the war ministers at Dresden and Stuttgart, the gouverneur of Cassel, the commandants of several garrisoned towns, the commanders of the 1st foot guards and of the regiment of the "Gardes du Corps."

A conditional right to an unfurnished official residence is conceded to the incumbents of those places for whom such a one is regarded, owing to local condition, as very desirable though not absolutely necessary. To this category belong division commanders, corps intendants, commandants of noncommissioned officers' schools, officers detailed for duty at the cadet institutes, engineer and foot artillery officers on duty in fortresses, superintendents of artillery depots in open towns, artificer officers, train depot officers, etc. The use of an unfurnished official residence is deemed equivalent to two-thirds of the authorized commutation of quarters. Such residences are kept in condition, as well as heated and lighted, by the garrison administration.

COMMUTATION OF QUARTERS, FUEL, LIGHT, STABLES.—Commutation (*Servis*) is the amount which the Government allows the house owner who provides these things to one entitled to them, or which it allows to the latter for providing himself with them. The former amount is known as *Natural-Quartier Servis* (commutation of quarters, etc., furnished in kind), and the latter *Selbstmiether Servis* (commutation of quarters, etc., provided by the person himself who is entitled to them). Different tariff rates exist for the two kinds of commutation, the *Natural-Quartier Servis* providing for only three classes of officers, viz, general, field, and company officers, to one of which the higher officials are also assigned, as well as for enlisted men of the various grades; whereas the *Selbstmiether Servis*, which is higher and graduated both according to the different commissioned grades (*Chargen*) and the offices or places (*Stellen*) makes no provision for enlisted men, who on principle

are expected to live in barracks, though a limited number of married noncommissioned officers (not exceeding four per company) are permitted to reside outside and allowed the *Natural Servis*. Commutation rates vary with the rates paid for rent of rooms in different localities. At present all German towns are divided into five commutation (*Servis*) classes, and only for Berlin and one or two other large cities are specially high rates established, exceeding those of the highest class. Villages and isolated country estates are all included in the first or lowest class.

The amount of the commutation depends, as a rule, upon the office or place occupied by the person entitled to it, without regard to his grade, and the grade is only taken into account in the cases of officers and officials who perform duties falling within the sphere of an office for which no rate has been fixed. For example, a colonel occupying the place of a brigade commander receives the commutation of a major-general; if he held the place of a battalion commander (a possible contingency, though one not likely to arise), he would receive only the commutation of a major; if he occupied a place for which no rate is fixed he would be entitled to the commutation of a colonel.

Commutation (*Servis*) is payable:

(1) For personal quarters. Of the amount fixed upon on this account two-thirds is reckoned for the residence itself and one-sixth each for repair and replacement of the furniture and for the procurement of the heating and lighting material therefor. If either of these things is furnished in kind, the payment of the corresponding quota ceases, but captains and lieutenants quartered in barracks are severally allowed a small amount per month to cover minor expenses.

(2) For the procurement of office rooms and of the requisite furniture, utensils, heating and illuminating material therefor. To offices are entitled all headquarters, commanding officers, institutes, and administrative departments, for which clerks are authorized in the appropriation act.

(3) For the procurement of stables and the utensils pertaining thereto. Each mounted officer or official who is not furnished with stabling in kind receives for the renting of a stable a sum of money proportioned to the number of horses to which he is entitled. A *Natural-Quartier Servis* is also authorized to cover the cases of horses of officers and officials on the march.

(4) For supplying of guard and prison rooms.

The right to quarters or to commutation in lieu thereof is a personal one. The *Selbstmiether Servis* is therefore payable at the same time and in the same manner as the salary. In the event of the unexpected transfer of an officer or official to another garrison, an amount not exceeding the authorized rate of commutation for nine months may be allowed him as indemnification for the subsequent payments he may have to make under the provisions of a lease entered into by him.

The disbursing commissions of the troops receive and account for the *Servis* fund monthly through the intendantur. The receipts of the local authorities for the payment to them of *Natural Quartier Servis* accompany the accounts. Nonregimental officers and officials receive their *Servis* through the garrison administration, who render accounts of the transactions to the intendantur.

ADDITIONAL MONEY ALLOWANCE ON ACCOUNT OF QUARTERS (*Wohnungsgeld-Zuschuss*).—When in 1872, the necessity for an increase in military salaries became manifest, it was deemed expedient to extend the necessary relief in the shape of such an allowance, for the reason that at this time a bill was pending in the Reichstag by which the amount allowed civil officials for a residence was to be increased to keep pace with the rise in rents, and by which such increased amount was to be determined by grouping the German towns under

five classes after the manner of the *Servis* classes above mentioned. The Reichstag accordingly enacted a law in 1873 which gives to every officer, military physician, and official of the military administration, as well as to civil officials, an additional money allowance on account of quarters, which, in the cases of the former, is payable even while the army is mobilized, when the ordinary commutation or *Servis* ceases altogether. The military authorities thus accomplished by indirection what they thought they could not effect by direct means—a substantial increase of the income of all army officers and officials.

CHAPTER XIV.

SPECIAL CORPS.

THE MILITARY CLERGY is headed by a Protestant and by a Catholic *Feldprobst* (chaplain general), who are appointed by the sovereign and are charged with the supervision of the work of the chaplains of their respective denominations. The following constitutes the authorized personnel:

Evangelical Clergy: Fifteen superior chaplains (*Oberpfarrer*), 59 division and garrison chaplains, 69 division and garrison sacristans.

Catholic Clergy: Forty-three division and garrison chaplains, 38 division and garrison sacristans.

The division chaplains are appointed by the Minister of the Interior on the recommendation of the chaplain general, which is based in part upon a report of a division commander on sermons which the candidate, who must be a regularly ordained minister, has preached in the garrison church or chapel.

THE SANITARY SYSTEM.—Concerning the sanitary system of the army, which is believed to be fully up to modern standards in all of its branches, but little will be said in this report in addition to what appears under the head of "hospital administration," as the subject is one which could hardly receive adequate treatment at the hands of a layman. In Germany, as with us, the principle is lived up to that the object of the military treatment of sick soldiers is their restoration to military duty. The treatment ceases, therefore, when the soldier quits active service, though he may not be restored to health, and he is discharged from such service as soon as it becomes apparent that he is permanently disqualified therefor. The object of military treatment of the sick is therefore a military, not a humane one. Its humanity toward the invalid soldier the State manifests by admitting him to invalid houses (Soldiers' Homes), pensioning him, supplying him with artificial limbs, etc., after discharge.

The sanitary system embraces both military hygiene and the medical care of sick military persons, the measures for the promotion of hygiene being partly administrative and partly disciplinary in character. To the former belong the construction of barracks and other quarters and rooms in reference to air space, ventilation, etc., the establishment of bathing facilities in the barracks, disinfection of sinks, etc., the provision of good drinking water, and the improvement in the men's table fare in the event of epidemics, threatened or existing. Among the disciplinary measures promotive of salubrity are reckoned the periodic medical examination of all the men to prevent the spreading of disease, the constant control of the cleanliness of the body, requiring the men to bathe both in the barrack bath-rooms and in the open, proper rules of conduct in the barrack, the greatest possible regard for the health of the troops in instructions and projects touching exercises and drills. The medical care of the sick includes the treatment of the sick and wounded military persons in quarters and hospital, as well as the providing for them in suitable cases and in a military way, of bathing and mineral water cures; and also the treatment of the wives and children of soldiers, from the first sergeant downward.

At the head of the military medical system is the general staff physician of the army, with the rank, pay, and emoluments (but not the title) of a major-general, whose functions

correspond somewhat to those of an inspector general of a special arm combined with those of the director of a department or bureau of the War Ministry. He is the chief of the military medicinal division of the War Ministry, which is directly subordinated to the War Minister, and whose sphere of action is not unlike that of our Surgeon General's Office. To the General War Department (bureau of the War Ministry) are left, however, after conference with the medicinal division, the adjudication of questions concerning purely military affairs of the military physicians, such as pertain to their military duty, discipline and rank, and matters relating to the transport service of the field hospitals.

The sanitary service in connection with the troops is performed by the physicians attached to them. To most of the regiments is assigned a superior staff physician (*Oberstabsarzt*), known as regimental physician, who performs the required medical functions for the battalion to which the regimental staff is attached. Staff physicians (*Stabsärzte*) and assistant physicians are assigned to battalions and cavalry regiments. For the medical attendance of military persons in the fortresses and the larger garrisons not belonging to any organization provided with physicians, superior staff surgeons, designated as "garrison physicians," are appointed.

Both the physicians attached to the troops and to garrisons are required to do hospital service, and the chief physicians of hospitals are selected from their number. Sub-physicians are appointed from young physicians enrolled as one-year volunteers, and are eligible for appointment as assistant physicians. A hospital assistant (*Lazarethgehülfe*) who has been trained in minor surgery and who is capable to render "first aid," is provided for in the appropriation act for each company. Hospital assistants have the rank and pay of noncommissioned officers. Suitable men who have been fairly instructed as soldiers for six months are detailed, under the direction of the physician general of the corps, as nurses (*Krankenwärter*) at garrison hospitals, where they are trained for service with field hospitals in time of war.

In the field, sick officers and men are not, as a rule, permitted to remain with their commands, as they are apt to be in the way. If in light cases they are treated at all by physicians belonging to the troops, their condition must be such as not to impair their marching capacity or general effectiveness. The sanitary service with the field troops is therefore limited to measures for the prevention of disease, and to the care of the sick and wounded until they can be sent to a field hospital. Only during pauses in active operations, or in the cases of troops investing fortresses may temporary provision be made for the treatment of the sick and wounded "in quarters."

MILITARY APOTHECARIES.—To the headquarters of each army corps there is attached a "corps staff apothecary" who superintends, under the direction of the physician general, the procurement of medicines, etc., for the dispensaries of the several hospitals in the corps district. Only persons in possession of a license for the conduct of an apothecary establishment (drug store), and who have served for a probationary term of not less than six months, are eligible candidates for these places. The appointment is made by the War Ministry upon the recommendation of the physician general of the corps. Corps apothecaries belong to the higher officials of the military administration.

Hospital dispensaries are usually placed under the immediate charge of a military physician by the chief physician. The former is assisted by one or more one-year volunteer apothecaries, *i. e.*, by qualified pharmacists who wish to discharge their liability to military service as military apothecaries.

MILITARY VETERINARIANS.—Mounted soldiers of unexceptionable deportment, not past the age of 24, who have qualified for the prima of a gymnasium, Real school, or corresponding institution, who are practical horseshoers, and who obligate themselves to serve

with the colors for a definite term, are admitted as students to the military veterinary school at Berlin, whence, after successful passage of the prescribed examination, they are appointed as subveterinary physicians. The grade is as follows: Corps veterinary physicians (*Korps Rossärzte*), superior veterinary physicians (*Ober Rossärzte*), veterinary physicians, and subveterinary physicians. The two first mentioned have officers' rank, the others noncommissioned officers' rank. All except the corps veterinary physicians, who belong to the corps staffs, are attached to mounted troops or training schools.

CHAPTER XV.

ADMINISTRATION OF MILITARY JUSTICE (*MILITÄR-RECHTSPFLEGE*).

GENERAL REMARKS.—In the German Army, discipline is maintained, military justice administered, and the moral tone of the service kept up by three methods, namely: (1) By the summary punishment of light offenses through commanding officers; (2) by courts-martial; (3) by courts of honor, the latter being limited in their sphere to the cases of officers. The provisions underlying the first two mentioned methods are set forth in the military code of 1872, which in turn rests, as regards all crimes not of a purely military complexion, upon the criminal code of 1871, and the law (*Novelle*) of 1876, supplemental thereto. This legislation, having been enacted by the Reichstag, is applicable to all the four contingents of which the German Army is composed. The law regulating the procedure of courts-martial was enacted in 1845 by the Prussian legislature, and is therefore in strictness applicable only to the Prussian contingent, though as a matter of fact it is also pretty closely conformed to in the Saxon and Württemberg army corps. Courts-martial instituted in organizations of the Bavarian contingent continue, however, to be guided in this respect by the laws of their own State, which are more liberal than the Prussian enactments, providing as they do for the publicity of the proceedings of military courts, and the introduction of counsel by the accused, as a matter of absolute right. The institution known in the Prussian Army as the "court of honor" was founded on, and its mode of procedure is regulated by, a Royal Decree, dated May, 1874.

Before entering upon a description of the nature and scope of each of the above-mentioned instrumentalities for the preservation of good order and military discipline, a few general remarks touching the German system of military jurisprudence may not be out of place here.

The total amount annually appropriated for the administration of military justice in the German Army, including the salaries of the officials belonging to the military law department, is about \$226,100, or nearly \$11,305 for each army corps. The approximate number of persons amenable to military jurisdiction in Germany is 511,000, while the number of the officials referred to, including clerks, registrars, etc., amounts to 232. The highest judicial functions devolve in each of the four contingents upon a college or body of officials termed the *General Auditoriat*, and consisting, in addition to the head or president (*General Auditeur*), of 6 members in Prussia, 5 in Bavaria, 2 in Württemberg, and of 1 member in Saxony. Next in rank to the members of the colleges are the corps auditeurs, of whom there are 21, one attached to each corps headquarters and one unattached. The division, *Gouvernement* and garrison auditeurs are equal to each other, and below the corps auditeurs in grade. Two auditeurs are, as a rule, attached to each division and one to each *Gouvernement* or garrison, the *gouverneur*, commandant, or senior officer of which is competent to convene the higher military courts. The auditeurs have officers' rank without being assimilated to any particular grade such as lieutenant, captain, major, etc.; and those attached to troops, that is, all not belonging to the *General Auditoriat* wear a uniform and are saluted by soldiers. Under a Royal Cabinet Order they are assimilated in position to the different gradations of the civil judiciary, the *General Auditeur* being placed, for example, on the same footing with the president of a superior provincial court, and the

division auditeur with the principal judge of the lowest court. Only persons who have been found qualified upon examination to enter the judicial career in a federal state of the Empire, and who, moreover, have demonstrated their aptitude for the office of auditeur after a six months' probationary service therein, are eligible for appointment thereto.

The corps of auditeurs is looked upon in Germany as composed of a superior set of men. Apart from the importance and the responsible nature of the duties devolving on it, its high standing is probably ascribable to the fact that an appointment to it can be secured at a comparatively early stage in life, and carries with it a fair living. Candidates for the civil judiciary, after successfully passing through the long collegiate and university courses, are often attached to courts in a subordinate capacity (as *referendarii* or assessors), without receiving any income whatever, until they are past 35, while a well-equipped and energetic young jurist, who is suited for and has elected to enter the military law department, may become a division or garrison auditeur at 26, with a much better chance of promotion, all things considered, than a civil judge of the lowest grade.

DISCIPLINE AND DISCIPLINARY PUNISHMENT.—That there can be no cohesion in a military organization without discipline is regarded as an established principle throughout the German Army. Hence, every officer responsible for the discipline of a command has, within certain limits, the power to punish infractions of it. The only safe foundation of discipline, it is held, is continuously equable guidance by a leader and educator, who, while watchful, conscientious, and benevolent, is quick to apply the means and checks the law places at his disposal for arresting improper and compelling proper conduct. Disciplinary punishment is regarded as specially efficacious, since it is adjusted to the offense and offender by the immediate superior.

SCOPE OF THE DISCIPLINARY PUNISHMENT POWER.—Subject to the disciplinary punishment power are, (1) all acts detrimental to discipline and good order and forbidden by regulations for which the military code provides no specific punishment; and (2) minor offenses, the punishment of which in the disciplinary way is expressly authorized by the law introducing said code, such as unauthorized absence or overstaying a furlough for not more than seven (in the field three) days; disrespect toward a superior; misrepresentation of a superior in official matters; disobedience of an order given in the line of duty, etc., when committed by, (a) military persons belonging to the army, viz., officers, noncommissioned officers, privates, members of the sanitary corps, military officials, etc.; (b) camp followers in time of war, such as contractors, newspaper reporters, etc.; (c) prisoners of war.

THE AUTHORIZED DISCIPLINARY PUNISHMENTS are as follows:

For officers: Reprimands, which are graded as simple, formal, and severe, according as they are administered in private, before the assembled corps of officers, or are entered in the order books; confinement to quarters up to fourteen days.

For noncommissioned officers: Reprimands graded as in the cases of officers; extra duties, such as guards; confinement to barracks, or "mild arrest" up to four weeks; "ordinary arrest" (not impossible on noncommissioned officers in the line of promotion) up to three weeks.

For privates, including vice corporals: Minor disciplinary punishments, such as extra guards, fatigues, having to report in a certain dress, withdrawal up to four weeks of the right to freely dispose of their pay, and a daily allotment of it by a noncommissioned officer; obligation to return to barracks at a fixed time before taps; arrest in barracks, quarters, or "mild arrest" up to four weeks; ordinary arrest up to three weeks; severe arrest up to fourteen days; for vice corporals, return to the grade of private. Mere corrections and censures are not regarded as disciplinary punishments.

Competent to impose disciplinary punishment within their respective jurisdictions are only such officers as have the command or supervision of an organization; of a detachment;

of a board, tribunal, inspection, etc. (*Militär-Behörde*); of a military institute. The disciplinary punishment power is derived, not from the grade or rank, but from the command or position of the officer.

Every officer and noncommissioned officer has the right to arrest any military person below him in grade, or his junior according to date of commission or appointment. Such action must be at once reported to the superior in whom the disciplinary punishment power over the person arrested is lodged.

The power of punishing officers in the disciplinary way is regulated as follows: Reprimands in either of the three ways mentioned may be administered by any commander, from the commanding general (corps commander) down to a regimental or independent battalion commander, and also by a detachment commander; a battalion or company commander can only impose a "simple" and an "ordinary" reprimand. Confinement to quarters may be awarded within the following limits: By the commanding general, up to fourteen days; by the division commander, or the gouverneur or commandant of a fortress of the first class, up to ten days; by a brigade commander or commandant of a second-class fortress, up to eight days; by a regimental or independent battalion commander, up to six days, and by a detached battalion commander or captain, up to three days.

The limits of the disciplinary punishment power in the cases of noncommissioned officers and privates are set forth in the subjoined table:

SUPERIORS.	CONFINEMENT.			REPRIMANDS AND MINOR DISCIPLINARY PUNISHMENTS.
	Severe (only for privates).	Ordinary.	To barracks, quarters; mild.	
1. Regimental commanders and the higher commanders (also gouverneur and commandant), independent battalion commander; district commander -----	Up to 14 days.	Up to 3 weeks.	Up to 4 weeks.	Yes.
2. Battalion commander, detached captain or lieutenant -----	Up to 7 days.	Up to 10 days.	Up to 14 days.	Yes.
3. Chief of company, squadron, battery (not detached) -----	Up to 3 days.	Up to 5 days.	Up to 8 days.	Yes.

The commanding general has also power to transfer privates to a disciplinary company; the commander of a regiment may return vice corporals to the ranks. The occasion for the exercise of the disciplinary punishment power by a higher commander arises when, for example, the offense is committed in his presence, or by military persons of different organizations embraced by his command, or is punishable beyond the limit to which the subordinate commander is restricted.

The foregoing punishment regulations are, as a rule, applicable to persons of the "furloughed state" only while in actual service; also in case of violations of military orders, for example, a tardy response to a recall to the colors.

Every superior entrusted with the punishment power is expected to act with strict impartiality, and if he be in doubt as to the guilt of an accused person, or the gravity of the offense, to inform himself of all attainable facts in the case by taking oral or written testimony. The accused is always entitled to a hearing.

The kind and measure of the punishment are determined with reference to the peculiarities and conduct of the person to be punished, the nature of the offense, and the degree to which the interests of the service have been imperiled. Unnecessary humiliation is avoided. The punishment is to be educative and reformatory in its effect. The same punishable act can only be punished by one superior and with but one disciplinary punishment. (This rule does not prevent the reduction of vice corporals who have been punished with confinement, nor the withdrawal for four weeks from privates so punished of the right to freely dispose of their pay, nor their transfer to a disciplinary company.) A repetition of an offense subjects the offender to severer punishment, unless there be mitigating circumstances.

A superior regarding his punishing power insufficient in a particular case, or being in doubt whether a wrongful act should be punished judicially or in the disciplinary way, submits the facts to the next higher commander. Acts punishable merely in the disciplinary way can only be punished within three months after their commission. It is the duty of the higher commanders to see that their subordinates apply the punishing power confided to them judiciously, and that the punishments awarded are executed according to law. Superior commanders finding the kind or extent of an awarded punishment to be inadmissible, or that the punishing officer has exceeded his power in any way, may modify or annul the punishment.

EXECUTION OF DISCIPLINARY PUNISHMENTS.—Whenever circumstances admit of it, disciplinary punishments must be executed as soon as determined upon. Punishment by confinement to quarters in the case of an officer is executed in his residence. Breach of arrest or confinement is punishable with dismissal. No visits can be accepted during confinement.

During confinement to barracks or quarters, which can only be ordered in the disciplinary way, the person undergoing punishment may be required to do duty, but except when on duty can not leave the barracks, quarters, or yards. "Mild arrest" consists in confinement to a lighted cell. The use of books and writing material is allowed, that of tobacco or spirits forbidden. "Ordinary (*mittlere*) arrest" consists in confinement to a lighted cell so sharpened that except on the 4th, 8th, 12th, and thereafter on every 3d day, the person arrested is supplied only with a hard couch, bread and water. *Severe* arrest is suffered in a dark cell; the sharpening as above is dispensed with every 4th, 8th, and thereafter, every 3d day. Whenever in the field there is no available cell, and the execution of the punishment can not be postponed, confinement to the guard tent, while the person to be punished is off duty, takes the place of ordinary and severe arrest. Such confinement is attended with severe fatigues, *e. g.*, drawing forage or subsistence after forced marches, when employed in lieu of ordinary arrest, and with tying up, when resorted to as a substitute for severe arrest.*

I was informed at the War Ministry that the imposing upon delinquent soldiers of certain extra duties in the disciplinary way has, unlike confinement of soldiers to barracks or quarters—which has fallen into disuse, as the means for executing it are inadequate—proved a highly efficacious punishment. In the first place it is inflicted with great promptness, and then it generally bears some relation to the offense, two important considerations. Thus, for lack of cleanliness in his person, uniform, or arms, a soldier is punished with having to appear before a superior in a certain dress a number of times; when inattentive at drill, with extra drills, etc.

*A day's confinement to the guard tent is deemed equal to one day's severe arrest when attended with tying up for two hours, and to one day's ordinary arrest without the tying up. The tying up is dispensed with on every 4th, 8th, and thereafter on every 3d day. It is effected without injuring the health of the man, who is in an upright position, removed from the eye of the public, but under military supervision.

COMPLAINTS.

GENERAL PRINCIPLES.—Complaints are rare in well regulated organizations; they indicate a violation of rights by superiors, or defective training of inferiors, according as they are well founded or unfounded. The guilty one weakens discipline. A complaint must not be preferred on the spur of the moment, but only after mature deliberation. Under no circumstances can a superior be threatened with one. It is the privilege of officers, noncommissioned officers, and men, who feel aggrieved at the hands of their superiors, to prefer complaints against them. The channel in such cases is clearly pointed out, and must be strictly observed. A deviation therefrom by military persons is punished judicially if they are in actual service—judicially or in the disciplinary way if belonging to the “furloughed state.” The punishment does not depend on the action taken upon the complaint itself.

COMPLAINTS ARE ADMISSIBLE ONLY IN CONSEQUENCE of awarded disciplinary punishment, or acts of a superior which violate the personal rights, humiliate the professional spirit, or invade the established official sphere of the complainant.

Excluded from the category of complaints are differences of opinion, touching dues (*e. g.*, salary, traveling expenses); such cases are submitted for decision to higher authority; but a superior’s refusal to assent to the submission justifies complaint.

Only the following are viewed as superiors against whom complaints may be preferred: (1) He who is competent by virtue of law, regulations, or general military principles, or, in the cases of officers, by reason of rank, to issue commands, administer reproofs, or make dispositions applicable to the complainant or the sphere of his authority; (2) every officer who feels it to be his duty to proceed officially against a junior comrade.

LIMITATION OF COMPLAINTS.—Except in cases where a decision would be rendered difficult or materially delayed by an observance of the rule, complaints can not be preferred until the morning after the occurrence of the act on which they are founded, nor until the disciplinary punishment to which they relate has been suffered. They are barred at the end of three days from the point of time indicated. In no case can complaint be made in regard to a directed service until after the performance of the service.

ADMONITION.—An officer becoming officially cognizant of the intention of one within the sphere of his authority to prefer a complaint, is justified in expressing himself as to its groundlessness; in duty bound to point out the consequences of an unfounded or frivolous complaint. The use of other means for causing the inferior to withdraw the complaint is interdicted; it is punishable, as in cases of suppression of a complaint, with confinement, coupled under certain circumstances with dismissal or reduction.

DECISION—NOTICE OF DECISION.—The decision of a complaint must not be deferred beyond the time necessary for its careful consideration. As a rule a complaint is decided in the first instance by the officer who is the immediate superior of and has the disciplinary punishment power over the person against whom it is preferred. Complaints by officers against superiors of their own regiment must, however, be submitted to the commander thereof for decision. The decision of a complaint is communicated to the complainant, the person against whom it is preferred, and the highest superior to whose notice it has been officially brought.

The complainant is informed that the complaint has been investigated; whether it has been established or declared unfounded, and that conclusive action has been had thereon. An officer or higher official, whose complaint of a violation of personal rights has been established, is notified that a remedy has been applied. The authority of the superior involved is guarded as much as possible. Either party may submit within three days an appeal from the decision to the next higher superior.

COMPLAINTS OF A NUMBER OF PERSONS.—When several persons deem themselves aggrieved by the same act, the submission of the common complaint is allowed only to the two seniors; in the case of privates, to any two of them.

MEASURES AGAINST UNFOUNDED COMPLAINTS.—Complaints found to be without basis, because emanating from false presumptions or erroneous official views, are returned and punished in the disciplinary way or by reprimand, according to the judgment of the deciding superior. In any event the complainant is admonished. Complaints thoughtlessly based on not strictly accurate allegations when ascribed to lack of experience or deliberation rather than to malice, are punished in the disciplinary way, or, if necessary, according to the criminal code of the State.

As a rule the bringing up afresh of a complaint decided as foundationless in the lower instance is punished, and punished with increased severity, if the decision is affirmed by the next higher commander.

CHANNEL OF COMPLAINT FOR OFFICERS.

OFFICIAL MEDIATION.—In the case of officers, the formal lodging of a complaint is always preceded by a resort to mediation. The officer is bound in the first instance to enter into negotiations which afford the superior an opportunity to right without delay a wrong that may have been committed hastily or unconsciously.

CHOICE OF MEDIATOR.—As a matter of principle, the choice of a mediator falls upon one who, belonging to the same organization with the parties concerned, ranks just below the person against whom it is preferred and is the immediate superior of the person who prefers it. Accordingly, within the same company, the mediator should be the next direct superior of the complainant, or if this superior is the subject of the complaint the next higher impartial officer belonging to the same organization.

REFUSAL TO ACT AS MEDIATOR.—An officer chosen as mediator can refuse to act only when he regards the complaint either absolutely foundationless, or as based upon so grave a violation of the complainant's rights that an adjustment by way of mediation is, in his judgment, impracticable. In the former case he advises a withdrawal, in the latter an immediate transmission of the complaint.

ACTION OF THE MEDIATOR.—The mediator requires the complainant to give him, preferably in writing, a full account of the alleged wrong, brings the matter (also the written statement, unless likely to thwart his object) to the knowledge of the officer involved; upon request freely expresses his views, and, finally, asks for information as to whether a removal of the complaint or its submission is contemplated. The result he communicates to the complainant. Fruitless mediation is followed by the formal complaint.

INSTITUTION OF THE COMPLAINT.—A mediation having been refused or unsuccessful, the complainant, after stating this fact, submits the complaint himself, either orally or in writing. In doing so he must confine himself to the case in hand, and point out with precision the acts, phrases, or particular words which constitute his grievance. The mediator submits the matter when—the mediation having proved unsuccessful—the complainant declines to submit the complaint, and the subject of it demands its submission. The superior upon whom the decision devolves can demand of the complainant a written statement of his complaint, quiet and respectful in tone. A hearing is given, but the statement is not necessarily furnished to the subject of the complaint, unless the same is at once pronounced foundationless.

CHANNEL OF COMPLAINT FOR NONCOMMISSIONED OFFICERS AND SOLDIERS.

Noncommissioned officers and privates desiring to enter a complaint against a superior, report the fact verbally to the first sergeant, or the noncommissioned officer occupying a

corresponding position; the latter informs the chief of the complainant's squad of the entry of the complaint, also of the complaint itself, unless the same be directed against the chief, in which case it is communicated to the superior officer of the company.

Complaints against the first sergeant are brought directly to the notice of the chief of the company. If the first sergeant wishes to complain of his company chief, he reports the fact to the senior lieutenant of the company. The superior upon whom the decision devolves ordinarily hears both parties. Should this be impracticable, or should he deem a written statement of the facts desirable, he may cause noncommissioned officers and soldiers to be examined, the questions and answers being recorded, and call upon officers for reports.

CHAPTER XVI.

MILITARY JUDICIAL SYSTEM (*MILITÄR-GERICHTSWESEN*).

GENERAL REMARKS.—Subject to military judicature (*Militär Gerichtsbarkeit*) are all military persons; persons of the “furloughed state,” in certain cases; in war, all persons sustaining a close relation to the army, such as volunteer nurses, newspaper reporters, and prisoners of war. There is a higher and a lower military judicature. Cognizable by the former are all criminal offenses of (a) officers, physicians, and all higher military officials; (b) of noncommissioned officers in the immediate line of promotion, in cases when the law provides for a severer punishment than arrest; (c) other noncommissioned officers and privates, in cases when the law provides for a severer punishment than arrest, reduction, or transfer to the second class of the “soldier state” (*Soldatenstand*.) [Arrest comprises confinement of every description which is executed in an ordinary military prison, including imprisonment up to six weeks.] All other criminal cases are cognizable by the lower judicature.

The military judicature is administered through the “general auditoriat,” and through the courts of army corps, divisions, regiments, and garrisons. Each of the courts is constituted by the proper convening officer (*Gerichtsherr*), and by an auditeur or the officer conducting the investigation (*Untersuchungsführender Offizier*). For every investigation an investigating court (*Untersuchungs-Gericht*) and a sentencing court (*Spruch-Gericht*) are specially instituted. Regimental and independent battalion courts, and the courts of certain institutes (noncommissioned officers' schools, etc.) exercise only the lower jurisdiction, consequently, their sphere is limited to the cases of enlisted men. The corps, division, and garrison courts have both the higher and lower jurisdiction.

INVESTIGATING COURT.—The investigation of an offense to be tried by a military court is carried on by an investigating court consisting of an “inquirent” and an officer as associate (*Beisitzer*), detailed by the convening officer. [In cases of officers and of noncommissioned officers charged with offenses triable only by the higher courts, two associates are appointed.] The inquirent of a corps, division, or garrison court is an auditeur. The functions of an inquirent of the inferior courts are performed by an “investigating officer,” who is appointed for each battalion and cavalry regiment by the convening officer, and by the latter sworn to the faithful performance thereof. The battalion or cavalry adjutants are usually selected for the place and receive an extra compensation of \$3 per month. Within his sphere, the rights and duties of an investigating officer are those of an auditeur. The associate takes care that the military persons to be examined deport themselves becomingly and pay proper respect to the court, and certifies by his signature to the correctness of the proceedings. When the establishment of the charge depends upon an intimate knowledge of military relations, he assists the inquirent in bringing out fully all circumstances that may be of moment from a military standpoint, but he can not interrupt the proceedings by questioning or threatening the witness. He is not subordinated to the inquirent.

THE PRELIMINARY INVESTIGATION.—An officer competent to order a military court having been informed, through a statement of facts or otherwise, that a crime or offense has been committed within the sphere of his jurisdiction, directs a preliminary investigation, the statement referred to, if not already at hand, having been previously called for and received [the

superior having the immediate disciplinary power over the accused generally furnishes the statement]. The investigation including the examination of the accused and of the witnesses is conducted by an investigating court. All are cautioned to testify truly. The "general questions" are propounded to the witnesses, every statement is recorded, and having been signed by the accused or the witness, is authenticated by the signatures of the associate and inquirer.

The state of the case, and also the extent of any lapses of others connected therewith, having been ascertained, the inquirer submits the matter to the convening officer who decides whether the proceeding is to be quashed, or whether the case is to be disposed of in the disciplinary way, or whether the judicial proceeding is to be continued by means of a formal investigation, or whether to that end the record is to be submitted to the higher judicature. The formal investigation, if ordered, must be followed by the action of the sentencing court. In perfectly clear cases of the lower judicature, the preliminary investigation may be omitted and the formal one at once directed.

The procedure of the formal investigation is similar to the preliminary one, except that under certain circumstances the witnesses are sworn. The accused is allowed to make a defense, either orally or in writing; also, in a certain class of cases of the higher judicature, to call professional counsel to his aid.

THE SENTENCING COURT.

For the rendition of a judgment, the convening officer appoints a sentencing court, known in the cases of the higher judicature as *Kriegsgericht* (war court), and in those of the lower as *Standgericht*.* Each consists of five classes of judges and the auditeur or officer conducting the examination, styled *Referent*. The first of these classes consists of the president, each of the others of two or three persons of the same grade, the fifth of persons of the grade or the grade next below that of the accused. The president of a *Standgericht* is always a captain, and of a *Kriegsgericht* an officer not below the grade of major. Accordingly, a *Standgericht* for a private is composed of one captain, president; two first lieutenants; two second lieutenants; two noncommissioned officers; two vice corporals or privates, and the referent.

PROCEDURE; CONFIRMATION AND PROMULGATION OF THE JUDGMENT.

PROCEDURE.—The accused is introduced to the assembled judges by the junior officer, and asked by the referent if he objects to any of them. The question whether a challenge shall be sustained and the convening officer requested to detail another judge is decided by a majority vote of the classes, the challenged member (after having been heard) and the accused retiring during the deliberation. The procedure of the sentencing court of a *Standgericht* and of a *Kriegsgericht*, as below explained, are identical, except that after being organized, the accused being also present, the judges are, in the case of a *Standgericht*, cautioned by the president, and in the case of a *Kriegsgericht* sworn by the auditeur, to pronounce judgment according to law, bearing in mind their responsibility to God and the sovereign.

The referent reads the entire record to the court. If the accused has nothing to add—a previous final interrogation is intended to prevent further remarks—he signs the record, leaves the court room, or is conducted to the place of detention. The referent thereupon submits a clear synopsis of the record, reads the law applicable to the case, proposes a

* Literally, the court of a caste or class, *i. e.*, a court composed of a certain class or profession, for the trial of members thereof.

judgment based on his own view, and lays before the judges definite questions relating to the proposal.

The judges are not bound to adopt the referent's proposal, but must deliver judgment within the limits fixed by law. The president having added such remarks to the proposal as may seem necessary to him from a military standpoint, directs the judges to confer by classes. At this time a consultation between the different classes is inadmissible. The votes are submitted by classes, beginning with the lowest; are recorded by the referent, and signed by each judge.

A majority vote—consequently the vote of at least three classes—is indispensable to a valid judgment. It may, if necessary, be obtained by adding the vote for the severest punishment to the one for the next mildest. The milder judgment prevails in the event of disagreement in a class.* The court adjourns after the judge advocate has announced the result of the vote, and the president has cautioned the judges not to divulge the judgment until promulgated.

CONFIRMATION OF THE JUDGMENT.—To make it operative the judgment must be confirmed—in most cases by the convening officer, in cases affecting officers, also by the head of the State. The reviewing officer can not add to the punishment, but may reduce it to the lowest legal limit. The Emperor (or head of the State) can remit the sentence in whole or in part by way of pardon.

PROMULGATION OF THE JUDGMENT.—When confirmed, the judgment is at once made known to the accused by the investigating court, and the sentence executed.

EXECUTION OF MILITARY COURT SENTENCES.

(1) In the field the death penalty is executed by shooting; in peace time the civil authorities carry it into effect, the convict having been previously dismissed from the army.

(2) Imprisonment in the penitentiary results in permanent incapacitation for service in the German Army or Navy, and for holding public office.

(3) Punishment involving deprivation of liberty (*Freiheitsstrafen*) for a period not exceeding six weeks, is executed as "arrest;" for a longer period, by imprisonment in or confinement to a fortress. While undergoing such punishment the convict must not, as a rule, wear orders or carry arms. Officers, physicians, and the higher military functionaries may be permitted, however, to wear their swords outside of the place of confinement or limits of the arrest.

A—Different kinds of arrest: (a) Simple arrest in private quarters, up to six weeks, for officers and the higher functionaries; (b) sharpened (*geschärfter*) arrest up to six weeks, from captain downward, suffered in locked arrest rooms of the garrison; (c) mild arrest up to six weeks, for noncommissioned officers and privates; (d) ordinary arrest up to six weeks, for noncommissioned officers without *portépée*, and privates; (e) severe arrest up to four weeks only, for privates.

B—Imprisonment is executed in a fortress or garrison prison.

[NOTE.—Officers and persons ranking as such are always confined in a fortress prison while undergoing a sentence of imprisonment; noncommissioned officers and privates only in case the sentence exceeds six weeks; the garrison prison is designated as the place of confinement for the latter.]

C—Confinement to a fortress amounts merely to deprivation of liberty, attended with supervision over occupation and mode of life.

(4) Removal (*Entfernung*) from the army is accompanied with loss of place; of income; of title and uniform; of orders and badges of honor; under certain circumstances, of claims

*I was informed by different officers that when a class of the judges consists of privates, the sentence proposed by it is almost always the severest.

acquired by service, except for increase of pension based on war service; also with incapacity to reenter the service.

(5) Dismissal (*Entlassung*) from the service, a legal sentence in the cases of officers only, is attended with loss of place but not of title; of all acquired claims, so far as forfeitable, and of the right to wear officers' uniform.

(6) Loss of office for officials only.

(7) Reduction in grade for noncommissioned officers is attended with return to the status of a private and loss of all claims to be taken care of acquired by service.

(8) Transfer to the second class of the "soldier state," for privates; for noncommissioned officers, in connection with reduction. The person so transferred loses: Orders and badges of honor permanently; acquired claims to be taken care of; the right to wear the national cockade—to be the superior of other soldiers—to be detailed to color guards and guards of honor, or to positions of trust.

Not only military offenses, but also civil crimes, when committed by military persons, are cognizable by the military courts, the former being adjudicable according to the military, and the latter according to the civil criminal code of the Empire. Civil suits relating to private affairs are tried by the civil courts. A report is annually submitted by the Prussian general auditoriat to the Emperor and King, which forms the subject of a conference between the latter and the Minister of War, showing how many civil and military crimes were punished during the preceding year by military courts, and how many of each class of cases occurred in the several regiments and independent battalions. The majority of cases brought to trial involve conduct prejudicial to military discipline, such as disrespect, disobedience, and abuse of official power. Next to this class of cases, desertion (*Fahnenflucht*) occupies the attention of courts-martial more than any other crime. In Germany as with us, the tendency to abandon the colors diminishes with length of service. Though, as compared with other offenses desertion is not a rare offense there, it occurs much less frequently than in our army, for the reason, presumably, that a German deserter can not expect to escape apprehension unless he permanently quits his country, and even then he is not always safe, as conventions exist between Germany and several of the neighboring countries, providing for the reciprocal extradition of deserters.

The proceedings of military courts are conducted on the principle that the punishment should follow the commission of the offense as speedily as possible. On the other hand, the production of the evidence requires time and care, and can not be dispensed with even when the accused pleads guilty to the charge preferred against him. The time occupied in the investigation, and consequently the trial of the case, depends upon the examination of witnesses, experts, the arrival of the necessary medical certificates, etc. Average figures do not, therefore, throw sufficient light on the subject. A simple case is finally disposed of in a few days, while a complicated one often occupies months. In this connection a distinction is to be observed between the length of the proceedings of the minor courts (*Standgerichte*) and of the higher or war courts (*Kriegsgerichte*). The former, in which only officers, noncommissioned officers, and men of the same organization take part, are, as a rule, much shorter than the latter, in connection with which "auditeurs" are employed who may live at a distance and have other duties pressing upon their attention. The minor courts are, therefore, regarded as very efficacious because prompt dispensers of justice. As illustrating the prompt, and therefore, wholesome action of such courts, the legal adviser of the War Minister informed me that of 4,658 cases tried by them in Prussia in 1889, 3,046, or nearly two-thirds, were brought to a termination in less time than two weeks. While definite figures concerning the time occupied by the higher courts in the trial of cases are not at hand, I was told that the majority are fully concluded within from two weeks to three months, and that cases

remaining unfinished for more than a year are quite exceptional, and are limited to such as require the production of evidence from foreign countries. On the whole, one gets the impression that the German system of dealing with military offenders, while not perfect by any means, and not infrequently the subject of complaint on the part of social democrats and the dissatisfied classes, is well calculated to secure substantial justice to all grades, and to sustain good discipline and good morals.

A draft of a new military code calculated to remove some of the alleged defects of the present one, such as the secrecy of the proceedings of the military courts, the lack of an absolute right on the part of accused persons to employ counsel in their defense, etc., is now in course of preparation at the War Ministry, and will probably be submitted to the Reichstag at its next session.

Before proceeding to the consideration of the "Court of Honor," which is not a part of the regular machinery provided by law for the administration of military justice, though its judgments are almost as far reaching as those of the war courts, owing to the sovereign's absolute power of summarily dismissing officers, it remains to say a few words in reference to the functions and sphere of action of the general auditoriat.

The sentence of a war court in the case of an officer, or involving the degradation of an ensign or imprisonment for a longer term than ten years, must be confirmed by the sovereign, who, when taking action thereon, has before him the opinion of the Great Auditoriat, to which the proceedings in such cases are forwarded by the convening officer, accompanied by his own recommendations.

The proceedings of every such court are examined by an auditeur, other than the one who acted as referent. If he believes the findings or sentence to be illegal, or discovers any other defect which he thinks invalidates the proceedings, or if the convening officer believes them for any reason to be fatally irregular, action on them is suspended, pending the receipt of the general auditoriat's views. Even if the auditoriat dissents from the opinion that a fatal error has been committed and advises an execution of the sentence, the convening authority is not bound to follow the advice in whole or in part, but may demand that the case be laid before the sovereign for final action.

Any military official of the military administration may carry a judgment of a war court against himself to the general auditoriat, which acts as a court of appeal (*Zweiter Instanz*) in such cases; but no appeal from a duly confirmed sentence lies to that or any other tribunal or authority in the case of a person belonging to the combatant force of the army (*Soldatenstand*).

THE COURT OF HONOR.

The object of the establishment of the court of honor is declared to be the nourishing of the tradition of a chivalric sense in the corps of officers, and the affording to an officer the means of pursuing a proper and dignified course when he incurs the reproach that his honor has been damaged or when he himself apprehends this. Accordingly, a two-fold task devolves upon such a court, namely, first, of clearing by its judgment, if no other proper course is open to him, the honor of the individual when falsely assailed; and, secondly, of proceeding against those members of the corps of officers whose conduct does not comport with its dignity and lofty character, and whenever necessary for maintaining the purity of its honor, of proposing the expulsion of unworthy members from the association. Commanding officers are enjoined not to refer cases which can be properly disposed of in the disciplinary way to the court of honor, in order that the significance of its judgment may not be lessened.

Within the competence of courts of honor come: (a) All acts and omissions of officers that are repugnant to the correct sense of honor or the traditions and standing of the corps,

and therefore imperil or violate the common honor of the brotherhood (*e. g.*, lack of resoluteness or courage, continued and dishonorable contraction of debts, indiscretion in official matters, tendency to drunkenness or gambling, improper deportment in public places, continued perfunctory performance of duty); and (*b*) cases in which officers ask for the judgment of the court for the protection of their own character.

Subject to courts of honor are: All officers of the active army; all officers of the "furloughed state;" officers *à la suite* of the army; officers of the gendarmerie; officers awaiting orders (*zur Disposition*); and officers discharged with the privilege of wearing military uniform.

There are three classes of courts of honor, namely: Those with jurisdictions over (*a*) captains and subalterns, constituted by the entire corps of officers (of the regiment, independent battalion, landwehr district); (*b*) field officers, composed of field officers specially selected within the army corps; (*c*) generals, commandants, etc., instituted by the special direction of the sovereign in each case.

THE COUNCIL OF HONOR.—The conduct of the courts of honor and the responsibility for the proper treatment of questions falling within its sphere devolve upon the commander. A *council* of honor is formed in connection with each court of honor; for the court mentioned under ("*a*") it consists of a captain, a first and a second lieutenant. It is the organ of the commander, and besides acting for and conducting the business of the court of honor, it counsels such officers of the regiment on matters of honor as apply to it for advice. In order that it may enjoy the full confidence of the corps of officers, its members are annually (in the beginning of September) elected for one year, in such a manner that the entire corps elects the second lieutenant; the field officers, captains, and first lieutenants the first lieutenant; and the field officers and the captains the captain. When battalions of an infantry or artillery regiment have separate stations a council is chosen for each.

Every officer has the right to bring acts and omissions of every other officer of the German Army or Navy, which imperil or violate the honor of such officers or of the military profession, to the knowledge of the latter's immediate superior or council of honor.

As soon as advised of such acts or omissions, it is the duty of the council to report all the facts to the commander, who decides whether and in what manner the matter is to be pursued. Every officer subject to courts of honor has the right to ask for a judgment in his own case, and it is his duty to respond freely and fully to calls for information from any court of honor.

INVESTIGATIONS OF COURTS OF HONOR.—Any investigation the commander may deem necessary for the determination of the facts in a case is carried on by the council as his representative. The result is reported to him orally or in writing, as he may direct. The accused is always entitled to a hearing. The proceedings of the councils and courts of honor are characterized by a sense of mutual benevolence as well as by due regard for the maintenance of the professional honor. They are strictly confined to the clearing up of points set forth in the charge and can not be drawn out by needless formalities. The discussion of the interior affairs of the corps of officers is not carried beyond its own sphere any farther than is absolutely necessary. If the commander thinks the case is one requiring the judgment of a court of honor, he submits it in the regular way to the superior competent to order the trial of the officer involved by court-martial, who decides whether or not it is to be acted on by a court of honor; also whether the officer shall be suspended from duty, or whether the suspension shall continue if already ordered by the commander. An appeal from the decision is only admissible in case it amounts to a refusal of the officer's request that the court of honor pass upon his own acts, when the final decision rests with the sovereign.

The examination of the accused and of the witnesses is recorded, the former having been previously acquainted with the charges against him, and when satisfied that the

establishment of additional facts is unnecessary, the commander authorizes the council to close the investigation. The investigation concluded, the council informs the accused of his right to defend himself. His defense may be oral and be embodied in the council's record; or he may hand to the council a written defense prepared by himself or by another officer, who must not be below him in grade. He may also repeat or supplement his defense before the assembled court of honor. He is authorized himself, or through his counsel, to examine the record in the presence of a member of the court of honor.

THE COURT OF HONOR.—When the investigation is ended the commander calls a meeting of the court of honor. All the members of the corps of officers, including the commander and field officers, are entitled to vote as members of the court; but the commander excludes from participation in the proceedings such officers, challenged by the accused, as in his judgment would not be impartial judges, also accusers and witnesses, as well as counsel, near relatives and brothers-in-law of the accused, and officers themselves under investigation either before a court-martial or court of honor.

The members of the court are not sworn, but are admonished by the commander to vote as men of honor, dispassionately, according to duty and conscience, and giving due weight to the peculiar circumstances of the case. The council then reads the entire record. Next in order follows the defense, up to the closing of which the accused may be present. After a consultation (to be conducted by the commander and opened with the presentation of a written opinion by the council) the latter receives the oral vote of each member of the court. The vote is taken in the order of rank, except that the votes of the council are delivered first.

The judgment of the court may be in effect a declaration (*a*) that the case is not a proper one for a court of honor, or that another court of honor is the competent one (the question is submitted to the sovereign); (*b*) that the investigation can and should be made more complete (the commander takes the necessary steps); (*c*) that the accused is not guilty; (*d*) that he is guilty of having imperiled the professional honor, accompanied by a recommendation (if not deemed unworthy to continue in the service) that he be warned; (*e*) that he is guilty of having violated the professional honor, coupled with the recommendation for his simple discharge, the judgment being based on the conviction that he cannot be suffered to retain his place (loss of position; in cases of officers not on the active list, the loss of right to wear uniform); (*f*) that he is guilty of gross violation of the professional honor, coupled with a recommendation for his removal from the state of officer (*Offizierstand*), the judgment resulting from the conviction that he is unworthy to remain an officer (loss of position and title.)

A judgment becomes valid when a majority unite therein. The votes representing the severest are added to the next milder view, until the necessary majority has been obtained. In case of a tie the vote of the commander is decisive. The result of the vote is at once announced to the court, the members of which are admonished that the disclosure of it before promulgation constitutes a violation of duty to the corps. The commander causes the council to give the judgment a legal form; together with the record and a synopsis of the same, it is submitted through the regular channel to the sovereign.

PROMULGATION.—The judgment of the court and the sovereign's action thereon are made known to the accused at the same time—by the commander in the presence of the council if he be acquitted or sentenced to be warned, in other cases by the council. The same information is subsequently conveyed to such of the accused's superiors as did not take part in the proceedings, as well as to the corps of officers. Only the sovereign can authorize a reopening of the proceedings upon which he has acted.

ERRATA.

On title page, insert the words *Submitted August 15, 1893*, below the words "Assistant Adjutant General, U. S. Army."

Page 19, line 34: Read *however* for "whoever."

Page 20: Read *Rifle* for "Chasseur."

Page 21, line 12: Read *to* for "and" where it appears in the phrase "to the 1st and 17th army corps."

Page 26, line 22: Read *constitution* for "constitutional."

Page 26, line 41: Read *sovereigns* for "soverigns."

Page 29, line 13: Read *transmits* for "transmit."

Page 33, line 22: Read *lieutenant-general is* for "lieutenant general."

Page 34, line 12: Read *is* for "are" after the words "second lieutenants."

Page 37, line 2: Read *have been* for "will be."

Page 37, line 6: Read *plan* for "plain."

Page 37, lines 11 and 12: Omit the words "the inspector of the field artillery."

Page 37, line 15: Read *special* for "higher."

Page 40, line 20: Read *presidents* for "president."

Page 40, line 43: Read *generals* for "general."

~~Page 41, lines 15 and 16: Omit the words "presumably but three at the present time."~~

~~Page 42, line 8: Read *Kalendor* for "Kalendar."~~

Page 47, line 1: Read *alleged* for "all aged."

Page 47, line 9: Read *were* for "was."

Page 51: Read as footnote, connected by an asterisk with "brigade," line 3, the passage beginning with the words "Based upon," line 14, and ending with the words "real state of things," line 26, page 53.

Page 51, line 44: Read *as current* for "current."

Page 53, line 23: Read *gave* for "give."

Page 56, line 46: Read *time* for "times."

Page 60, line 17: Read *Elberfeld* for "Elberfield."

Page 60, lines 44 and 47: Read *Kommandanturen* for "Kommandaturen."

Page 61, line 15: Read *Staff* for "Staffs."

Page 62, line 17: Read *functions* for "function."

Page 65, line 3: Omit the word "three."

Page 68, line 28: Read *years are* for "years."

Page 73, line 19: Insert *of* after "as well as."

Page 75, line 15: Read *was* for "has been."

Page 76, line 21: Read *exercises* for "exercise."

Page 77, line 7 of footnote: Read *supposititious* for "suppositious."

Page 79, line 3: Read *up on* for "upon."

Page 80, line 20: Read *the* for "these."

Page 81, line 33: Read *principles* for "principals."

Page 82, line 11: Read *indispensable* for "indispensible."

Page 84, line 49: Read *institution* for "institutions."

Page 90, line 2: Read *from the* for "of."

Page 90, line 3: Read *in what amounts* for "what amount."
Page 98, line 6: Read *soldiers who* for "soldiers."
Page 101, line 2: Read *sets* for "set."
Page 101, line 18: Read *Pausch-Summen* for "Bausch-Summen."
Page 103, line 25: Read *his* for "this."
Page 104, line 6: Read *magazines* for "magazine."
Page 104, line 23: Read *weittläufige* for "weitläufige."
Page 105, line 2: Read *admissible* for "admissable."
Page 106, line 12: Read *beneficent* for "beneficient."
Page 106, line 32: Omit the word "battalion."
Page 106, line 34: Read *officers'* for "officers's."
Page 110, line 12: Read *of whom* for "of which," and *who are* for "which are."
Page 113, line 8: Read *engineer* for "engineers'."
Page 114, line 16: Read *branch* for "bureau."
Page 115, line 27: Read *arms* for "arm."
Page 117, line 11: Omit the word "winter."
Page 118, line 10: Read *matériel* for "material."
Page 120, line 46: Read *formally* for "formerly."
Page 127, line 3: Read *grades are* for "grade is."
Page 139, line 41: Insert *when sentenced for a shorter term* after the word "latter."
Page 140, line 16: Read *criminal* for "civil criminal."
Page 141, line 19: Read *General* for "Great."