

TITLE XIV.

THE ARMY.

CHAPTER ONE.

ORGANIZATION.

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Composition of the Army.

- 3 Mar., 1799, c. 48, s. 9, v. 1, p. 752.
 25 July, 1866, c. 232, s. 1, v. 14, p. 223.
 28 July, 1866, c. 299, v. 14, p. 332.
 3 Mar., 1869, c. 124, ss. 2, 5, v. 15, p. 318.
 15 July, 1870, c. 294, ss. 6, 7, 8, v. 16, p. 318.
 3 Mar., 1875, c. 131, s. 9, v. 18, p. 419.
 3 Mar., 1875, c. 142, v. 18, p. 478.
 26 June, 1876, c. 146, v. 19, p. 61.
 12 Aug., 1876, c. 263, v. 19, p. 131.

In re Robert Bailey, 2 Saw., 200.

27 Feb., 1877, c. 69, v. 19, p. 241.

24 July, 1876, c. 226, v. 19, p. 97.

SEC. 1094. The Army of the United States shall consist of—
One General.

One Lieutenant-General.

Three major-generals.

Six brigadier-generals.

Five regiments of artillery.

Ten regiments of cavalry.

Twenty-five regiments of infantry.

An Adjutant-General's Department.

An Inspector-General's Department.

A Quartermaster's Department.

A Subsistence Department.

A Corps of Engineers.

A battalion of engineer soldiers.

An Ordnance Department.

The enlisted men of the Ordnance Department.

The Medical Department.

The hospital-stewards of the Medical Department.

A Pay Department.

A Chief Signal-Officer.

A Bureau of Military Justice.

Eight judge-advocates.

Thirty post-chaplains.

Four regimental chaplains.

A [post] ordnance-sergeant and a hospital-steward for each military post.

One band, stationed at the Military Academy.

A force of Indian scouts not exceeding one thousand.

The officers of the Army on the retired list.

And the professors and corps of cadets of the United States Military Academy.

Provided, That when a vacancy occurs in the office of General or Lieutenant-General such office shall cease, and all enactments creating or regulating such offices shall, respectively, be held to be repealed.

The Army appropriation bill for 1877, passed July 24, 1876, c. 226, v. 19, p. 97, provided payment for only three hundred Indian scouts; but the act of August 12, 1876, c. 263, v. 19, p. 131, repealed the implied limitation, and sections ten hundred and ninety-four and eleven hundred and twelve of the Revised Statutes were continued in force.

SEC. 1095. The General shall have the title of General of the Army of the United States. Title of General.
25 July, 1866, c. 232, s. 1, v. 14, p. 223.

SEC. 1096. The General may select from the Army such number of aids, not exceeding six, as he may deem necessary, who shall have, while serving on his staff, the rank of colonel of cavalry. Staff.
25 July, 1866, c. 232, s. 2, v. 14, p. c. 9, s. 1, v. 16, p. 6.

SEC. 1097. The Lieutenant-General may select from the Army two aids and one military secretary, who [shall] have the rank of lieutenant-colonel of cavalry while serving on his staff. Lieutenant-General's aids and secretary.
25 July, 1866, c. 232, s. 2, v. 14, p. 223. 28 July, 1866, c. 299, s. 9, v. 14, p. 333. 27 Feb., 1877, c. 69, v. 19, p. 241.

SEC. 1098. Each major-general shall have three aids, who may be selected by him from captains or lieutenants of the Army, and each brigadier-general shall have two aids, who may be selected by him from lieutenants of the Army. Aids of major and brigadier generals.
29 July, 1861, c. 24, s. 3, v. 12, p. 280. 28 July, 1866, c. 299, s. 9, v. 14, p. 333.

SEC. 1099. Each regiment of artillery shall consist of twelve batteries, one colonel, one lieutenant-colonel, one major for every four batteries, one adjutant, one quartermaster and commissary, one sergeant-major, one quartermaster-sergeant, one chief musician, who shall be instructor of music, and two principal musicians. The adjutant and quartermaster and commissary shall be extra lieutenants, selected from the first or second lieutenants of the regiment. Artillery regiment.
29 July, 1861, c. 24, ss. 1, 2, v. 12, p. 280. 28 July, 1866, c. 229, s. 2, v. 14, p. 332.

SEC. 1100. Each battery of artillery shall consist of one captain, one first lieutenant, one second lieutenant, one first sergeant, one quartermaster-sergeant, four sergeants, four corporals, two musicians, two artificers, one wagoner, and as many privates, not exceeding one hundred and twenty-two, as the President may direct. One first lieutenant, one second lieutenant, two sergeants and four corporals may be added to this battery organization at the discretion of the President. 3 Mar., 1869, c. 124, s. 5, v. 15, p. 318. 15 July, 1870, c. 294, s. 10, v. 16, p. 318.

SEC. 1101. One battery in each regiment of artillery, to be designated by the President, shall be equipped as light artillery, and one other battery may be so designated and equipped, when the President may deem it necessary. Artillery battery.
29 July, 1861, c. 24, ss. 1, v. 12, p. 279. 28 July, 1866, c. 299, s. 2, v. 14, p. 332. 15 July, 1870, c. 294, s. 10, v. 16, p. 318.

SEC. 1102. Each regiment of cavalry shall consist of twelve troops, one colonel, one lieutenant-colonel, three majors, [*one surgeon, one assistant surgeon,*] one adjutant, one quartermaster, one veterinary surgeon, with the rank of regimental sergeant-major, one sergeant-major, one quartermaster-sergeant, one saddler-sergeant, one chief musician, who shall be instructor of music, and one chief trumpeter. Two assistant surgeons may be allowed to each regiment, and the [seventh, eighth] ninth and tenth regiments shall have an additional veterinary surgeon. The adjutant and the quartermaster of each regiment shall be extra lieutenants, selected from the first or second lieutenants of the regiment. Light battery.
2 Mar., 1821, c. 13, s. 2, v. 3, p. 615. 3 Mar., 1847, c. 61, s. 18, v. 9, p. 186.

SEC. 1103. Each troop of cavalry shall consist of one captain, one first lieutenant, one second lieutenant, one first sergeant, one quartermaster-sergeant, five sergeants, four corporals, two trumpeters, two farriers, one saddler, one wagoner, and such number of privates, not exceeding seventy-eight, as the President may direct. Cavalry regiment.
3 Aug., 1861, c. 42, s. 12, v. 12, p. 289. 17 July, 1862, c. 201, s. 11, v. 12, p. 599. 6 Jan., 1863, c. 7, v. 12, p. 634. 3 Mar., 1863, c. 75, s. 37, v. 12, p. 5, v. 15, p. 318. 15 July, 1870, c. 294, ss. 9, 10, v. 16, p. 318. 24 July, 1876, c. 226, v. 19, p. 98. 15 Aug., 1876, c. 301, v. 19, p. 204. 27 Feb., 1877, c. 69, v. 19, pp. 241, 242.

SEC. 1104. The enlisted men of two regiments of cavalry shall be colored men. Troop.
17 July, 1862, c. 201, s. 11, v. 12, p. 599. 6 Jan., 1863, c. 7, v. 12, p. 634. 3 Mar., 1863, c. 75, s. 37, v. 12, p. 5, v. 15, p. 318. 15 July, 1870, c. 294, s. 10, v. 16, p. 318.

SEC. 1105. The enlisted men of two regiments of cavalry shall be colored men. Colored cavalry regiments.
28 July, 1866, c. 299, s. 3, v. 14, p. 332.

Dismounted.
28 July, 1866, c. 299, s. 3, v. 14, p. 332.

Infantry regi-
ment.

28 July, 1866, c. 299, s. 6, v. 14, p. 333.

3 Mar., 1869, c. 124, s. 5, v. 15, p. 318.
15 July, 1870, c. 294, s. 10, v. 16, p. 318.

Infantry com-
pany.

28 July, 1866, c. 299, s. 6, v. 14, p. 333.

15 July, 1870, c. 294, ss. 2, 10, v. 16, pp. 317, 318.

Colored infantry
regiments.

28 July, 1866, c. 299, s. 4, v. 14, p. 332.

Post ordnance-
sergeants; number
and duty.

28 July, 1866, c. 299, s. 7, v. 14, p. 333.

5 April, 1832, c. 67, s. 2, v. 4, p. 504.

How selected.

5 April, 1832, c. 67, s. 2, v. 4, p. 504.

27 Feb., 1877, c. 69, v. 19, p. 242.

Bands.

29 July, 1861, c. 24, s. 2, v. 12, p. 280.

30 June, 1864, c. 145, s. 1, v. 13, p. 144.

2 July, 1864, Res. 68, v. 13, p. 416.

28 July, 1866, c. 299, s. 7, v. 14, p. 333.

3 Mar., 1869, c. 124, s. 5, v. 15, p. 318.

3 Mar., 1875, c. 131, s. 9, v. 18, p. 419.

3 Mar., 1877, c. 109, ss. 2, 3, v. 19, p. 383.

Indian scouts.

28 July, 1866, c. 299, s. 6, v. 14, p. 333.

16 June, 1874, c. 285, v. 18, p. 72.

24 July, 1876, c. 226, v. 19, p. 97.

12 Aug., 1876, c. 263, v. 19, p. 131.

Trading estab-
lishments.

15 July, 1870, c. 294, s. 22, v. 16, p. 319.

Brigades and di-
visions.

3 Mar., 1799, c. 48, s. 8, v. 1, p. 752.

Number of enlist-
ed men.

15 July, 1870, c. 294, s. 2, v. 16, p. 317.

16 June, 1874, c. 285, v. 18, p. 72.

3 Mar., 1875, c. 133, v. 18, p. 452.

24 July, 1876, c. 226, v. 19, p. 97.

15 Aug., 1876, c. 301, v. 19, p. 204.

SEC. 1105. Any portion of the cavalry force may be armed and drilled as infantry or dismounted cavalry, at the discretion of the President.

SEC. 1106. Each infantry regiment shall consist of ten companies, one colonel, one lieutenant-colonel, one major, one adjutant, one quartermaster, one sergeant-major, one quartermaster-sergeant, and one chief musician, who shall be instructor of music, and two principal musicians. The adjutant and the quartermaster shall be extra lieutenants selected from the first or second lieutenants of the regiment.

SEC. 1107. Each company of infantry shall consist of one captain, one first lieutenant, one second lieutenant, one first sergeant, one quartermaster-sergeant, four sergeants, four corporals, two artificers, two musicians, one wagoner, and fifty privates, and the number of privates may be increased at the discretion of the President not to exceed one hundred, whenever the exigencies of the service require such increase.

SEC. 1108. The enlisted men of two regiments of infantry shall be colored men.

SEC. 1109. There shall be an ordnance-sergeant for each military post, whose duty it shall be to take care of the ordnance, arms, ammunition, and other military stores at such post, under the direction of the commanding officer, and according to regulations prescribed by the Secretary of War.

SEC. 1110. [*Post*] Ordnance-sergeants shall be selected by the Secretary of War from the sergeants of the line who shall have served faithfully for eight years, including four years in the grade of non-commissioned officer, and shall be assigned to their stations by him.

SEC. 1111. There shall be retained or enlisted in the Army one band, which shall consist of one band-leader, and not more than twenty-four musicians, and shall ordinarily be stationed at the Military Academy.

SEC. 1112. The President is authorized to enlist a force of Indians, not exceeding one thousand, who shall act as scouts in the Territories and Indian country. They shall be discharged when the necessity for their service shall cease, or at the discretion of the department commander.

See note to section 1094.

SEC. 1113. The Secretary of War is authorized to permit one or more trading establishments to be maintained at any military post on the frontier not in the vicinity of any city or town, when he believes such an establishment is needed for the accommodation of emigrants, freighters, or other citizens. The persons to maintain such establishments shall be appointed by him, and shall be under protection and control as camp-followers.

SEC. 1114. In the ordinary arrangement of the Army two regiments of infantry or of cavalry shall constitute a brigade, and shall be the command of a brigadier-general, and two brigades shall constitute a division, and shall be the command of a major-general; but it shall be in the discretion of the commanding general to vary this disposition whenever he may deem it proper to do so.

SEC. 1115. There shall not be in the Army at one time more than thirty thousand enlisted men.

SEC. 1116. Recruits enlisting in the Army must be effective and able-bodied men, and between the ages of sixteen and thirty-five years, at the time of their enlistment. This limitation as to age shall not apply to soldiers re-enlisting.

General qualifications.

16 Mar., 1802, c. 9, s. 11, v. 2, p. 134.
3 Mar., 1815, c. 79, s. 7, v. 3, p. 224. 5 July, 1838, c. 162, s. 30, v. 5 p. 260. 13 Feb., 1862, c. 25, s. 2, v. 12, p. 339. 21 June, 1862, Res. 37, v. 12, p. 620. 17 July, 1862, c. 200, s. 21, v. 12, p. 597.—*In re McDonald*, 1 Lowell, p. 100.

SEC. 1117. No person under the age of twenty-one years shall be enlisted or mustered into the military service of the United States without the written consent of his parents or guardians: *Provided*, That such minor has such parents or guardians entitled to his custody and control.

Enlistment of minors.

15 May, 1872, c. 162, s. 1, v. 17, p. 117.

SEC. 1118. No minor under the age of sixteen years, no insane or intoxicated person, no deserter from the military service of the United States, and no person who has been convicted of [*any criminal offense*,] [a felony] shall be enlisted or mustered into the military service.

Shorner's Case, 1 Car. L. Rep., 55.

Persons not to be enlisted.

2 Mar., 1833, c. 68, s. 6, v. 4, p. 647.
4 July, 1864, c. 4, s. 7, v. 12, p. 380. 3 Mar., 1865, c. 79, s. 18, v. 13, p. 490. 27 Feb., 1877, c. 69, r. 19, p. 242.

SEC. 1119. All enlistments in the Army shall be for the term of five years.

Term of enlistment.

3 Mar., 1869, c. 124, s. 4, v. 15, p. 318.—U. S. r. Travers, 2 Wh., Cr. Cas., 490.

SEC. 1120. A premium of two dollars shall be paid to any citizen, non-commissioned officer, or soldier for each accepted recruit he may bring to a recruiting rendezvous.

Premium for bringing.

SEC. 1121. The President may, by and with the advice and consent of the Senate, appoint a chaplain for each regiment of colored troops, and thirty post-chaplains: *Provided*, That no appointment of regimental or post chaplains shall be made until those on waiting orders are assigned.

21 June, 1862, Res. 37, v. 12, p. 620.

Chaplains, number of.

7 July, 1838, c. 194, v. 5, p. 308.
2 Mar., 1849, c. 2, Mar., 1849, c. 83, s. 3, v. 9, p. 351. 9 April, 1864, c. 53, s. 1, v. 13, p. 46. 28 July, 1866, c. 299, ss. 7, 30, v. 14, pp. 333, 337. 2 Mar., 1867, c. 145, s. 7, v. 14, p. 423. 15 July, 1870, c. 294, s. 12, v. 16, p. 318.

SEC. 1122. Chaplains shall have the rank of captain of infantry, without command, and shall be on the same footing with other officers of the Army, as to tenure of office, retirement, and pensions.

Rank, &c., of chaplains.

9 April, 1864, c. 53, s. 1, v. 13, p. 46. 28 July, 1866, c. 299, ss. 7, 30, v. 14, pp. 333, 337. 2 Mar., 1867, c. 145, s. 7, v. 14, p. 423. 15 July, 1870, c. 294, s. 12, v. 16, p. 318.

SEC. 1123. No person shall be appointed as regimental or post chaplain until he shall furnish proof that he is a regularly-ordained minister of some religious denomination, in good standing at the time of his appointment, together with a recommendation for such appointment from some authorized ecclesiastical body, or from not less than five accredited ministers of said denomination.

Qualifications of.

17 July, 1862, c. 200, s. 8, v. 12, p. 595.

SEC. 1124. The duty of chaplains of regiments of colored troops and of post-chaplains shall include the instruction of the enlisted men in the common English branches of education.

Duties as school-teachers.

5 July, 1838, c. 162, s. 18, v. 5, p. 259. 28 July, 1866, c. 299, s. 30, v. 14, p. 337.

SEC. 1125. All regimental chaplains and post-chaplains shall, when it may be practicable, hold appropriate religious services, for the benefit of the commands to which they may be assigned to duty, at least once on each Sunday, and shall perform appropriate religious burial services at the burial of officers and soldiers who may die in such commands.

Duties as clergymen.

9 April, 1864, c. 53, s. 4, v. 13, p. 46.

SEC. 1126. Post[, hospital and regimental chaplains shall make monthly reports to the Adjutant-General of the Army, through the usual military channels, of the moral condition and general history of the regiments or posts to which they may be attached.

Monthly reports.

9 April, 1864, c. 53, s. 3, v. 13, p. 46. 27 Feb., 1877, c. 69, r. 19, p. 242.

SEC. 1127. It shall be the duty of commanders of regiments, hospitals, and posts to afford to chaplains, assigned to the same for duty, such facilities as may aid them in the performance of their duties.

Facilities to.

9 April, 1864, c. 53, s. 3, v. 13, p. 46.

Corps of adjutants-general, organization.

28 July, 1866, c. 299, s. 10, v. 14, p. 333.

3 Mar., 1869, c. 124, s. 6, v. 15, p. 318.

Vacancy to be filled from the line.

17 July, 1862, c. 200, s. 22, v. 12, p. v. 16, p. 53.

When to be inspectors.

5 July, 1838, c. 162, s. 7, v. 5, p. 257.

Corps of inspectors-general, organization.

28 July, 1866, c. 299, s. 11, v. 14, p. 334. 3 Mar., 1869, c. 124, s. 6, v. 15, p. 318.

Quartermaster's Corps, organization.

28 July, 1866, c. 299, ss. 13, 14, v. 14, p. 334.

2 Mar., 1867, c. 145, s. 7, v. 14, p. 423.

3 June, 1872, c. 279, v. 17, p. 214.

3 Mar., 1875, c. 126, ss. 1, 2, v. 18, pp. 338, 339.

27 Feb., 1877, c. 69, v. 19, p. 242.

Duties.

28 Mar., 1812, c. 46, ss. 3, 5, v. 2, pp. 696, 697.

18 May, 1826, c. 74, s. 1, v. 4, p. 173.

23 Aug., 1842, c. 186, s. 3, v. 5, p. 513.

Commissary's duty.

2 Mar., 1821, c. 13, s. 8, v. 3, p. 615.

Supplies to naval and marine detachments.

15 Dec., 1814, c. 13, ss. 1, 2, v. 3, p. 151.

Permanent barracks.

SEC. 1128. The Adjutant-General's Department of the Army shall consist of one Adjutant-General, with the rank of brigadier-general; two assistant adjutants-general, with the rank of colonel of cavalry; four assistant adjutants-general, with the rank of lieutenant-colonel of cavalry; and thirteen assistant adjutants-general, with the rank of major of cavalry.

SEC. 1129. All vacancies in the grade of major, in the Adjutant-General's Department, shall, when filled, be filled by selections from captains of the Army.

SEC. 1130. Assistant adjutants-general shall, in addition to their own duties, perform those of assistant inspectors-general, when the convenience of the service requires them to do so.

SEC. 1131. There shall be five inspectors-general of the Army, with the rank of colonel of cavalry; [provided no promotion shall be made until the number of inspectors-general is reduced to four:] one assistant inspector-general, with the rank of lieutenant-colonel of cavalry; and two assistant inspectors-general, with the rank of major of cavalry.

SEC. 1132. The Quartermaster's Department of the Army shall consist of one Quartermaster-General, with the rank of brigadier-general; six assistant quartermasters-general, with the rank of colonel of cavalry; ten deputy quartermasters-general, with the rank of lieutenant-colonel of cavalry; twelve quartermasters, with the rank of major of cavalry; thirty assistant quartermasters, with the rank of captain of cavalry; and such number of military store-keepers, not exceeding sixteen, as may be required, with the rank of captain of cavalry. Nothing herein shall deprive of his office any person now holding the office of quartermaster with the rank of major. [All appointments in the Quartermaster's Department shall be made from the Army. During the absence of the Quartermaster-General, or the chief of any military bureau of the War Department, the President is authorized to empower some officer of the department or corps whose chief is absent to take charge thereof, and to perform the duties of Quartermaster-General, or chief of the department or corps, as the case may be, during such absence.]

SEC. 1133. It shall be the duty of the officers of the Quartermaster's Department, under the direction of the Secretary of War, to purchase and distribute to the Army all military stores and supplies, requisite for its use, which other corps are not directed by law to provide; to furnish means of transportation for the Army, its military stores and supplies, and to provide for and pay all incidental expenses of the military service which other corps are not directed to provide for and pay.

SEC. 1134. Assistant quartermasters shall do duty as assistant commissaries of subsistence when so ordered by the Secretary of War.

SEC. 1135. The officers of the Quartermaster's Department shall, upon the requisition of the naval or marine officer commanding any detachment of seamen or marines under orders to act on shore, in co-operation with land troops, and during the time such detachment is so acting or proceeding to act, furnish the officers and seamen with camp-equipment, together with transportation for said officers, seamen, and marines, their baggage, provisions, and cannon, and shall furnish the naval officer commanding any such detachment, and his necessary aids, with horses, accouterments, and forage.

SEC. 1136. Permanent barracks or quarters and buildings and structures of a permanent nature shall not be constructed unless detailed

estimates shall have been previously submitted to Congress, and approved by a special appropriation for the same, except when constructed by the troops; and no such structures, the cost of which shall exceed twenty thousand dollars, shall be erected unless by special authority of Congress. [It shall be the duty of all officers of the United States having any of the title-papers (property purchased, or about to be purchased, for erection of public buildings) in their possession, to furnish them forthwith to the Attorney-General. No public money shall be expended until the written opinion of the Attorney-General shall be had.]

SEC. 1137. The Quartermaster-General may employ as many forage-masters and wagon-masters, not exceeding twenty in the whole, as he may deem necessary for the service, [who shall be entitled to receive each forty dollars per month and three rations per day, and forage for one horse.] No forage-master or wagon-master shall be concerned, directly or indirectly, in any means of transport employed by the United States, or in the purchase or sale of any property procured for or belonging to the United States, except as agent for the United States.

SEC. 1138. No officer belonging to the Quartermaster's Department, or doing the duty of a quartermaster or assistant quartermaster, shall be concerned, directly or indirectly, in the purchase or sale of any article intended for or appertaining to said department of service, except on account of the United States; nor shall any such officer take or apply to his own use any gain or emolument for negotiating or transacting any business connected with the duties of his office, other than that which may be allowed by law.

SEC. 1139. The Quartermaster-General, under the direction of the Secretary of War, shall prescribe and enforce a system of accountability for all quartermaster's supplies to the Army or to officers, seamen, and marines. [And he shall account to the Secretary of War at least once in three months for all property and money that may pass through his hands, or the hands of his subordinate officers.]

SEC. 1140. The Subsistence Department of the Army shall consist of one Commissary-General of Subsistence, with the rank of brigadier-general; two assistant commissaries-general of subsistence, with the rank of colonel of cavalry; two assistant commissaries-general of subsistence, with the rank of lieutenant-colonel of cavalry; eight commissaries of subsistence, with the rank of major of cavalry; and sixteen commissaries of subsistence, with the rank of captain of cavalry.

SEC. 1141. It shall be the duty of the officers of the Subsistence Department, under the direction of the Secretary of War, to purchase and issue to the Army such supplies as enter into the composition of the ration.

SEC. 1142. The Secretary of War is authorized to select from the sergeants of the line of the Army who shall have faithfully served therein five years, three years of which in the grade of non-commissioned officers, as many commissary-sergeants as the service may require, not to exceed one for each military post or place of deposit of subsistence supplies, whose duty it shall be to receive and preserve the subsistence supplies at the posts, under the direction of the proper officers of the Subsistence Department, and under such regulations as shall be prescribed by the Secretary of War. The commissary-sergeants hereby authorized shall be subject to the rules and articles of war, and shall receive for their services the same pay and allowances as ordnance-sergeants.

SEC. 1143. The officers of the Subsistence Department shall, upon the requisition of the naval or marine officer commanding any detachment of seamen or marines under orders to act on shore, in co-operation with the land troops, and during the time such detachment is so acting or proceeding to act, furnish rations to the officers, seamen, and marines of the same.

SEC. 1144. The officers of the Subsistence Department shall procure, and keep for sale to officers and enlisted men at cost prices, for cash or on credit, such articles as may, from time to time, be designated by the inspectors-general of the Army. An account of all sales on credit shall

3 Mar., 1859, c. 83, s. 1, v. 11, p. 432.
27 Feb., 1877, c. 69, v. 19, p. 242.

Forage and wagon masters.

5 July, 1838, c. 182, s. 10, v. 5, p. 257.
27 Feb., 1877, c. 69, v. 19, p. 242.

Officers not to trade.

22 May, 1812, c. 92, s. 1, v. 2, p. 742.

System of accountability.

18 May, 1826, c. 74, s. 1, v. 4, p. 173.
27 Feb., 1877, c. 69, v. 19, p. 242.

Subsistence Corps, organization.

28 July, 1866, c. 299, s. 16, v. 14, p. 334.
23 June, 1874, c. 458, s. 3, v. 18, p. 244.

Duties.

14 April, 1818, c. 61, s. 7, v. 3, p. 427.
49, s. 1, v. 4, p. 780.

Post-commissary-sergeants.

3 Mar., 1873, c. 224, v. 17, p. 485.

Rations to naval detachments.

15 Dec., 1814, c. 13, s. 1, v. 3, p. 151.

Credit sales.

28 July, 1866, c. 299, s. 25, v. 14, p. 336.

Sales of rations.

3 Mar., 1865, c. 81,
s. 5, v. 13, p. 497.

The ration.

16 Mar., 1802, c.
9, s. 6, v. 2, p. 134.
5 July, 1838, c. 162,
s. 17, v. 5, p. 258.
21 June, 1860, c.
163, s. 4, v. 12, p. 68.
3 Mar., 1863, c.
78, s. 11, v. 12, p. 744.
Coffee and sugar
commuted.

5 July, 1862, c. 133,
s. 10, v. 12, p. 510.

Sugar and coffee
in kind.

5 July, 1838, c. 162, s. 17, v. 5, p. 258.

Sales of tobacco.

3 Mar., 1865, c. 81,
s. 6, v. 13, p. 497.

Officers not to
trade.

14 April, 1818, c.
61, s. 9, v. 3, p. 427.
3 Mar., 1835, c.
49, s. 1, v. 4, p. 780.
3 Mar., 1865, c.
81, s. 6, v. 13, p. 497.
28 July, 1866, c.
299, s. 25, v. 14, p.
336.

Corps of Engi-
neers, organiza-
tion.

28 July, 1866, c.
299, s. 19, v. 14, p.
335.

Regulations of
supplies.

15 May, 1846, c.
21, s. 5, v. 9, p. 13.
3 Aug., 1861, c.
42, s. 4, v. 12, p. 287.

6 Aug., 1861, c. 57, s. 2, v. 12, p. 317.

Disbursements.

5 July, 1838, c.
162, s. 27, v. 5, p.
260.

7 July, 1838, c.
194, v. 5, p. 308.

Engineer batta-
lion.

15 May, 1846, c.
21, s. 1, v. 9, p. 12.

3 Aug., 1861, c. 42, s. 4, v. 12, p. 287.

Engineer com-
pany.

be kept, and the amounts due for the same shall be reported monthly to the Paymaster-General. [See §§ 1299, 1300.]

SEC. 1145. Commissioned officers of the Army, serving in the field, may purchase rations for their own use, from any commissary of subsistence, on credit, at cost prices; and the amounts due for such purchases shall be reported monthly to the Paymaster-General. [See §§ 1299, 1300.]

SEC. 1146. Each ration shall consist of one pound and a quarter of beef or three-quarters of a pound of pork, eighteen ounces of bread or flour, and at the rate of ten pounds of coffee, fifteen pounds of sugar, two quarts of salt, four quarts of vinegar, four ounces of pepper, four pounds of soap, and one pound and a half of candles to every hundred rations. The President may make such alterations in the component parts of the ration as a due regard to the health and comfort of the Army and economy may require.

SEC. 1147. The Secretary of War may commute the ration of coffee and sugar for the extract of coffee combined with milk and sugar, if he shall believe such commutation to be conducive to the health and comfort of the Army, and not to be more expensive to the Government than the present ration; provided, the same shall be acceptable to the men. [See § 1294.]

SEC. 1148. The ration of sugar and coffee where issued in kind, shall, when the convenience of the service permits, be issued weekly.

SEC. 1149. Tobacco shall be furnished to the enlisted men by the commissaries of subsistence, at cost prices, exclusive of the cost of transportation, in such quantities as they may require, not exceeding sixteen ounces per month. [See § 1301.]

SEC. 1150. No officer belonging to the Subsistence Department, or doing the duty of a subsistence officer, shall be concerned, directly or indirectly, in the purchase or sale of any article entering into the composition of the ration allowed to troops in the service of the United States, or of any article designated by the inspectors-general of the Army, and furnished for sale to officers and enlisted men at cost prices, or of tobacco furnished for sale to enlisted men, except on account of the United States; nor shall any such officer take or apply to his own use any gain or emolument for negotiating or transacting any business connected with the duties of his office, other than that which may be allowed by law.

SEC. 1151. The Corps of Engineers shall consist of one Chief of Engineers, with the rank of brigadier-general, six colonels, twelve lieutenant-colonels, twenty-four majors, thirty captains, twenty-six first lieutenants, and ten second lieutenants, and the battalion: *Provided*, That no promotion shall be made to fill any vacancy in said corps above the rank of colonel.

3 Mar., 1869, c. 124, s. 6, v. 15, p. 318; 10 June, 1872, c. 426, v. 17, p. 382.

SEC. 1152. The Chief of Engineers is authorized, with the approval of the Secretary of War, to regulate and determine the number, quality, form, and dimensions of the necessary vehicles, pontoons, tools, implements, arms, and other supplies for the use of the battalion of engineer soldiers.

28 July, 1866, c. 299, s. 20, v. 14, p. 335.

SEC. 1153. It shall be the duty of the engineer superintending the construction of a fortification, or engaged about the execution of any other public work, to disburse the moneys applicable to the same; but no compensation shall be allowed him for such disbursement.

SEC. 1154. The battalion of engineers shall consist of the five companies of engineers now existing, one sergeant-major, and one quartermaster-sergeant, who shall also be commissary-sergeant.

6 Aug., 1861, c. 57, s. 2, v. 12, p. 318. 30 June, 1864, c. 145, s. 4, v. 13, p. 144. 28 July, 1866, c. 299, s. 20, v. 14, p. 335.

SEC. 1155. Each company of engineer soldiers shall consist of ten sergeants, ten corporals, two musicians, and as many privates of the first

class, not exceeding sixty-four, and as many privates of the second class, not exceeding sixty-four, as the President may direct, and shall be recruited in the same manner, and with the same limitation, and shall be entitled to the same provisions, allowances, and benefits, in every respect, as are allowed to other troops constituting the present military peace establishment.

SEC. 1156. A battalion-adjutant, a battalion-quartermaster, and appropriate officers to command the companies and battalion of engineer soldiers, shall be detailed from the Corps of Engineers.

3 Aug., 1861, c. 42, s. 4, v. 12, p. 287. 6 Aug., 1861, c. 57, s. 2, v. 12, p. 317. 28 July, 1866, c. 299, s. 20, v. 14, p. 335.

SEC. 1157. The enlisted men of the engineer battalion shall be instructed in and perform the duties of sappers, miners, and pontoniers, and shall aid in giving practical instruction in those branches at the Military Academy. They may be detailed by the Chief of Engineers to oversee and aid laborers upon fortifications and other works in charge of the Engineer Corps, and, as fort-keepers, to protect and repair finished fortifications.

3 Mar., 1863, c. 78, s. 1, v. 12, p. 743.

SEC. 1158. Engineers shall not assume nor be ordered on any duty beyond the line of their immediate profession, except by the special order of the President. They may, at the discretion of the President, be transferred from one corps to another, regard being paid to rank.

SEC. 1159. The Ordnance Department of the Army shall consist of one Chief of Ordnance, with the rank of brigadier-general, three colonels, four lieutenant-colonels, ten majors, twenty captains, sixteen first lieutenants, ten second lieutenants, and thirteen ordnance store-keepers. The ordnance store-keeper at Springfield armory shall have the rank of major of cavalry. All other ordnance store-keepers shall have the rank of captain of cavalry.

3 Mar., 1869, c. 124, s. 6, v. 15, p. 318. 23 June, 1874, c. 458, ss. 5, 8, v. 18, p. 245.

SEC. 1160. No officer of the Army shall be commissioned as an ordnance officer until he shall have been examined and approved by a board of not less than three ordnance officers, senior to him in rank. If an officer of the Army fail on such examination he shall be suspended from appointment for one year, when he may be re-examined before a like board. In case of failure on such re-examination he shall not be commissioned as an ordnance officer.

SEC. 1161. Any number, not exceeding six, of the ordnance store-keepers may be authorized to act as paymasters at armories and arsenals.

335. 2 Mar., 1867, c. 145, s. 7, v. 14, p. 423.

SEC. 1162. The Chief of Ordnance may enlist as many [*master armorers, master carriage-makers, master blacksmiths, artificers, armorers, carriage-makers, blacksmiths, and laborers as the Secretary of War may direct. Master armorers, master carriage-makers, and master blacksmiths shall be designated and mustered as sergeants; armorers, carriage-makers, and blacksmiths shall be designated and mustered as corporals; artificers shall be designated and mustered as privates of the first class, and laborers as privates of the second class.*] [*sergeants of ordnance, corporals of ordnance, and first and second class privates of ordnance, as the Secretary of War may direct.*]

27 Feb., 1877, c. 69, v. 19, p. 242.

SEC. 1163. The Chief of Ordnance, subject to the approval of the Secretary of War, shall organize and detail to regiments, corps, or garrisons, such numbers of [*privates of the first-class*] [*ordnance enlisted men,*] furnished with proper tools, carriages, and apparatus, as may be necessary, and shall make regulations for their government.

SEC. 1164. It shall be the duty of the Chief of Ordnance to furnish estimates, and, under the direction of the Secretary of War, to make contracts and purchases, for procuring the necessary supplies of ordnance and ordnance stores, for the use of the armies of the United States; to

Engineer officers.

15 May, 1846, c. 21, s. 4, v. 9, p. 13.

Duties of engineer soldiers.

15 May, 1846, c. 21, s. 4, v. 9, p. 13.

3 Aug., 1861, c. 42, s. 4, v. 12, p. 287.

6 Aug., 1861, c. 57, s. 2, v. 12, p. 317.

Engineers, limits of duty.

10 April, 1806, c. 20, art. 63, v. 2, p. 367.

Ordnance Corps, organization.

28 July, 1866, c. 299, s. 21, v. 14, p. 335.

2 Mar., 1867, c. 145, s. 7, v. 14, p. 423.

Appointment in.

3 Mar., 1863, c. 78, s. 4, v. 12, p. 743.

Store-keepers.

28 July, 1866, c. 299, s. 21, v. 14, p. 335.

Enlisted men.

18 June, 1846, c. 29, s. 11, v. 9, p. 18.

5 July, 1862, c. 133, s. 3, v. 12, p. 508.

28 July, 1866, c. 299, s. 21, v. 14, p. 335.

23 June, 1874, c. 458, s. 5, v. 18, p. 245.

Detail of artificers.

8 Feb., 1815, c. 38, s. 4, v. 3, p. 203.

27 Feb., 1877, c. 69, v. 19, p. 242.

Supplies.

8 Feb., 1815, c. 38, s. 8, v. 3, p. 203.

direct the inspection and proving of the same, and to direct the construction of all cannon and carriages, ammunition-wagons, traveling forges, artificers' wagons, and of every implement and apparatus for ordnance, and the preparation of all kinds of ammunition and ordnance stores constructed or prepared for said service.

Depots.

8 Feb., 1815, c. 38,
s. 9, v. 3, p. 204.

Orders for supplies.

8 Feb., 1815, c. 38,
s. 5, v. 3, p. 203.

Semi-annual reports.

8 Feb., 1815, c. 38,
s. 8, v. 3, p. 204.
27 Feb., 1877, c. 69,
v. 19, p. 242.

Medical Department, organization.

28 July, 1866, c. 299,
s. 17, v. 14, p. 334.

3 Mar., 1869, c. 124,
s. 6, v. 15, p. 318.

17 Mar., 1872, c. 47,
v. 17, p. 40.

23 June, 1874, c. 458,
ss. 4, 8, r. 18,
pp. 244, 245.

1 Jan., 1875, c. 12,
v. 18, p. 294. 26
June, 1876, c. 146,
r. 19, p. 61.

Right of command.

11 Feb., 1847, c. 8,
s. 8, v. 9, p. 125.

Volunteer service of assistant surgeons.

2 Mar., 1867, c. 145,
s. 5, v. 14, p. 423.

Purveyors to be assignable as surgeons.

28 July, 1866, c. 299,
s. 17, v. 14, p. 334.

SEC. 1165. The Chief of Ordnance, under the direction of the Secretary of War, may establish depots of ordnance and ordnance stores in such parts of the United States, and in such numbers, as may be deemed necessary.

SEC. 1166. The Chief of Ordnance, or the senior officer of that corps for any district, shall execute all orders of the Secretary of War, and, in time of war, the orders of any general or field officer commanding an army, garrison, or detachment, for the supply of all ordnance and ordnance stores for garrison, field, or siege service.

SEC. 1167. The Chief of Ordnance shall, half-yearly, or oftener if so directed, make a report to the Secretary of War of all the officers and enlisted men in his department of the service, and of all ordnance and ordnance stores under his control. [Every officer of the Ordnance Department, every ordnance-store keeper, every post ordnance sergeant, each keeper of magazines, arsenals, and armories, every assistant and deputy of such, and all other officers, agents, or persons who shall have received or may be entrusted with any stores or supplies, shall quarterly, or oftener if so directed, and in such manner and on such forms as may be directed or prescribed by the Chief of Ordnance, make true and correct returns to the Chief of Ordnance of all ordnance-arms, ordnance-stores, and all other supplies and property of every kind, received by or intrusted to them and each of them, or which may in any manner come into their and each of their possession or charge. The chief of ordnance, subject to the approval of the Secretary of War, is hereby authorized and directed to draw up and enforce in his department a system of rules and regulations for the government of the Ordnance Department, and of all persons in said department, and for the safe-keeping and preservation of all ordnance property of every kind, and to direct and prescribe the time, number, and forms of all returns and reports, and to enforce compliance therewith.]

SEC. 1168. The Medical Department of the Army shall consist of one Surgeon-General, with the rank of brigadier-general; one assistant surgeon-general, with the rank of colonel of cavalry; one chief medical purveyor, and four assistant medical purveyors, with the rank of lieutenant-colonel of cavalry; sixty surgeons, with the rank of major of cavalry; one hundred and fifty assistant surgeons, with rank of lieutenant of cavalry, for the first three years of service, and the rank of captain of cavalry after three years of service; and five medical store-keepers, with the rank of captain of cavalry. All the original vacancies in the grade of assistant surgeon shall be filled by selection, by examination, from among the persons who have served as staff or regimental surgeons or assistant surgeons of volunteers in the Army of the United States during the late war.

SEC. 1169. Officers of the Medical Department of the Army shall not be entitled, in virtue of their rank, to command in the line or in other staff corps.

SEC. 1170. Assistant surgeons who have served three years as surgeons or assistant surgeons in the volunteer forces (*) be eligible to promotion to the grade of captain.

SEC. 1171. The chief medical purveyor and the assistant medical purveyors may be assigned by the President to duty as surgeons, when not acting as purveyors.

(*) The word *shall* is omitted from the Roll.

SEC. 1172. No person shall receive the appointment of assistant surgeon unless he shall have been examined and approved by an Army medical board, consisting of not less than three surgeons or assistant surgeons, designated by the Secretary of War; and no person shall receive the appointment of surgeon unless he shall have served at least five years as an assistant surgeon in the Regular Army, and shall have been examined and approved by an Army medical board, consisting of not less than three surgeons, designated as aforesaid.

SEC. 1173. The chief medical purveyor shall have, under the direction of the Surgeon General, supervision of the purchase and distribution of the hospital and medical supplies.

SEC. 1174. The officers of the Medical Department of the Army shall unite with the officers of the line [under such rules and regulations as shall be prescribed by the Secretary of War] in superintending the cooking done by the enlisted men; and the Surgeon-General shall promulgate to the officers of said corps such regulations and instructions as may tend to insure the proper preparation of the ration of the soldier. [See § 1234.]

SEC. 1175. Such quantities of fresh or preserved fruits, milk, butter, and eggs as may be necessary for the proper diet of the sick, may be allowed in hospitals. They shall be provided under such rules as the Surgeon-General, with the approval of the Secretary of War, shall prescribe.

SEC. 1176. Every soldier of the Union Army who was ruptured while in the line of duty during the war for the suppression of the rebellion, is entitled to receive a single or double truss, of such style as may be designated by the Surgeon-General, as best suited for his disability.

SEC. 1177. Application for such truss shall be made by the ruptured soldier, to an examining surgeon for pensions, whose duty it shall be to examine the applicant, and when found to have a rupture or hernia, to prepare and forward to the Surgeon-General an application for such truss without charge to the soldier. [See § 4787.]

SEC. 1178. The Surgeon-General is authorized and directed to purchase the trusses required for such soldiers, at wholesale prices, and the cost of the same shall be paid upon the requisition of the Surgeon-General out of any moneys in the Treasury not otherwise appropriated.

SEC. 1179. There shall be one hospital-steward for each military post, who may be enlisted in that grade, or appointed by the Secretary of War from the enlisted men of the Army, and shall be permanently attached to the Medical Corps, under such regulations as he may prescribe.

SEC. 1180. The Secretary of War may appoint from the enlisted men of the Army, or cause to be enlisted, as many hospital-stewards as the service may require, to be permanently attached to the Medical Corps, under such regulations as he may prescribe.

SEC. 1181. Hospital-stewards shall be graded as hospital-stewards of the first class, hospital-stewards of the second class, and hospital-stewards of the third class.

SEC. 1182. The pay Department of the Army shall consist of one Paymaster-General, with the rank of colonel; two assistant paymasters-general, with the rank of colonel of cavalry; two deputy paymasters-general, with the rank of lieutenant-colonel of cavalry; and sixty paymasters, with the rank of major of cavalry.

286, v. 17, p. 219. 2 Mar., 1875, c. 118, v. 18, p. 338. 3 Mar., 1875, J. R. No. 7, v. 18, p. 524. 22 July, 1876, c. 222, v. 19, p. 95.

SEC. 1183. Officers of the Pay Department shall not be entitled, in virtue of their rank, to command in the line or in other staff corps.

SEC. 1184. When volunteers or militia are called into the service of the United States, and the officers of the Paymaster's Department are not deemed by the President sufficient for the punctual payment of the troops, he may appoint, by and with the advice and consent of the Senate, and

Examinations.

30 June, 1834, c. 133, s. 1, v. 4, p. 714.

Duties of chief medical purveyor.

3 Mar., 1873, c. 229, s. 1, v. 17, p. 546.

Supervision of cooking.

3 Mar., 1863, c. 78, s. 8, v. 12, p. 744.

27 Feb., 1877, c. 69, v. 19, p. 243.

Sick-diet in hospital.

3 Aug., 1861, c. 42, s. 14, v. 12, p. 289.

Trusses, to whom furnished.

28 May, 1872, c. 228, s. 1, v. 17, p. 164.

Application for.

28 May, 1872, c. 228, s. 2, v. 17, p. 164.

Trusses, purchase of.

28 May, 1872, c. 228, s. 3, v. 17, p. 164.

Post hospital-stewards.

16 Aug., 1856, c. 125, s. 2, v. 11, p. 51.

28 July, 1866, c. 299, s. 7, v. 14, p. 333.

Hospital-stewards.

28 July, 1866, c. 299, s. 17, v. 14, p. 335.

Classes of hospital-stewards.

20 June, 1864, c. 145, s. 1, v. 13, p. 144.

Pay Department, organization.

28 July, 1866, c. 299, s. 18, v. 14, p. 335.

4 June, 1872, c.

Right of command.

3 Mar., 1847, c. 61, s. 13, v. 9, p. 185.

Additional paymasters.

5 July, 1838, c. 162, s. 25, v. 5, p. 259.

add to said corps as many paymasters, to be called additional paymasters, with the rank of major, not exceeding one for every two regiments of volunteers or militia, as he may deem necessary.

Additional paymasters, service temporary.

SEC. 1185. Additional paymasters shall be retained in service only so long as they may be required for the payment of volunteers and militia, as provided herein.

5 July, 1838, c. 162, s. 25, v. 5, p. 259.

Duties of Paymaster-General.

SEC. 1186. The Paymaster-General shall perform the duties of his office under the direction of the President.

16 Mar., 1802, c. 9, s. 16, v. 2, p. 135.

Duties of deputy paymasters-general.

SEC. 1187. The deputy paymasters-general shall, in addition to paying troops, superintend the payment of armies in the field.

3 Mar., 1847, c. 61, ss. 12, 22, v. 9, p. 185. 19 July, 1848, c. 104, s. 3, v. 9, p. 247. 2 Mar., 1849, c. 80, v. 9, p. 350. 28 July, 1866, c. 299, s. 18, v. 14, p. 335.

Duties of paymasters.

SEC. 1188. The paymasters and additional paymasters shall pay the regular troops, and shall pay all other troops in the service of the United States, when required to do so by order of the President.

24 April, 1816, c. 69, s. 4, v. 3, p. 298. 5, p. 259.

14 July, 1832, c. 224, s. 4, v. 4, p. 582. 5 July, 1838, c. 162, s. 25, v.

Periods of payment.

SEC. 1189. The Army shall be paid in such manner that the arrears shall at no time exceed two months, unless circumstances shall render further arrears unavoidable.

16 Mar., 1802, c. 9, s. 13, v. 2, p. 135.

24 July, 1876, c. 226, r. 19, p. 97.

Paymasters' clerks.

SEC. 1190. Paymasters and additional paymasters shall be allowed a capable non-commissioned officer or private as clerk. When suitable non-commissioned officers or privates cannot be procured from the line of the Army, they are authorized, by and with the approbation of the Secretary of War, to employ citizens as clerks, at a salary of twelve hundred dollars a year.

24 April, 1816, c. 69, s. 3, v. 3, p. 297. 5 July, 1838, c. 162, s. 20, v. 5, p. 259.

20 June, 1864, c. 145, s. 10, v. 13, p. 145.

Bonds of disbursing officers, by whom to be given.

SEC. 1191. All officers of the Quartermaster's, Subsistence, and Pay Departments, the chief medical purveyor and assistant medical purveyors, and all store-keepers shall, before entering upon the duties of their respective offices, give good and sufficient bonds to the United States, in such sums as the Secretary of War may direct, faithfully to account for all public moneys and property which they may receive. The President may, at any time, increase the sums so prescribed. [But the Quartermaster General shall not be liable for any money or property that may come into the hands of the subordinate officers of his department.]

24 April, 1816, c. 69, s. 6, v. 3, p. 298. 15 May, 1820, c. 102, s. 3, v. 3, p. 582. 23 Aug., 1842, c. 186, s. 2, v. 5, p. 512. 17 June, 1846, c. 28, s. 2, v. 9, p. 17.

3 Mar., 1857, c. 106, s. 2, v. 11, p. 203. 17 July, 1862, c. 201, s. 16, v. 12, p. 600. 28 July, 1866, c. 299, s. 17, v. 14, p. 334. 27 Feb., 1877, c. 69, r. 19, p. 243.—U. S. v. Kirkpatrick, 9 Wh., 720; U. S. v. Van Zandt, 11 Wh., 184; Dox v. Postmaster-General, 1 Pet., 325; U. S. v. Linn, 15 Pet., 290.

Renewing bond of paymasters.

SEC. 1192. All disbursing officers of the Pay Department shall renew their bonds, or furnish additional security, at least once in four years, and as much oftener as the President may direct.

2 Mar., 1849, c. 80, v. 9, p. 350.

Chiefs of corps and departments, how selected.

SEC. 1193. The Adjutant-General, the Quartermaster-General, the Commissary-General of Subsistence, the Surgeon-General, the Chief of Engineers, the Chief of Ordnance, and the Paymaster-General shall be appointed by selection from the corps to which they belong.

28 July, 1866, c. 299, s. 23, v. 14, p. 336.

Appointments and promotions in staff corps and Departments.

SEC. 1194. Until otherwise directed by law there shall be no new appointments and no promotions in the departments of Adjutant-General,

or of Inspector-General, or in the Pay, Quartermaster's, Subsistence, Ordnance, or Medical Departments. 3 Mar., 1869, c. 124, s. 6, v. 15, p. 318.

So much of this section as applies to paymasters of the rank of major was repealed by joint resolution of March 3, 1875, v. 18, p. 524. 10 June, 1872, c. 426, v. 17, p. 382.

The act of March 3, 1877, c. 100, v. 19, p. 270, declares that this section "now applying only to grades in the Pay Department of the Army above the rank of major is hereby repealed." 23 June, 1874, c. 458, s. 8, v. 18, p. 245.

3 Mar., 1875, c. 126, s. 4, v. 18, p. 339. 3 Mar., 1875, c. 142, v. 18, p. 478. 3 Mar., 1875, J. R. No. 7, v. 18, p. 524. 3 Mar., 1877, c. 100, v. 19, p. 270.

SEC. 1195. There shall be one Chief Signal-Officer, with the rank of colonel of cavalry, who shall have charge, under the direction of the Secretary of War, of all signal-duty, and of all books, papers, and apparatus connected therewith. Signal service, rank of chief. 21 June, 1860, c. 163, s. 1, v. 12, p. 66. 28 July, 1866, c. 299, s. 22, v. 14, p. 335.

SEC. 1196. The Secretary of War may detail six officers from the Corps of Engineers, and any number of non-commissioned officers and privates not exceeding one hundred, from the battalion of engineers, for the performance of signal-duty; but no officer or enlisted man shall be so detailed until he shall have been examined and approved by a military board convened by the Secretary of War. Details for signal-duty. 28 July, 1866, c. 299, s. 22, v. 14, p. 335. 24 July, 1876, c. 226, v. 19, p. 97.

SEC. 1197. Enlisted men detailed for signal-duty shall, when it is deemed necessary, be mounted on horses provided by the government. Signal-detail to be mounted. 28 July, 1866, c. 299, s. 22, v. 14, p. 335. 24 July, 1876, c. 226, v. 19, p. 97.

SEC. 1198. The Bureau of Military Justice shall consist of one Judge-Advocate-General, with the rank of brigadier-general, and one assistant judge-advocate-general, with the rank of colonel of cavalry. Bureau of Military Justice, organization. 28 July, 1866, c. 299, s. 12, v. 14, p. 334. 23 June, 1874, c. 458, s. 2, v. 18, p. 244.

SEC. 1199. The Judge-Advocate-General shall receive, revise, and cause to be recorded the proceedings of all courts-martial, courts of inquiry, and military commissions, and perform such other duties as have been performed heretofore by the Judge-Advocate-General of the Army. Duties of Judge-Advocate-General. 28 July, 1866, c. 299, s. 12, v. 14, p. 334. 23 June, 1874, c. 458, s. 2, v. 18, p. 244.

SEC. 1200. There shall be eight judge-advocates of the Army, with the rank of major of cavalry. Judge-Advocates. 17 July, 1862, c. 201, s. 6, v. 12, p. 598. 28 July, 1866, c. 299, s. 12, v. 14, p. 334. 25 Feb., 1867, c. 79, s. 1, v. 14, p. 410. 10 April, 1869, c. 20, v. 16, p. 44. 23 June, 1874, c. 458, s. 2, v. 18, p. 244.

SEC. 1201. Judge-advocates shall perform their duties under the direction of the Judge-Advocate-General. Duties of judge-advocates. 28 July, 1866, c. 299, s. 12, v. 14, p. 334. 6 June, 1874, c. 217, v. 18, p. 60. 23 June, 1874, c. 458, s. 2, v. 18, p. 244.

SEC. 1202. Every judge-advocate of a court-martial shall have power to issue the like process to compel witnesses to appear and testify which courts of criminal jurisdiction within the State, Territory, or District where such military courts shall be ordered to sit, may lawfully issue. Witnesses compelled to attend. 3 Mar., 1863, c. 79, s. 25, v. 12, p. 754. 23 June, 1874, c. 458, s. 2, v. 18, p. 244.

SEC. 1203. The judge-advocate of a military court shall have power to appoint a reporter, who shall record the proceedings of, and testimony taken before, such court, and may set down the same, in the first instance, in short-hand. The reporter shall, before entering upon his duty, be sworn, or affirmed, faithfully to perform the same. Reporter. 3 Mar., 1863, c. 75, s. 28, v. 12, p. 736. 23 June, 1874, c. 458, s. 2, v. 18, p. 244.

OF PROMOTIONS, BREVETS, AND CERTIFICATES OF MERIT.

SEC. 1204. Promotions in the line shall be made through the whole Army, in its several lines of artillery, cavalry, and infantry, respectively. Promotions in the staff of the Army shall be made in the several departments and corps, respectively. Promotions, general rule. 30 Mar., 1814, c. 37, s. 12, v. 3, p. 114. 3 Mar., 1851, c. 33, s. 1, v. 9, p. 618.

In case of trans-
fers from the line.

3 Mar., 1813, c. 52,
s. 4, v. 2, p. 819.
24 April, 1816, c.
69, s. 9, v. 3, p. 298.
18 June, 1846, c.
29, s. 7, v. 9, p. 18.

In Engineer
Corps.

3 Mar., 1863, c.
78, s. 3, v. 12, p. 743.

After fourteen
years' service.

3 Mar., 1853, c.
98, s. 9, v. 10, p. 219.
3 Mar., 1863, c. 78,
ss. 3, 4, v. 12, p. 743.
27 Feb., 1877, c. 69,
v. 19, p. 243.

In Ordnance
Corps.

3 Mar., 1863, c. 78,
s. 4, v. 12, p. 743.
3 Mar., 1869, c.
124, s. 6, v. 15, p. 318.
23 June, 1874, c.
458, s. 8, v. 18, p. 245.

Brevets.

6 July, 1812, c.
137, s. 4, v. 2, p. 785.
16 April, 1818, c.
64, s. 2, v. 3, p. 427.

Date of brevet
commission.

1 Mar., 1869, c. 52, s. 2, v. 15, p. 281.

Assignment to
duty according to
brevet rank.

16 April, 1818, c.
64, s. 1, v. 3, p. 427.

Uniform and
title.

15 July, 1870, c.
294, s. 16, v. 16, p. 319.

Cadets to be at-
tached by brevet
rank.

29 April, 1812, c.
72, s. 4, v. 2, p. 721.

Non-commis-
sioned officers to
be attached by
brevet rank.

29 April, 1812, c.
72, s. 4, v. 2, p. 721.

SEC. 1205. Officers may be transferred from the line to the staff of the Army without prejudice to their rank or promotion in the line; but no officer shall hold, at the same time, an appointment in the line and an appointment in the staff which confer equal rank in the Army. When any officer so transferred has, in virtue of seniority, obtained or become entitled to a grade in his regiment equal to the grade of his commission in the staff, he shall vacate either his commission in the line or his commission in the staff.

SEC. 1206. No officer of the Corps of Engineers below the rank of field-officer shall be promoted to a higher grade, until he shall have been examined and approved by a board of three engineers, senior to him in rank. If an engineer officer fail on such examination he shall be suspended from promotion for one year, when he shall be re-examined before a like board. In case of failure on such re-examination, he shall be dismissed from the service.

SEC. 1207. When any lieutenant of the Corps of Engineers [or Ordnance Corps] has served fourteen years' continuous service as lieutenant, he shall be promoted to the rank of captain, on passing the examination provided by the preceding section, but such promotion shall not authorize an appointment to fill any vacancy, when such appointment would increase the whole number of officers in the corps beyond the number fixed by law; nor shall any officer be promoted before officers of the same grade who rank him in his corps.

SEC. 1208. When promotions in the Ordnance Department of the Army are allowed by law, no officer of the corps, below the rank of field-officer, shall be promoted to a higher grade until he shall have been examined and approved by a board of not less than three ordnance officers, senior to him in rank. If an ordnance officer fail on such examination he shall be suspended from promotion for one year, when he shall be re-examined before a like board. In case of failure on such re-examination, he shall be dismissed from the service.

SEC. 1209. The President, by and with the advice and consent of the Senate, may, in time of war, confer commissions by brevet upon commissioned officers of the Army, for distinguished conduct and public service in presence of the enemy.

1 Mar., 1869, c. 52, s. 2, v. 15, p. 281.

SEC. 1210. Brevet commissions shall bear date from the particular action or service for which the officers were brevetted.

SEC. 1211. Officers may be assigned to duty or command according to their brevet rank by special assignment of the President; and brevet rank shall not entitle an officer to precedence or command except when so assigned.

3 Mar., 1869, c. 124, s. 7, v. 15, p. 318.

SEC. 1212. No officer shall be entitled, on account of having been brevetted, to wear, while on duty, any uniform other than that of his actual rank; and no officer shall be addressed in orders or official communications by any title other than that of his actual rank.

SEC. 1213. When any cadet of the United States Military Academy has gone through all its classes and received a regular degree from the academical staff, he shall be considered a candidate for a commission in any corps for whose duties he may be deemed competent. If there be no vacancy in such corps, he may, subject to the provisions of section twelve hundred and fifteen, be attached to it by the President, as a supernumerary officer, by brevet of second lieutenant until a vacancy shall happen.

SEC. 1214. Non-commissioned officers may, under regulations established by the Secretary of War, be examined by a board of four officers, as to their qualifications for the duties of commissioned officers in the line of the Army, and shall be eligible for appointment as second lieutenants in any corps of the line for which they may be found so qualified.

If there be no vacancy in such corps, any non-commissioned officer so found qualified for a commission therein may be attached to it by the President as a supernumerary officer, by brevet of second lieutenant, subject to the provisions of section twelve hundred and fifteen.

SEC. 1215. Only one supernumerary officer shall be attached to any company at the same time under the provisions of the two preceding sections.

29 April, 1812, c. 72, s. 4, v. 2, p. 721. 4 Aug., 1854, c. 247,

SEC. 1216. When any private soldier shall have distinguished himself in the service, the President may, on the recommendation of the commanding officers of the regiment to which such private soldier belongs, grant him a certificate of merit.

3 Mar., 1847, c. 61, s. 17, v. 9, p. 186.
4 Aug., 1854, c. 247, s. 5, v. 10, p. 575.
Number of attachments by brevet rank.

s. 5, v. 10, p. 575.

Certificates of merit for privates.

3 Mar., 1847, c. 61, s. 17, v. 9, p. 186.

GENERAL PROVISIONS OF ORGANIZATION.

SEC. 1217. None of the provisions of this Title, relating to the organization of the Army, shall be construed to vacate the commission of any officer now properly in the service, or borne on the Army Register as an officer retired from active service, or to require new appointments to fill the grades mentioned herein, which are now properly filled according to said provisions.

Commissions now held not vacated.

28 July, 1866, c. 299, s. 31, v. 14, p. 337.

SEC. 1218. No person who has served in any capacity in the military, naval, or civil service of the so-called Confederate States, or of either of the States in insurrection during the late rebellion, shall be appointed to any position in the Army of the United States.

Persons who served in the rebellion ineligible.

28 July, 1866, c. 299, s. 28, v. 14, p. 336.

SEC. 1219. In fixing relative rank between officers of the same grade and date of appointment and commission, the time which each may have actually served as a commissioned officer of the United States, whether continuously or at different periods, shall be taken into account. And in computing such time, no distinction shall be made between service as a commissioned officer in the Regular Army and service since the 19th day of April, 1861, in the volunteer forces, whether under appointment or commission from the President or from the governor of a State.

Time of actual service considered in fixing rank.

2 Mar., 1867, c. 159, s. 1, v. 14, p. 434.

SEC. 1220. Every officer commanding a regiment, corps, garrison, or detachment shall make, once every two months, or oftener if so directed, a report to the Chief of Ordnance, stating all damages to arms, equipments, and implements belonging to his command, noting those occasioned by negligence or abuse, and naming the officer or soldier by whose negligence or abuse the said damages were occasioned. [It shall be lawful for the commanding officer of each regiment, whenever it may be necessary, to cause the coats, vests, and overalls or breeches which may from time to time be issued to and for his regiment to be altered and new-made, so as to better to fit them to the persons respectively for whose use they shall be delivered; and for defraying the expense of such alterations, to cause to be deducted and applied out of the pay of such persons a sum or sums not exceeding twenty five cents for each coat, eight cents for each vest and for each pair of overalls or breeches.]

Returns of ordnance; damages.

8 Feb., 1815, c. 38, s. 7, v. 3, p. 204.
27 Feb., 1877, c. 69, r. 19, p. 243.

SEC. 1221. Every officer who receives clothing or camp-equipage for the use of his command, or for issue to the troops, shall render to the Quartermaster-General, at the expiration of each regular quarter of the year, quarterly returns of such supplies, according to the forms which may be prescribed, accompanied by the requisite vouchers for any issues which shall have been made. [Said returns and vouchers, after due examination by the Quartermaster General shall be transmitted for settlement to the proper accounting officer of the Treasury Department.]

Returns of clothing and camp-equipage.

18 May, 1826, c. 74, s. 2, v. 4, p. 174.
27 Feb., 1877, c. 69, r. 19, p. 243.

SEC. 1222. No officer of the Army on the active list shall hold any civil office, whether by election or appointment, and every such officer who accepts or exercises the functions of a civil office shall thereby cease to be an officer of the Army, and his commission shall be thereby vacated.

Accepting or holding civil office.

15 July, 1870, c. 294, s. 18, v. 16, p. 319.

SEC. 1223. Any officer of the Army who accepts or holds any appointment in the diplomatic or consular service of the government shall be

Accepting or holding diplomatic or consular office.

30 Mar., 1868, c. 38, s. 2, v. 15, p. 58.

Civil employment prohibited.

5 July, 1838, c. 162, s. 31, v. 5, p. 260.

27 Feb., 1877, c. 69, v. 19, p. 243.

Officers and arms for colleges.

28 July, 1866, c. 229, s. 26, v. 14, p. 336.

4 May, 1870, Res. 40, v. 16, p. 373.

5 July, 1876, c. 167, v. 19, p. 74.

Long's Case, 8 C. Cls., 398.

Privileges on account of volunteer service.

28 July, 1866, c. 299, s. 34, v. 14, p. 337.

Army corps badges.

25 July, 1868, Public Resolution, No. 73, v. 15, p. 261.

Restoration of dismissed officers.

20 July, 1868, c. 185, v. 15, p. 125.

Officers dropped for desertion.

Art. of war, 99.

Art. of war, 106.

15 July, 1870, c. 294, s. 17, v. 16, p. 319.

13 July, 1866, c. 176, s. 5, v. 14, p. 92.

Officer dismissed by President may demand trial.

3 Mar., 1865, c. 79, s. 12, v. 13, p. 489.

considered as having resigned his place in the Army, and it shall be filled as a vacancy.

SEC. 1224. [*Officers of the Army on the active list shall not be separated from their regiments or corps for employment on civil works of internal improvement, nor be allowed to engage in the service of incorporated companies, or be employed as acting paymaster, or disbursing agent of the Indian department, if such extra employment require that he be separated from his regiment or company, or otherwise interfere with the performance of the military duties proper.*] [No officer of the Army shall be employed on civil works or internal improvements, or be allowed to engage in the service of any incorporated company, or be employed as acting paymaster or disbursing-agent of the Indian Department, if such extra employment requires that he shall be separated from his company, regiment, or corps, or if it shall otherwise interfere with the performance of the military duties proper.] [See § 2062.]

SEC. 1225. The President may, upon the application of any established college or university within the United States, having capacity to educate, at the same time, not less than one hundred and fifty male students, detail an officer of the Army to act as president, superintendent, or professor thereof; but the number of officers so detailed shall not exceed [twenty] [thirty] at any time, and they shall be apportioned throughout the United States, as nearly as may be practicable, according to population. Officers so detailed shall be governed by general rules prescribed, from time to time, by the President. The Secretary of War is authorized to issue at his discretion and under proper regulations to be prescribed by him, out of any small arms or pieces of field artillery belonging to the Government and which can be spared for that purpose, such number of the same as may appear to be required for military instruction and practice, by the students of any college or university under the provisions of this section; and the Secretary shall require a bond in each case, in double the value of the property, for the care and safe-keeping thereof, and for the return of the same when required. [See § 1667.]

SEC. 1226. All officers who have served during the rebellion as volunteers in the Army of the United States, and have been honorably mustered out of the volunteer service, shall be entitled to bear the official title, and, upon occasions of ceremony, to wear the uniform of the highest grade they have held, by brevet or other commissions, in the volunteer service. The highest volunteer rank which has been held by officers of the Regular Army shall be entered, with their names respectively, upon the Army Register. But these privileges shall not entitle any officer to command, pay, or emoluments.

SEC. 1227. All persons who have served as officers, non-commissioned officers, privates, or other enlisted men, in the Regular Army, volunteer or militia forces of the United States, during the war of the rebellion, and have been honorably discharged from the service, or still remain in the same, shall be entitled to wear, on occasions of ceremony, the distinctive Army badge ordered for or adopted by the Army corps and division, respectively, in which they served.

SEC. 1228. No officer of the Army who has been or may be dismissed from the service by the sentence of a general court-martial, formally approved by the proper reviewing authority, shall ever be restored to the military service, except by a re-appointment confirmed by the Senate.

SEC. 1229. The President is authorized to drop from the rolls of the Army for desertion any officer who is absent from duty three months without leave; and no officer so dropped shall be eligible for re-appointment. And no officer in the military, or naval service shall in time of peace be dismissed from service except upon and in pursuance of the sentence of a court-martial to that effect, or in commutation thereof.

SEC. 1230. When any officer, dismissed by order of the President, makes, in writing, an application for trial, setting forth, under oath, that he has been wrongfully dismissed, the President shall, as soon as the necessities of the service may permit, convene a court-martial, to try such officer on the charges on which he shall have been dismissed.

And if a court-martial is not so convened within six months from the presentation of such application for trial, or if such court, being convened, does not award dismissal or death as the punishment of such officer, the order of dismissal by the President shall be void. 22 June, 1874, c. 392, s. 2, r. 18, p. 192.

SEC. 1231. Schools shall be established at all posts, garrisons, and permanent camps at which troops are stationed, in which the enlisted men may be instructed in the common English branches of education, and especially in the history of the United States; and the Secretary of War may detail such officers and enlisted men as may be necessary to carry out this provision. It shall be the duty of the post or garrison commander to set apart a suitable room or building for school and religious purposes. Post and garrison schools.
28 July, 1866, c. 299, s. 27, v. 14, p. 336.

SEC. 1232. No officer shall use an enlisted man as a servant in any case whatever. Enlisted men not to be used as servants.

15 July, 1870, c. 294, s. 14, v. 16, p. 319

SEC. 1233. Cooks shall be detailed, in turn, from the privates in each company of troops in the service of the United States, at the rate of one cook for each company numbering less than thirty men, and two cooks for each company numbering more than thirty men; and they shall serve on each detail ten days. Company cooks.
3 Mar., 1863, c. 78, s. 9, v. 12, p. 744.

SEC. 1234. The line officers of the Army shall superintend the cooking done for the enlisted men. [See § 1174.] Superintendence of cooking.

3 Mar., 1863, c. 78, s. 8, v. 12, p. 744.

SEC. 1235. Working parties of soldiers shall be detailed for employment as artificers or laborers, in the construction of permanent military works or public roads, or in other constant labor only upon the written order of a commanding officer, when such detail is for ten or more days. Labor detail.
13 July, 1866, c. 176, s. 7, v. 14, p. 93.

SEC. 1236. Details to special service from forces in the field shall be made only with the consent of the commanding officer of the forces. Details to special service from forces in the field.

3 Mar., 1863, c. 75, s. 35, v. 12, p. 736.

SEC. 1237. No enlisted man shall, during his term of service, be arrested on mesne process, or taken or charged in execution for any debt, unless it was contracted before his enlistment, and amounted to twenty dollars when first contracted. Exemption from arrest.

12 April, 1808, c. 43, s. 5, v. 2, p. 483. 11 Jan., 1812, c. 14, s. 21, v. 1815, c. 79, s. 7, v. 3, p. 225.

SEC. 1238. Women may be employed, instead of soldiers, as nurses in general or permanent hospitals, at such times and in such numbers as the Surgeon-General, or the medical officer in charge of any such hospital, may deem proper. Female nurses.
3 Aug., 1861, c. 42, s. 6, v. 12, p. 288.

SEC. 1239. Hospital matrons and nurses may be employed in post or regimental hospitals in such numbers as may be necessary. Matrons.

16 Mar., 1802, c. 9, s. 4, v. 2, p. 134.

SEC. 1240. Women may be allowed to accompany troops as laundresses, in numbers not exceeding four to a company. Laundresses.

16 Mar., 1802, c. 9, s. 5, v. 2, p. 134.

SEC. 1241. The President may cause to be sold any military stores which, upon proper inspection or survey, appear to be damaged, or unsuitable for the public service. Such inspection or survey shall be made by officers designated by the Secretary of War, and the sales shall be made under regulations prescribed by him. Sales of stores.
3 Mar., 1825, c. 93, ss. 1, 2, v. 4, p. 127.

SEC. 1242. The clothing, arms, military outfits, and accouterments furnished by the United States to any soldier shall not be sold, bartered, exchanged, pledged, loaned, or given away; and the possession of any such property by any person not a soldier or officer of the United States shall be prima-facie evidence of such sale, barter, exchange, pledge, loan, or gift. Such property may be seized and taken from any person, not a soldier or officer of the United States, by any officer, civil or military, of the United States, and shall, thereupon, be delivered to any quartermaster or other officer authorized to receive the same. Arms and accouterments in possession of persons not soldiers.
3 Mar., 1863, c. 75, s. 23, v. 12, p. 735.

CHAPTER TWO.

RETIREMENT.

- Sec.
 1243. Retirement upon officer's own application.
 1244. After forty-five years, or at the age of sixty-two.
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Retirement upon officer's own application.

3 Aug., 1861, c. 42, s. 15, v. 12, p. 289.
 15 July, 1870, c. 294, ss. 4, 5, v. 16, p. 317.

After 45 years or at the age of 62.

17 July, 1862, c. 200, s. 12, v. 12, p. 596.
 For disability.

3 Aug., 1861, c. 42, s. 16, v. 12, p. 289.
 Composition of retiring board.

3 Aug., 1861, c. 42, s. 17, v. 12, p. 289.

Oath of members.

3 Aug., 1861, c. 42, s. 17, v. 12, p. 290.
 Powers and duties.

3 Aug., 1861, c. 42, s. 17, v. 12, p. 290.

Findings.

3 Aug., 1861, c. 42, s. 17, v. 12, p. 290.

Revision by the President.

3 Aug., 1861, c. 42, s. 17, v. 12, p. 290.

Finding of disability by an incident of service.

3 Aug., 1861, c. 42, s. 17, v. 12, p. 290.

Disability not by an incident of service.

3 Aug., 1861, c. 42, s. 17, v. 12, p. 290.

Officers entitled to a hearing.

SEC. 1243. When an officer has served forty consecutive years as a commissioned officer, he shall, if he makes application therefor to the President, be retired from active service and placed upon the retired list. When an officer has been thirty years in service, he may, upon his own application, in the discretion of the President, be so retired, and placed on the retired list.

SEC. 1244. When any officer has served forty-five years as a commissioned officer, or is sixty-two years old, he may be retired from active service at the discretion of the President.

SEC. 1245. When any officer has become incapable of performing the duties of his office, he shall be either retired from active service, or wholly retired from the service, by the President, as hereinafter provided.

SEC. 1246. The Secretary of War, under the direction of the President, shall, from time to time, assemble an Army retiring board, consisting of not more than nine nor less than five officers, two-fifths of whom shall be selected from the Medical Corps. The board, excepting the officers selected from the Medical Corps, shall be composed, as far as may be, of seniors in rank to the officer whose disability is inquired of.

SEC. 1247. The members of said board shall be sworn in every case to discharge their duties honestly and impartially.

SEC. 1248. A retiring board may inquire into and determine the facts touching the nature and occasion of the disability of any officer who appears to be incapable of performing the duties of his office, and shall have such powers of a court-martial and of a court of inquiry as may be necessary for that purpose.

SEC. 1249. When the board finds an officer incapacitated for active service, it shall also find and report the cause which, in its judgment, has produced his incapacity, and whether such cause is an incident of service.

SEC. 1250. The proceedings and decision of the board shall be transmitted to the Secretary of War, and shall be laid by him before the President for his approval or disapproval and orders in the case.

SEC. 1251. When a retiring board finds that an officer is incapacitated for active service, and that his incapacity is the result of an incident of service, and such decision is approved by the President, said officer shall be retired from active service and placed on the list of retired officers.

SEC. 1252. When the board finds that an officer is incapacitated for active service, and that his incapacity is not the result of any incident of service, and its decision is approved by the President, the officer shall be retired from active service, or wholly retired from the service, as the President may determine. The names of officers wholly retired from the service shall be omitted from the Army Register.

SEC. 1253. Except in cases where an officer may be retired by the President upon his own application, or by reason of his having served

forty-five years, or of his being sixty-two years old, no officer shall be retired from active service, nor shall an officer, in any case, be wholly retired from the service, without a full and fair hearing before an Army retiring board, if, upon due summons, he demands it. 3 Aug., 1861, c. 42, s. 17, v. 12, p. 290.

SEC. 1254. Officers hereafter retired from active service shall be retired upon the actual rank held by them at the date of retirement. Retired rank.
10 June, 1872, c. 419, v. 17, p. 378. 3 Mar., 1875, c. 178, v. 18, p. 512.

SEC. 1255. Officers retired from active service shall be withdrawn from command and from the line of promotion. Status of retired officers.
3 Aug., 1861, c. 42, s. 16, v. 12, p. 289. 17 July, 1862, c. 200, s. 12, v. 12, p. 596.

SEC. 1256. Officers retired from active service shall be entitled to wear the uniform of the rank on which they may be retired. They shall continue to be borne on the Army Register, and shall be subject to the rules and articles of war, and to trial by general court-martial for any breach thereof. Rights and liabilities.
3 Aug., 1861, c. 42, s. 18, v. 12, p. 290.

SEC. 1257. When any officer in the line of promotion is retired from active service, the next officer in rank shall be promoted to his place, according to the established rules of the service; and the same rule of promotion shall be applied, successively, to the vacancies consequent upon such retirement. Vacancies by retirement.
3 Aug., 1861, c. 42, s. 16, v. 12, p. 289.

SEC. 1258. The whole number of officers of the Army on the retired list shall not at any time exceed three hundred, and any less number to be allowed thereon may be fixed by the President in his discretion. Number on the retired list.
3 Aug., 1861, c. 42, s. 16, v. 12, p. 289. 15 July, 1870, c. 294, s. 5, v. 16, p. 317.

SEC. 1259. Retired officers of the Army may be assigned to duty at the Soldiers' Home, upon a selection by the commissioners of that institution, approved by the Secretary of War; and a retired officer shall not be assignable to any other duty: [Provided, That they receive from the Government only the pay and emoluments allowed by law to retired officers.] [See § 4816.] Assignment to duty.
21 Jan., 1870, c. 9, s. 2, v. 16, p. 62. 6 April, 1870, Res. 32, v. 16, p. 372. 27 Feb., 1877, c. 69, v. 19, p. 243.

SEC. 1260. Any retired officer may, on his own application, be detailed to serve as professor in any college. [But while so serving, such officer shall be allowed no additional compensation.] Detail as professor or in a college.
15 July, 1870, c. 294, s. 23, v. 16, p. 320. 27 Feb., 1877, c. 69, v. 19, p. 243.

CHAPTER THREE.

PAY AND ALLOWANCES.

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OFFICERS.

Rates of pay.	SEC. 1261. The officers of the Army shall be entitled to the pay herein stated after their respective designations:
2 Mar., 1867, c. 145, s. 7, v. 14, p. 423.	The General: thirteen thousand five hundred dollars a year.
15 July, 1870, c. 294, s. 24, v. 16, p. 320.	Lieutenant-General: eleven thousand dollars a year.
24 July, 1876, c. 226, v. 19, p. 97.	Major-general: seven thousand five hundred dollars a year.
	Brigadier-general: five thousand five hundred dollars a year.
	Colonel: three thousand five hundred dollars a year.
	Lieutenant-colonel: three thousand dollars a year.
	Major: Two thousand five hundred dollars a year.
	Captain, mounted: two thousand dollars a year.
	Captain, not mounted: eighteen hundred dollars a year.
	Adjutant: eighteen hundred dollars a year.
	Regimental quartermaster: eighteen hundred dollars a year.
	First lieutenant, mounted: sixteen hundred dollars a year.
	First lieutenant, not mounted: fifteen hundred dollars a year.
	Second lieutenant, mounted: fifteen hundred dollars a year.
	Second lieutenant, not mounted: fourteen hundred dollars a year.
	Chaplain: fifteen hundred dollars a year.
	Aid to major-general: two hundred dollars a year, in addition to pay of his rank.
	Aid to brigadier-general: one hundred and fifty dollars a year, in addition to pay of his rank.
	Acting assistant commissary: one hundred dollars a year, in addition to pay of his rank.
	Ordinance store-keeper at Springfield armory: two thousand five hundred dollars a year.
	All other store-keepers: two thousand dollars a year.
Service pay.	SEC. 1262. There shall be allowed and paid to each commissioned officer below the rank of brigadier-general, including chaplains and others having assimilated rank or pay, ten per centum of their current yearly pay for each term of five years of service.
15 July, 1870, c. 294, s. 24, v. 16, p. 320.	SEC. 1263. The total amount of such increase for length of service shall in no case exceed forty per centum on the yearly pay of the grade as provided by law.
Not to exceed forty per centum on yearly pay.	
15 July, 1870, c. 294, s. 24, v. 16, p. 230.	
Brevets.	SEC. 1264. Brevets conferred upon commissioned officers shall not entitle them to any increase of pay.
3 Mar., 1863, c. 82, v. 12, p. 758.	3 Mar., 1865, c. 79, s. 9, v. 13, p. 488.
Pay during absence.	SEC. 1265. Officers when absent on account of sickness or wounds, or lawfully absent from duty and waiting orders, shall receive full pay; when absent with leave, for other causes, full pay during such absence not exceeding in the aggregate thirty days in one year, and half-pay during such absence exceeding thirty days in one year. When absent without leave, they shall forfeit all pay during such absence, unless the absence is excused as unavoidable.
3 Aug., 1861, c. 42, s. 20, v. 12, p. 290.	
3 Mar., 1863, c. 75, s. 31, v. 12, p. 736.	
20 June, 1864, c. 145, s. 11, v. 13, p. 145.	15 July, 1870, c. 294, s. 24, v. 16, p. 320.
1874, c. 154, v. 18, p. 43.	29 July, 1876, c. 239, v. 19, p. 102.—U. S. v. Williamson, 23 Wall., 411.
Forfeiture of pay.	SEC. 1266. Every officer who is dropped by the President from the rolls of the Army, for absence from duty three months without leave, shall forfeit all pay due or to become due.
15 July, 1870, c. 294, s. 17, v. 16, p. 319.	
Maximum of colonel's and lieutenant-colonel's pay.	SEC. 1267. In no case shall the pay of a colonel exceed four thousand five hundred dollars a year, or the pay of a lieutenant-colonel exceed four thousand dollars a year.
15 July, 1870, c. 294, s. 24, v. 16, p. 320.	
To be paid monthly.	SEC. 1268. The sums hereinbefore allowed shall be paid in monthly payments by the paymaster.
15 July, 1870, c. 294, s. 24, v. 16, p. 320.	
Allowances.	SEC. 1269. No allowances shall be made to officers in addition to their pay except as hereinafter provided.
15 July, 1870, c. 294, s. 24, v. 16, p. 320.	

SEC. 1270. Fuel, quarters, and forage may be furnished in kind to officers by the Quartermaster's Department according to law and regulations: [*Provided, however,* That when forage in kind cannot be furnished by the proper departments, then and in all such cases, officers entitled to forage may commute the same according to existing regulations: *Provided further,* That officers of the Army and of Volunteers assigned to duty which requires them to be mounted shall, during the time they are employed on such duty receive the pay, emoluments, and allowances of cavalry officers of the same grade respectively.]

SEC. 1271. Forage in kind may be furnished to officers by the Quartermaster's Department as follows:

Major-general: for five horses.

Brigadier-general: for four horses.

Colonel: for two horses.

Lieutenant-colonel: for two horses.

Major: for two horses.

Captains and lieutenants, mounted: for two horses.

Adjutants and regimental quartermasters: for two horses.

Chaplains: for two horses.

Ordinance store-keeper and paymaster at Springfield armory: for two horses.

All other store-keepers: for two horses.

SEC. 1272. Forage shall be allowed to officers only for horses authorized by law, and actually kept by them in service when on duty and at the place where they are on duty.

SEC. 1273. When any officer travels under orders, and is not furnished transportation by the Quartermaster's Department, or on a conveyance belonging to or chartered by the United States, he shall be allowed ten cents a mile, and no more, for each mile actually traveled under such order, distances to be calculated according to the nearest post-routes; and no payment shall be made to any officer except by a paymaster of the Army.

The Army appropriation bill for 1877, passed July 24, 1876, c. 226, s. 2, v. 19, p. 100, reduced the mileage to eight cents per mile, with the additional exception that no payment was to be made when the officer traveled "on any railroad on which the troops and supplies of the United States are entitled to be transported free of charge," the distance to be computed by "the shortest usually traveled route."

SEC. 1274. Officers retired from active service shall receive seventy-five per centum of the pay of the rank upon which they are retired.

15 July, 1870, c. 294, s. 24, v. 16, p. 320. 3 Mar., 1875, c. 178, v. 18, p. 512.—*Roberts's Case*, 10 C. Cls., 283.

SEC. 1275. Officers wholly retired from the service shall be entitled to receive, upon their retirement, one year's pay and allowances of the highest rank held by them, whether by staff or regimental commission, at the time of their retirement.

SEC. 1276. Indians, enlisted or employed by order of the President as scouts, shall receive the pay and allowances of cavalry soldiers.

SEC. 1277. Hospital matrons in post or regimental hospitals shall receive ten dollars a month, and female nurses in general hospitals shall receive forty cents a day. One ration in kind or by commutation shall be allowed to each.

3 Aug., 1861, c. 42, s. 6, v. 12, p. 288. 4 July, 1864, Res. 75, v. 13, p. 416.

SEC. 1278. The leader of the band stationed at the Military Academy shall receive seventy-five dollars a month.

145, s. 1, v. 13, p. 144. 3 Mar., 1875, c. 131, s. 9, v. 18, p. 419. 3 Mar., 1877, c. 109, ss. 2, 3, v. 19, p. 383.

SEC. 1279. The chief musicians of regiments shall receive sixty dollars a month and the allowances of a quartermaster-sergeant. [Artificer of

Allowance of fuel, quarters, and forage.

15 July, 1870, c. 294, s. 24, v. 16, p. 320.

27 Feb., 1877, c. 69, v. 19, p. 243.

Forage, to whom furnished.

17 July, 1862, c. 200, s. 2, v. 12, p. 594.

9 April, 1864, c. 53, s. 1, v. 13, p. 46.

15 July, 1870, c. 294, s. 24, v. 16, p. 320.

Forage, when allowed.

24 April, 1816, c. s. 1, v. 12, p. 594.

Mileage.

15 July, 1870, c. 294, s. 24, v. 16, p. 320.

16 June, 1874, c. 285, v. 18, p. 72.

3 Mar., 1875, c. 133, v. 18, p. 452.

Repealed in part by 24 July, 1876, c. 226, v. 19, p. 100.

Officers retired from active service:

Wholly retired.

3 Aug., 1861, c. 42, s. 17, v. 12, p. 290.

Indian scouts.

28 July, 1866, c. 299, s. 6, v. 14, p. 333.

Hospital matrons; female nurses.

16 Mar., 1802, c. 9, s. 5, v. 2, p. 134.

75, v. 13, p. 416.

Leader of band.

20 June, 1864, c.

3 Mar., 1877, c. 109, ss. 2,

Chief musicians.

3 Mar., 1869, c. 124, s. 5, v. 15, p. 318.

27 Feb., 1877, c. 69, v. 19, p. 243.

Pay of enlisted men.

15 May, 1872, c. 160, s. 1, v. 17, p. 116.

27 Feb., 1877, c. 69, v. 19, p. 243.

artillery and infantry, fifteen dollars per month; wagoner of cavalry, artillery, and infantry, fourteen dollars per month. The principal assistant in the Ordnance Bureau shall receive a compensation, including pay and emoluments, not exceeding that of a major of ordnance.]

SEC. 1280. The monthly pay of the following enlisted men of the Army shall, during their first term of enlistment, be as follows, with the contingent [*conditions*] [additions] thereto, hereinafter provided:

Sergeant-majors of cavalry, artillery, and infantry, twenty-three dollars.

Quartermaster-sergeants of cavalry, artillery, and infantry, twenty-three dollars.

Chief trumpeters of cavalry, twenty-two dollars.

Principal musicians of artillery and infantry, twenty-two dollars.

Saddler-sergeants of cavalry, twenty-two dollars.

First sergeants of cavalry, artillery, and infantry, twenty-two dollars.

Sergeants of cavalry, artillery, and infantry, seventeen dollars.

Corporals of cavalry and light artillery, fifteen dollars.

Corporals of artillery and infantry, fifteen dollars.

Saddlers of cavalry, fifteen dollars.

Blacksmiths and farriers of cavalry, fifteen dollars.

Trumpeters of cavalry, thirteen dollars.

Musicians of artillery and infantry, thirteen dollars.

Privates of cavalry, artillery, and infantry, thirteen dollars.

Hospital-stewards, first class, thirty dollars.

Hospital-stewards, second class, twenty-two dollars.

Hospital-stewards, third class, twenty dollars.

Ordnance-sergeants of posts, thirty-four dollars.

Sergeant-majors of engineers, thirty-six dollars.

Quartermaster-sergeants of engineers, thirty-six dollars.

Sergeants of engineers and ordnance, thirty-four dollars.

Corporals of engineers and ordnance, twenty dollars.

Musicians of engineers, thirteen dollars.

Privates (first class) of engineers and ordnance, seventeen dollars.

Privates (second class) of engineers and ordnance, thirteen dollars.

Additional pay.

15 May, 1872, c. 160, s. 2, v. 17, p. 116.

SEC. 1281. To the rates of pay stated in the preceding section one dollar per month shall be added for the third year of enlistment, one dollar more per month for the fourth year, and one dollar more per month for the fifth year, making in all three dollars' increase per month for the last year of the first enlistment of each enlisted man named in said section. But this increase shall be considered as retained pay, and shall not be paid to the soldier until his discharge from the service, and shall be forfeited unless he serves honestly and faithfully to the date of discharge.

Re-enlistment pay.

4 Aug., 1854, c. 247, s. 2, v. 10, p. 575.

15 May, 1872, c. 160, s. 3, v. 17, p. 116.

3 Mar., 1875, c. 131, s. 10, v. 18, p. 419.

Service pay of men already in service.

SEC. 1282. All enlisted men mentioned in section twelve hundred and eighty, who, having been honorably discharged, have re-enlisted or shall re-enlist within one month thereafter, shall, after five years' service, including their first enlistment, be paid at the rate allowed in said section to those serving in the fifth year of their first enlistment: *Provided*, That one dollar per month shall be retained from the pay of the re-enlisted men, of whatever grade, named in section twelve hundred and eighty-one during the whole period of their re-enlistment, to be paid to the soldier on his discharge, but to be forfeited unless he shall have served honestly and faithfully to the date of discharge.

SEC. 1283. Enlisted men, now in the service, shall receive the rates of pay established in this chapter according to the length of their service.

15 May, 1872, c. 160, s. 4, v. 17, p. 117. 3 Mar., 1875, c. 131, s. 10, v. 18, p. 419.

Re-enlistment.

4 Aug., 1854, c. 247, s. 2, v. 10, p. 575.

15 May, 1872, c. 160, s. 4, v. 17, p. 117.

SEC. 1284. Every soldier who, having been honorably discharged, re-enlists within one month thereafter, shall be further entitled, after five years' service, including his first enlistment, to receive, for the period of five years' next thereafter, two dollars per month in addition to the ordinary pay of his grade; and for each successive period of five years of service, so long as he shall remain continuously in the Army, a further

sum of one dollar per month. The past continuous service, of soldiers now in the Army, shall be taken into account, and shall entitle such soldier to additional pay according to this rule; but services rendered prior to August fourth, eighteen hundred and fifty-four, shall in no case be accounted as more than one enlistment.

SEC. 1285. A certificate of merit granted to a private soldier by the President for distinguished services shall entitle him to additional pay, at the rate of two dollars per month, while he remains continuously in the service; and such certificate of merit granted to a private soldier who served in the war with Mexico shall entitle him to such additional pay, although he may not have remained continuously in the service.

SEC. 1286. Non-commissioned officers who served in the war with Mexico, and have been recommended by the commanding officers of their regiments for promotion by brevet to the lowest grade of commissioned officer, but have not received such recommended promotion, shall be entitled to additional pay at the rate of two dollars per month, although they may not have remained continuously in the service.

SEC. 1287. When soldiers are detailed for employment as artificers or laborers in the construction of permanent military works, public roads, or other constant labor of not less than ten days' duration, they shall receive, in addition to their regular pay, the following compensation: Privates working as artificers, and non-commissioned officers employed as overseers of such work, not exceeding one overseer for twenty men, thirty-five cents per day, and privates employed as laborers, twenty cents per day. This allowance of extra pay shall not apply to the troops of the Ordnance Department.

SEC. 1288. Every non-commissioned officer and private of the Regular Army, and every officer, non-commissioned officer, and private of any militia or volunteer corps in the service of the United States who is captured by the enemy, shall be entitled to receive during his captivity, notwithstanding the expiration of his term of service, the same pay, subsistence, and allowance to which he may be entitled while in the actual service of the United States; but this provision shall not be construed to entitle any prisoner of war of such militia corps to any pay or compensation after the date of his parole, except the traveling expenses allowed by law.

SEC. 1289. When an officer is [*honorably*] discharged from the service, [except by way of punishment for an offense.] he shall be allowed transportation and subsistence from the place of his discharge to the place of his residence at the time of his appointment, or to the place of his original muster into the service. The Government may furnish the same in kind, but in case it shall not do so, he shall be allowed travel-pay and commutation of subsistence, according to his rank, for such time as may be sufficient for him to travel from the place of discharge to the place of his residence, or original muster into service, computed at the rate of one day for every twenty miles.

SEC. 1290. When a soldier is [*honorably*] discharged from the service, [except by way of punishment for an offense.] he shall be allowed transportation and subsistence from the place of his discharge to the place of his enlistment, enrollment, or original muster into the service. The Government may furnish the same in kind, but in case it shall not do so, he shall be allowed travel-pay and commutation of subsistence for such time as may be sufficient for him to travel from the place of discharge to the place of his enlistment, enrollment, or original muster into the service, computed at the rate of one day for every twenty miles.

SEC. 1291. No assignment of pay by a non-commissioned officer or private, previous to his discharge, shall be valid.

SEC. 1292. In all matters relating to the pay and allowances of officers and soldiers of the Army of the United States, the same rules and regulations shall apply to the Regular Army and to volunteer forces mustered into the service of the United States for a limited period.

Certificate of merit.

3 Mar., 1847, c. 61, s. 17, v. 9, p. 186.
4 Aug., 1854, c. 247, s. 3, v. 10, p. 575.

Non-commissioned officers of Mexican war.

3 Mar., 1847, c. 61, s. 17, v. 9, p. 186.
4 Aug., 1854, c. 274, s. 3, v. 10, p. 575.

Extra duty.

13 July, 1866, c. 176, s. 7, v. 14, p. 93.
1 Feb., 1873, c. 88, v. 17, p. 422.

During captivity.

30 Mar., 1814, c. 37, s. 14, v. 3, p. 115.

Travel-pay to officers.

11 Jan., 1812, c. 14, s. 22, v. 2, p. 674.
29 Jan., 1813, c. 16, s. 15, v. 2, p. 796.
20 June, 1864, c. 145, s. 8, v. 13, p. 145.
16 June, 1874, c. 285, s. 18, p. 72.
27 Feb., 1877, c. 69, r. 19, p. 244.

Travel-pay to soldiers.

11 Jan., 1812, c. 14, s. 22, v. 2, p. 674.
29 Jan., 1813, c. 16, s. 15, v. 2, p. 796.
20 June, 1864, c. 145, s. 8, v. 13, p. 145.
16 June, 1874, c. 285, r. 18, p. 72.
27 Feb., 1877, c. 69, r. 19, p. 244.

Soldiers' pay not assignable.

8 May, 1792, c. 37, s. 4, v. 1, p. 280.

Volunteers.

2 Mar., 1867, c. 159, s. 2, v. 14, p. 435.

Rations of enlisted men.

8 Feb., 1815, c. 38, s. 11, v. 3, p. 204.

Sugar and coffee.

5 July, 1838, c. 162, s. 17, v. 5, p. 258.

Laundresses, matrons, and nurses.

16 Mar., 1802, c. 9, s. 5, v. 2, p. 134.

Clothing prescribed by the President.

24 April, 1816, c. 69, s. 7, v. 3, p. 298.

Nonetorndance sergeants.

8 Feb., 1815, c. 38, s. 11, v. 3, p. 204.

Gratuitous clothing.

12 Mar., 1868, Res. 19, v. 15, p. 250.

Deductions for rations purchased.

3 Mar., 1865, c. 81, s. 5, v. 13, p. 497.

28 July, 1866, c. 299, s. 25, v. 14, p. 336.

For articles purchased.

28 July, 1866, c. 299, s. 25, v. 14, p. 336.

For tobacco purchased.

3 Mar., 1865, c. 81, s. 6, v. 13, p. 497.

Clothing allowances and deductions.

24 April, 1816, c. 69, ss. 7, 8, v. 4, p. 298.

15 May, 1872, c. 161, s. 3, v. 17, p. 117.

For damage to arms.

8 Feb., 1815, c. 38, s. 7, v. 3, p. 204.

For deficiencies.

18 May, 1826, c. 74, s. 3, v. 4, p. 174.

SEC. 1293. Sergeants and corporals of ordnance shall be entitled to receive one ration and a half daily. Other enlisted men shall be entitled to receive one ration daily.

2 Mar., 1821, c. 13, s. 11, p. 615. 5 July, 1862, c. 133, s. 3, v. 12, p. 508.

SEC. 1294. For each ration of sugar and coffee not issued, nor computed for the extract of coffee combined with milk and sugar, enlisted men shall be paid in money. [See § 1147.]

SEC. 1295. Laundresses allowed to accompany troops, hospital matrons, and the nurses employed in post or regimental hospitals, shall be entitled to receive one ration daily.

SEC. 1296. The President may prescribe the uniform of the Army and quantity and kind of clothing which shall be issued annually to the troops of the United States.

SEC. 1297. No allowance of clothing shall be made to sergeants of ordnance.

8 Feb., 1815, c. 38, s. 11, v. 3, p. 204. 5 July, 1862, c. 133, s. 3, v. 12, p. 508.

SEC. 1298. The Secretary of War may, on the recommendation of the Surgeon-General, order gratuitous issues of clothing to soldiers who have had contagious diseases, and to hospital attendants who have nursed them, to replace any articles of their clothing destroyed by order of the proper medical officers to prevent contagion.

SEC. 1299. The amount due from any officer for rations purchased on credit, or for any article designated by the inspectors-general of the Army and purchased on credit from commissaries of subsistence, shall be deducted from the payment made to such officer next after such purchase shall have been reported to the Paymaster-General. [See §§ 1144, 1145.]

SEC. 1300. The amount due from any enlisted man for articles designated by the inspectors-general of the Army, and sold to him on credit by commissaries of subsistence, shall be deducted from the payment made to him next after such sale shall have been reported to the Paymaster-General. [See §§ 1144, 1145.]

SEC. 1301. The amount due from any enlisted man for tobacco sold to him at cost prices by the United States shall be deducted from his pay in the manner provided for the settlement of clothing accounts. [See § 1149.]

SEC. 1302. The money value of all clothing overdrawn by the soldier beyond his allowance shall be charged against him, every six months, on the muster-roll of his company, or on his final statements if sooner discharged, and he shall receive pay for such articles of clothing as have not been issued to him in any year, or which may be due to him at the time of his discharge, according to the annual estimated value thereof. The amount due him for clothing, when he draws less than his allowance, shall not be paid to him until his final discharge from the service.

SEC. 1303. The cost of repairs or damages done to arms, equipments, or implements, shall be deducted from the pay of any officer or soldier in whose care or use the same were when such damages occurred, if said damages were occasioned by the abuse or negligence of said officer or soldier.

SEC. 1304. In case of deficiency of any article of military supplies, on final settlements of the accounts of any officer charged with the issue of the same, the value thereof shall be charged against the delinquent and deducted from his monthly pay, unless he shall show to the satisfaction of the Secretary of War, by one or more depositions setting forth the circumstances of the case, that said deficiency was not occasioned by any fault on his part. And in case of damage to any military supplies, the value of such damage shall be charged against such officer and deducted from his monthly pay, unless he shall, in like manner, show that such damage was not occasioned by any fault on his part. [See Art. of war 15.]

SEC. 1305. Any enlisted man of the Army may deposit his savings, in sums not less than five dollars, with any Army paymaster, who shall furnish him a deposit-book, in which shall be entered the name of the paymaster and of the soldier, and the amount, date, and place of such deposit. The money so deposited shall be accounted for in the same manner as other public funds, and shall pass to the credit of the appropriation for the pay of the Army, and shall not be subject to forfeiture by sentence of court-martial, but shall be forfeited by desertion, and shall not be permitted to be paid until final payment on discharge, or to the heirs or representatives of a deceased soldier, and that such deposit be exempt from liability for such soldier's debts: *Provided*, That the Government shall be liable for the amount deposited to the person so depositing the same.

SEC. 1306. For any sums not less than fifty dollars so deposited for the period of six months, or longer, the soldier, on his final discharge, shall be paid interest at the rate of four per centum per annum.

SEC. 1307. The system of deposits herein established shall be carried into execution under such regulations as may be established by the Secretary of War.

SEC. 1308. The amounts of deposits and clothing-balances accumulating to the soldier's credit under sections thirteen hundred and two and thirteen hundred and five, shall, when payable to him upon his discharge, be paid out of the appropriations for "pay of the Army" for the then current fiscal year.

Deposits of soldiers' savings.

15 May, 1872, c. 161, s. 1, v. 17, p. 117.

Interest on deposits.

15 May, 1872, c. 161, s. 2, v. 17, p. 117.

Regulations for deposits.

15 May, 1872, c. 161, s. 4, v. 17, p. 117.

Deposits and clothing-balances, how payable.

15 May, 1872, c. 61, s. 5, v. 17, p. 117.

CHAPTER FOUR.

THE MILITARY ACADEMY.

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SEC. 1309. The United States Military Academy at West Point, in the State of New York, shall be constituted as follows: There shall be one superintendent; one commandant of cadets; one senior instructor in the tactics of artillery; one senior instructor in the tactics of cavalry; one senior instructor in the tactics of infantry; one professor and one assistant professor of civil and military engineering; one professor and one assistant professor of natural and experimental philosophy; one professor and one assistant professor of mathematics; one chaplain, who shall also be professor of history, geography, and ethics, and one assistant professor of the same; one professor and one assistant professor of chemistry, mineralogy, and geology; one professor and one assistant professor of drawing; one professor and one assistant professor of the French language; one

Officers, professors, and instructors.

16 Mar., 1802, c. 9, s. 28, v. 2, p. 137.

29 April, 1812, c. 72, s. 2, v. 2, p. 720.

14 April, 1818, c. 61, s. 2, v. 3, p. 426.

5 July, 1838, c. 162, s. 19, v. 5, p. 259.

20 July, 1840, c. 50, s. 3, v. 5, p. 398.

8 Aug., 1846, c. 96, s. 3, v. 9, p. 71.

3 Mar., 1851, c. 22, v. 9, p. 594. professor and one assistant professor of the Spanish language; one adjutant; one master of the sword; and one teacher of music. [See § 1337.]
 6 Aug., 1852, c. 81, v. 10, p. 29. 16 Feb., 1857, c. 45, v. 11, p. 161. 12 June, 1858, c. 156, s. 1, v. 11, p. 333. 28 Feb., 1867, c. 100, s. 3, v. 14, p. 416. 3 Mar., 1875, c. 131, s. 9, v. 18, p. 419. 3 Mar., 1875, c. 135, v. 18, p. 467.

Local rank of superintendent and commandant. SEC. 1310. The superintendent and the commandant of cadets, while serving as such, shall have, respectively, the local rank of colonel and lieutenant-colonel of engineers.

12 June, 1858, c. 156, s. 1, v. 11, p. 333.

Superintendent. SEC. 1311. The superintendent and, in his absence, the next in rank, shall have the immediate government and military command of the Academy, and shall be commandant of the military post of West Point.
 16 Mar., 1802, c. 9, s. 28, v. 2, p. 137. 23 Aug., 1842, c. 186, s. 6, v. 5, p. 513.

Commandant of cadets. SEC. 1312. The commandant of the cadets shall have the immediate command of the battalion of cadets, and shall be instructor in the tactics of artillery, cavalry, and infantry.

12 June, 1858, c. 156, s. 1, v. 11, p. 333. 3 Mar., 1875, c. 135, v. 18, p. 467.

Appointment of officers and professors. SEC. 1313. The superintendent, the commandant of cadets, and the professors shall be appointed by the President. The assistant professors, acting assistant professors, and the adjutant shall be officers of the Army, detailed and assigned to such duties by the Secretary of War, or cadets, assigned by the superintendent, under the direction of the Secretary of War.

28 Feb., 1803, c. 13, s. 2, v. 2, p. 206. 29 April, 1812, c. 72, s. 2, v. 2, p. 720. 12 June, 1858, c. 156, s. 1, v. 11, p. 333. 13 July, 1866, c. 176, s. 6, v. 14, p. 92. 3 Mar., 1875, c. 135, v. 18, p. 467.

Selection of officers. SEC. 1314. The superintendent and commandant of cadets may be selected, and all other officers on duty at the Academy may be detailed from any arm of the service; but the academic staff as such shall not be entitled to any command in the Army separate from the Academy.

Cadets, number and appointment of. SEC. 1315. The corps of cadets shall consist of one from each congressional district, one from each Territory, one from the District of Columbia, and ten from the United States at large. They shall be appointed by the President, and shall, with the exception of the ten cadets appointed at large, be actual residents of the congressional or territorial districts, or of the District of Columbia, respectively, from which they purport to be appointed.

Persons who have been in rebel service. SEC. 1316. No person who has served in any capacity in the military or naval service of the so-called Confederate States, or of either of the States in insurrection during the late rebellion shall be appointed a cadet.

8 June, 1866, c. 110, s. 2, v. 14, p. 59.

Appointment in advance. SEC. 1317. Cadets shall be appointed one year in advance of the time of their admission to the Academy, except in cases where, by reason of death or other cause, a vacancy occurs which cannot be provided for by such appointment in advance; but no pay or other allowance shall be given to any appointee until he shall have been regularly admitted, as herein provided; and all appointments shall be conditional, until such provisions shall have been complied with.

Age of appointees. SEC. 1318. Appointees shall be admitted to the Academy only between the ages of seventeen and twenty-two years, except in the following case: Any person who has served honorably and faithfully not less than one year, in either the volunteer or regular service of the United States, in the late war for the suppression of the rebellion, and who possesses the other qualifications required by law, may be admitted between the ages of seventeen and twenty-four years.

Examination and qualification. SEC. 1319. Appointees shall be examined under regulations to be prescribed from time to time by the Secretary of War, before they shall be admitted to the Academy, and shall be required to be well versed in reading, writing, and arithmetic, and to have a knowledge of the elements of English grammar, of descriptive geography, particularly that of the United States, and of the history of the United States.

29 April, 1812, c. 72, s. 3, v. 2, p. 721. 16 June, 1866, Res. 49, v. 14, p. 359.

SEC. 1320. Each cadet shall, previous to his admission to the Academy, take and subscribe an oath or affirmation in the following form:

"I, A B, do solemnly swear that I will support the Constitution of the United States, and bear true allegiance to the National Government; that I will maintain and defend the sovereignty of the United States, paramount to any and all allegiance, sovereignty, or fealty I may owe to any State, county, or country whatsoever; and that I will at all times obey the legal orders of my superior officers, and the rules and articles governing the armies of the United States."

And any cadet or candidate for admission who shall refuse to take this oath shall be dismissed from the service.

SEC. 1321. Each cadet shall sign articles, with the consent of his parents or guardian if he be a minor, and if any he have, by which he shall engage to serve eight years unless sooner discharged.

SEC. 1322. The corps of cadets shall be arranged into companies, according to the directions of the superintendent, each of which shall be commanded by an officer of the Army, for the purpose of military instruction. To each company shall be added four musicians. The corps shall be taught and trained in all the duties of a private soldier, non-commissioned officer, and officer, shall be encamped at least three months in each year, and shall be taught and trained in all the duties incident to a regular camp.

SEC. 1323. Cadets shall be subject at all times to do duty in such places and on such service as the President may direct.

SEC. 1324. The Secretary of War shall so arrange the course of studies at the Academy, that the cadets shall not be required to pursue their studies on Sunday.

SEC. 1325. No cadet who is reported as deficient, in either conduct or studies, and recommended to be discharged from the Academy, shall, unless upon recommendation of the academic board, be returned or re-appointed, or appointed to any place in the Army before his class shall have left the Academy and received their commissions.

SEC. 1326. The superintendent of the Military Academy shall have power to convene general courts-martial for the trial of cadets, and to execute the sentences of such courts, except the sentences of suspension and dismission, subject to the same limitations and conditions now existing as to other general courts-martial.

SEC. 1327. There shall be appointed every year, in the following manner, a board of visitors, to attend the annual examination of the Academy: Seven persons shall be appointed by the President, and two Senators and three members of the House of Representatives shall be designated as visitors, by the Vice-President, or President pro tempore of the Senate, and the Speaker of the House of Representatives, respectively, at the session of Congress next preceding such examination.

SEC. 1328. It shall be the duty of the board of visitors to inquire into the actual state of the discipline, instruction, police administration, fiscal affairs, and other concerns of the Academy. The visitors appointed by the President shall report thereon to the Secretary of War, for the information of Congress, at the commencement of the session next succeeding such examination, and the Senators and Representatives designated as visitors shall report to Congress, within twenty days after the meeting of the session next succeeding the time of their appointment, their action as such visitors, with their views and recommendations concerning the Academy.

SEC. 1329. No compensation shall be made to the members of said board beyond the payment of their expenses for board and lodging while at the Academy, and an allowance, not exceeding eight cents a mile, for traveling by the shortest mail-route from their respective homes to the Academy, and thence to their homes.

Oath.

3 Aug., 1861, c. 42, s. 8, v. 12, p. 288.
8 June, 1866, c. 110, s. 2, v. 14, p. 59.

Engagement for service.

29 April, 1812, c.

s. 28, v. 5, p. 260.

Cadet battalion.

29 April, 1812, c. 72, s. 3, v. 2, p. 721.
13 July, 1866, c. 176, s. 6, v. 14, p. 92.

Where to do duty.

16 Mar., 1802, c. 9, s. 27, v. 2, p. 137.

No studies on Sunday.

15 July, 1870, c. 294, s. 21, v. 16, p. 319.

Found deficient.

3 Aug., 1861, c. 42, s. 8, v. 12, p. 288.

Courts - martial for trial of cadets.

3 March, 1873, c. 270, v. 17, p. 604.

Board of visitors.

8 Aug., 1848, c. 96, s. 2, v. 9, p. 71.
16 Mar., 1868, c. 30, s. 1, v. 15, p. 42.
21 Feb., 1870, c. 18, v. 16, p. 67.

Duties of visitors.

8 Aug., 1848, c. 96, s. 2, v. 9, p. 71.
21 Feb., 1870, c. 18, v. 16, p. 67.

Compensation.

8 Aug., 1848, c. 96, s. 2, v. 9, p. 71.
21 Feb., 1870, c. 18, v. 16, p. 67.

3, Mar., 1877, c. 109 v 19, p. 382.

Leaves of absence.

2 July, 1864, Res. 67, v. 13, p. 416.

Supervision of Academy.

13 July, 1866, c. 176, s. 6, v. 14, p. 92.

Congressional documents to library.

23 April, 1856, c. 19, s. 3, v. 11, p. 5.

Professors of Military Academy, retirement.

15 July, 1870, c. 294, s. 13, v. 16, p. 319.

Superintendent and commandant at Military Academy, pay of.

12 June, 1858, c. 156, s. 1, v. 11, p. 333.

Adjutant, pay of.

3 Mar., 1851, c. 22, s. 1, v. 9, p. 594.

Pay of professors.

28 Feb., 1873, c. 210, v. 17, p. 479.

7 Aug., 1876, c. 255, v. 19, p. 124.

Assistant professors and instructors.

29 April, 1812, c. 72, s. 2, v. 2, p. 720. 5 July, 1838, c. 162, s. 19, v. 5, p. 259. 20 July, 1840, c. 50, s. 3, v. 5, p. 398. 6 Aug., 1852, c. 81, s. 2, v. 10, p. 29. 12 June, 1858, c. 156, s. 1, v. 11, p. 333. 28 Feb., 1867, c. 100, s. 3, v. 14, p. 416. 7 Aug., 1876, c. 255, v. 19, p. 124. 27 Feb., 1877, c. 69, r. 19, p. 244.

Master of sword.

16 Feb., 1857, c. 45, s. 3, v. 11, p. 161.

Cadets.

16 July, 1862, c. 183, s. 15, v. 12, p. 586. 1 April, 1864, c. 45, s. 3, v. 13, p. 39. 28 Feb., 1867, c. 100, s. 3, v. 14, p. 416.

Librarian and assistant.

23 April, 1856, c. 19, s. 2, v. 11, p. 5.

Non-commissioned officer, &c.

23 April, 1856, c. 19, s. 2, v. 11, p. 5.

SEC. 1330. Leave of absence may be granted by the superintendent, under regulations prescribed by the Secretary of War, to the professors, assistant professors, instructors, and other officers of the Academy, for the entire period of the suspension of the ordinary academic studies, without deduction from pay or allowances.

SEC. 1331. The supervision and charge of the Academy shall be in the War Department, under such officer or officers as the Secretary of War may assign to that duty.

SEC. 1332. The Secretary of the Senate shall furnish annually to the library of the Academy one copy of each document published, during the preceding year, by the Senate.

SEC. 1333. The professors of the Military Academy at West Point are placed on the same footing, as to retirement from active service, as officers of the Army.

SEC. 1334. The superintendent of the Military Academy shall have the pay of a colonel, and the commandant of cadets shall have the pay of a lieutenant-colonel.

SEC. 1335. The adjutant of the Military Academy shall have the pay of an adjutant of a cavalry regiment.

SEC. 1336. Each of the professors of the Military Academy whose service at the Academy exceeds ten years shall have the pay and allowances of colonel, and all other professors shall have the pay and allowances of lieutenant-colonels; and the instructors of ordnance and science of gunnery and of practical engineering shall have the pay and allowances of major; and hereafter there shall be allowed and paid to the said professors ten per centum of their current yearly pay for each and every term of five years' service in the Army and at the Academy: *Provided*, That such addition shall in no case exceed forty per centum of said yearly pay; and said professors are hereby placed upon the same footing, as regards restrictions upon pay and retirement from active service, as officers of the Army.

SEC. 1337. Each assistant professor and each senior assistant instructor of cavalry, artillery, and infantry tactics, [*and the instructor of practical military engineering*,] shall receive the pay of a captain.

SEC. 1338. The master of the sword at the Military Academy shall receive pay at the rate of fifteen hundred dollars a year, with fuel and quarters.

SEC. 1339. Cadets of the Military Academy shall receive five hundred dollars a year and one ration a day.

SEC. 1340. The librarian and assistant librarian at the Military Academy shall each receive one hundred and twenty dollars a year additional pay.

SEC. 1341. The non-commissioned officer in charge of mechanics and other labor at the Military Academy, the soldier acting as clerk in the adjutant's office, and the four enlisted men in the philosophical and chemical departments and lithographic office, shall receive fifty dollars a year additional pay.

CHAPTER FIVE.

ARTICLES OF WAR.

Section.

1342. Articles of war.

Article.

1. Officers shall subscribe these articles.
2. Articles to be read to recruits.
3. Officers making unlawful enlistments.
4. Discharges.
5. Mustering persons not soldiers.
6. Taking money on mustering.
7. Returns of regiments, &c.
8. False returns.
9. Captured stores secured for public service.
10. Accountability for arms, &c.
11. Furloughs.
12. Musters.
13. False certificates.
14. False muster.
15. Allowing military stores to be damaged.
16. Wasting ammunition.
17. Losing or spoiling horses, accouterments, &c.
18. Commanders not to be interested in sale of victuals, &c.
19. Disrespectful words against the President, &c.
20. Disrespect toward commanding officer.
21. Striking a superior officer.
22. Mutiny.
23. Failing to resist mutiny.
24. Quarrels and frays.
25. Reproachful or provoking speeches.
26. Challenges to fight duels.
27. Allowing persons to go out and fight; seconds and promoters.
28. Upbraiding another for refusing challenge.
29. Wrongs to officers, redress of.
30. Wrongs to soldiers, redress of.
31. Lying out of quarters.
32. Soldiers absent without leave.
33. Absence from parade without leave.
34. One mile from camp without leave.
35. Failing to retire at retreat.
36. Hiring duty.
37. Conniving at hiring duty.
38. Drunk on duty.
39. Sentinel sleeping on post.
40. Quitting guard, &c., without leave.
41. False alarms.
42. Misbehavior before the enemy, cowardice, &c.
43. Compelling a surrender.
44. Disclosing watchword.
45. Relieving the enemy.
46. Corresponding with the enemy.
47. Desertion.
48. Deserter shall serve full term.
49. Desertion by resignation.
50. Enlisting in other regiment without discharge.
51. Advising to desert.
52. Misconduct at divine service.
53. Profane oaths.
54. Officers to keep good order in their commands.
55. Waste or spoil and destruction of property without orders.
56. Violence to persons bringing provisions.
57. Forcing a safeguard.
58. Certain crimes during rebellion.
59. Offenders to be delivered up to civil magistrates.
60. Certain crimes of fraud against the United States.
61. Conduct unbecoming an officer and gentleman.
62. Crimes and disorders to prejudice of military discipline.
63. Retainers of camp.
64. All troops subject to articles of war.
65. Arrest of officers accused of crimes.
66. Soldiers accused of crimes.
67. Receiving prisoners.
68. Report of prisoners.
69. Releasing prisoner without authority; escapes.
70. Duration of confinement.
71. Copy of charges and time of trial.
72. Who may appoint general courts-martial.
73. Commanders of divisions and separate brigades may appoint in time of war.
74. Judge-advocate.
75. Members of general courts-martial.
76. When requisite number not at a post.
77. Regular officers, on what courts may sit.
78. Marine and Regular Army officers associated on courts.
79. Officers triable by general courts-martial.
80. Field officers' courts.
81. Regimental courts.
82. Garrison courts.
83. Jurisdiction of field-officers', regimental, and garrison courts.
84. Oath of members of courts-martial.
85. Oath of judge-advocate.
86. Contempts of court.
87. Behavior of members.
88. Challenges by prisoner.
89. Prisoner standing mute.
90. Judge-advocate, prosecutor and counsel for prisoner.
91. Depositions.
92. Oath of witness.
93. Continuances.
94. Hours of sitting.
95. Order of voting.
96. Sentence of death.
97. Penitentiaries.
98. Flogging.
99. Discharge and dismissal of officers.
100. Publication of officers cashiered for cowardice or fraud.
101. Suspension of officers' pay.
102. No person tried twice for same, &c.
103. Limitation of time of prosecution.
104. Approval of sentence by officer ordering court.
105. Confirmation of death sentence.
106. Confirmation of dismissals in time of peace.
107. Dismissal by division or brigade courts.
108. General officers, sentences respecting.
109. Confirmation by officer ordering court.
110. Confirmation of field-officers' sentences.
111. Suspension of sentence of death or dismissal.

Article.

- 112. Pardon and mitigation of sentences.
- 113. Proceedings forwarded to Judge-Advocate-General.
- 114. Party entitled to a copy.
- 115. Courts of inquiry, how ordered.
- 116. Members of court of inquiry.
- 117. Oaths of members and recorder of court of inquiry.
- 118. Witnesses before courts of inquiry.
- 119. Opinion; when given by.
- 120. Authentication of proceedings of court of inquiry.
- 121. Proceedings of court of inquiry used as evidence.
- 122. Command when different corps happen to join.

Article.

- 123. Regular and volunteer officers on same footing as to rank, &c.
- 124. Rank of militia officers on duty with officer of regular or volunteer forces.
- 125. Deceased officers' effects.
- 126. Deceased soldiers' effects.
- 127. Effects of deceased officers and soldiers to be accounted for.
- 128. Articles of war to be published once in six months to every regiment, &c.
- Section.
- 1343. Spies.

Articles of war.

10 April, 1806, c. 20, v. 2, p. 359.

Mimmack's Case, 10 C. Cls., 584.

Officers shall subscribe these articles.

Art. of war 1.

Articles to be read to recruits.

Art. of war 10.

29 Jan., 1813, c. 16, s. 13, v. 2, p. 796.

3 Aug., 1861, c. 42, s. 11, v. 12, p. 289.

Officers making unlawful enlistments.

5 Mar., 1833, c. 68, s. 6, v. 4, p. 647.

3 Mar., 1863, c. 75, s. 2, v. 12, p. 731.

4 July, 1864, c. 237, s. 5, v. 13, p. 380.

3 Mar., 1865, c. 79, s. 18, v. 13, p. 490. 15 May, 1872, c. 162, s. 2, v. 17, p. 117.

Discharges.

Art. of war 11.

Mustering persons not soldiers.

Art. of war 17.

Taking money on mustering

Art. of war 16.

Returns of regiments, &c.

Art. of war 19.

SECTION 1342. The armies of the United States shall be governed by the following rules and articles. The word officer, as used therein, shall be understood to designate commissioned officers; the word soldier shall be understood to include non-commissioned officers, musicians, artificers, and privates, and other enlisted men, and the convictions mentioned therein shall be understood to be convictions by court-martial. [See § 4824.]

ARTICLE 1. Every officer now in the Army of the United States shall within six months from the passing of this act, and every officer hereafter appointed shall, before he enters upon the duties of his office, subscribe these rules and articles.

ART. 2. These rules and articles shall be read to every enlisted man at the time of, or within six days after, his enlistment, and he shall thereupon take an oath or affirmation, in the following form: "I, A. B., do solemnly swear (or affirm) that I will bear true faith and allegiance to the United States of America; that I will serve them honestly and faithfully against all their enemies whomsoever; and that I will obey the orders of the President of the United States, and the orders of the officers appointed over me, according to the rules and articles of war." This oath may be taken before any commissioned officer of the Army.

ART. 3. Every officer who knowingly enlists or musters into the military service any minor over the age of sixteen years without the written consent of his parents or guardians, or any minor under the age of sixteen years, or any insane or intoxicated persons, or any deserter from the military or naval service of the United States, or any person who has been convicted of any infamous criminal offense, shall, upon conviction, be dismissed from the service, or suffer such other punishment as a court-martial may direct.

ART. 4. No enlisted man, duly sworn, shall be discharged from the service without a discharge in writing, signed by a field-officer of the regiment to which he belongs, or by the commanding officer, when no field-officer is present; and no discharge shall be given to any enlisted man before his term of service has expired, except by order of the President, the Secretary of War, the commanding officer of a department, or by sentence of a general court-martial.

ART. 5. Any officer who knowingly musters as a soldier a person who is not a soldier shall be deemed guilty of knowingly making a false muster, and punished accordingly.

ART. 6. Any officer who takes money, or other thing, by way of gratification, on mustering any regiment, troop, battery, or company, or on signing muster-rolls, shall be dismissed from the service, and shall thereby be disabled to hold any office or employment in the service of the United States.

ART. 7. Every officer commanding a regiment, an independent troop, battery, or company, or a garrison, shall, in the beginning of every month, transmit through the proper channels, to the Department of War, an exact return of the same, specifying the names of the officers then absent

from their posts, with the reasons for and the time of their absence. And any officer who, through neglect or design, omits to send such returns, shall, on conviction thereof, be punished as a court-martial may direct.

ART. 8. Every officer who knowingly makes a false return to the Department of War, or to any of his superior officers, authorized to call for such returns, of the state of the regiment, troop or company, or garrison under his command; or of the arms, ammunition, clothing or other stores thereunto belonging, shall, on conviction thereof before a court-martial, be cashiered.

ART. 9. All public stores taken from the enemy shall be secured for the service of the United States; and for neglect thereof the commanding officer shall be answerable.

ART. 10. Every officer commanding a troop, battery, or company, is charged with the arms, accouterments, ammunition, clothing, or other military stores belonging to his command, and is accountable to his colonel in case of their being lost, spoiled, or damaged otherwise than by unavoidable accident, or on actual service.

ART. 11. Every officer commanding a regiment or an independent troop, battery, or company, not in the field, may, when actually quartered with such command, grant furloughs to the enlisted men, in such numbers and for such time as he shall deem consistent with the good of the service. Every officer commanding a regiment, or an independent troop, battery, or company, in the field, may grant furloughs not exceeding thirty days at one time, to five per centum of the enlisted men, for good conduct in the line of duty, but subject to the approval of the commander of the forces of which said enlisted men form a part. Every company officer of a regiment, commanding any troop, battery, or company not in the field, or commanding in any garrison, fort, post, or barrack, may, in the absence of his field-officer, grant furloughs to the enlisted men, for a time not exceeding twenty days in six months, and not to more than two persons to be absent at the same time.

ART. 12. At every muster of a regiment, troop, battery, or company, the commanding officer thereof shall give to the mustering officer certificates, signed by himself, stating how long absent officers have been absent and the reasons of their absence. And the commanding officer of every troop, battery, or company shall give like certificates, stating how long absent non-commissioned officers and private soldiers have been absent and the reasons of their absence. Such reasons and time of absence shall be inserted in the muster-rolls opposite the names of the respective absent officers and soldiers, and the certificates, together with the muster-rolls, shall be transmitted by the mustering officer to the Department of War, as speedily as the distance of the place and muster will admit.

ART. 13. Every officer who signs a false certificate, relating to the absence or pay of an officer or soldier, shall be dismissed from the service.

ART. 14. Any officer who knowingly makes a false muster of man or horse, or who signs, or directs, or allows the signing of any muster-roll, knowing the same to contain a false muster, shall, upon proof thereof by two witnesses, before a court-martial, be dismissed from the service, and shall thereby be disabled to hold any office or employment in the service of the United States.

ART. 15. Any officer who, willfully or through neglect, suffers to be lost, spoiled, or damaged, any military stores belonging to the United States, shall make good the loss or damage, and be dismissed from the service.

ART. 16. Any enlisted man who sells, or willfully or through neglect wastes the ammunition delivered out to him, shall be punished as a court-martial may direct.

ART. 17. Any soldier who sells or, through neglect, loses or spoils his horse, arms, clothing, or accouterments, shall suffer such stoppages, not exceeding one-half of his current pay, as a court-martial may deem suffi-

False returns.

Art. of war 18.

Captured stores secured for public service.

Art. of war 58.

Accountability for arms, &c.

Art. of war 40.

Furloughs.

Art. of war 12
3 Mar., 1863, c.
75, s. 32, v. 12, p.
736.

Musters.

Art. of war 13.

False certificates.

Art. of war 14.

False muster.

Art. of war 15.

Allowing military stores to be damaged.

Art. of war 36.

2 Mar., 1863, c. 87, s. 1, v. 12, p. 696.

Wasting ammunition.

Art. of war 37.

Losings or spoiling accouterments, &c.

Art. of war 38.

8 Feb., 1815, c. 38, s. 7, v. 3, p. 204.

Commanders not to be interested in sale of victuals, &c.

Art. of war 31.

Disrespectful words against the President, &c.

Art. of war 5.

Disrespect toward commanding officers.

Art. of war 6.

Striking a superior officer.

Art. of war 9.

Mutiny.

Art. of war 7.

Failing to resist mutiny.

Art. of war 8.

Quarrels and frays.

Art. of war 27.

Reproachful or provoking speeches.

Art. of war 24.

Challenges to fight duels.

Art. of war 25.

27 Feb., 1877, c. 69, v. 19, p. 244.

Allowing persons to go out and fight; seconds and promoters.

Art. of war 26.

Upbraiding another for refusing challenge.

Art. of war 28.

cient for repairing the loss or damage, and shall be punished by confinement or such other corporal punishment as the court may direct.

ART. 18. Any officer commanding in any garrison, fort, or barracks of the United States who, for his private advantage, lays any duty or imposition upon, or is interested in, the sale of any victuals, liquors, or other necessities of life, brought into such garrison, fort, or barracks, for the use of the soldiers, shall be dismissed from the service.

ART. 19. Any officer who uses contemptuous or disrespectful words against the President, the Vice-President, the Congress of the United States, or the chief magistrate or legislature of any of the United States in which he is quartered, shall be dismissed from the service, or otherwise punished, as a court-martial may direct. Any soldier who so offends shall be punished as a court-martial may direct.

ART. 20. Any officer or soldier who behaves himself with disrespect toward his commanding officer shall be punished as a court-martial may direct.

ART. 21. Any officer or soldier who, on any pretense whatsoever, strikes his superior officer, or draws or lifts up any weapon, or offers any violence against him, being in the execution of his office, or disobeys any lawful command of his superior officer, shall suffer death, or such other punishment as a court-martial may direct.

ART. 22. Any officer or soldier who begins, excites, causes, or joins in any mutiny or sedition, in any troop, battery, company, party, post, detachment, or guard, shall suffer death, or such other punishment as a court-martial may direct.

ART. 23. Any officer or soldier who, being present at any mutiny or sedition, does not use his utmost endeavor to suppress the same, or having knowledge of any intended mutiny or sedition, does not, without delay, give information thereof to his commanding officer, shall suffer death, or such other punishment as a court-martial may direct.

ART. 24. All officers, of what condition soever, have power to part and quell all quarrels, frays, and disorders, whether among persons belonging to his own or to another corps; regiment, troop, battery, or company, and to order officers into arrest, and non-commissioned officers and soldiers into confinement, who take part in the same, until their proper superior officer is acquainted therewith. And whosoever, being so ordered, refuses to obey such officer or non-commissioned officer, or draws a weapon upon him, shall be punished as a court-martial may direct.

ART. 25. No officer or soldier shall use any reproachful or provoking speeches or gestures to another. Any officer who so offends shall be put in arrest. Any soldier who so offends shall be confined, and required to ask pardon of the party offended, in the presence of his commanding officer.

ART. 26. No officer or soldier shall send a challenge to another officer or soldier to fight a duel, or accept a challenge so sent. Any officer who so offends shall be dismissed from the service. Any soldier who so offends shall suffer such [corporal] punishment as a court-martial may direct.

ART. 27. Any officer or non-commissioned officer, commanding a guard, who, knowingly and willingly, suffers any person to go forth to fight a duel, shall be punished as a challenger; and all seconds or promoters of duels, and carriers of challenges to fight duels, shall be deemed principals, and punished accordingly. It shall be the duty of any officer commanding an army, regiment, troop, battery, company, post, or detachment, who knows or has reason to believe that a challenge has been given or accepted by any officer or enlisted man under his command, immediately to arrest the offender and bring him to trial.

ART. 28. Any officer or soldier who upbraids another officer or soldier for refusing a challenge shall himself be punished as a challenger; and all officers and soldiers are hereby discharged from any disgrace or opinion of disadvantage which might arise from their having refused to accept challenges, as they will only have acted in obedience to the law, and have done their duty as good soldiers, who subject themselves to discipline.

ART. 29. Any officer who thinks himself wronged by the commanding officer of his regiment, and, upon due application to such commander, is refused redress, may complain to the general commanding in the State or Territory where such regiment is stationed. The general shall examine into said complaint and take proper measures for redressing the wrong complained of; and he shall, as soon as possible, transmit to the Department of War a true statement of such complaint, with the proceedings had thereon.

Wrongs to officers; redress of.

Art. of war 34

ART. 30. Any soldier who thinks himself wronged by any officer may complain to the commanding officer of his regiment, who shall summon a regimental court-martial for the doing of justice to the complainant. Either party may appeal from such regimental court-martial to a general court-martial; but if, upon such second hearing, the appeal appears to be groundless and vexatious, the party appealing shall be punished at the discretion of said general court-martial.

Wrongs to soldiers; redress of.

Art. of war 35.

ART. 31. Any officer or soldier who lies out of his quarters, garrison, or camp, without leave from his superior officer, shall be punished as a court-martial may direct.

Lying out of quarters.

Art. of war 42.

ART. 32. Any soldier who absents himself from his troop, battery, company, or detachment, without leave from his commanding officer, shall be punished as a court-martial may direct.

Soldier absent without leave.

Art. of war 21.

ART. 33. Any officer or soldier who fails, except when prevented by sickness or other necessity, to repair, at the fixed time, to the place of parade, exercise, or other rendezvous appointed by his commanding officer, or goes from the same, without leave from his commanding officer, before he is dismissed or relieved, shall be punished as a court-martial may direct.

Absence from parade without leave.

Art. of war 44.

ART. 34. Any soldier who is found one mile from camp, without leave in writing from his commanding officer, shall be punished as a court-martial may direct.

One mile from camp without leave.

Art. of war 41.

ART. 35. Any soldier who fails to retire to his quarters or tent at the beating of retreat, shall be punished according to the nature of his offense.

Failing to retire at retreat.

Art. of war 43.

ART. 36. No soldier belonging to any regiment, troop, battery, or company shall hire another to do his duty for him, or be excused from duty, except in cases of sickness, disability, or leave of absence. Every such soldier found guilty of hiring his duty, and the person so hired to do another's duty, shall be punished as a court-martial may direct.

Hiring duty.

Art. of war 47.

ART. 37. Every non-commissioned officer who connives at such hiring of duty shall be reduced. Every officer who knows and allows such practices shall be punished as a court-martial may direct.

Conniving at hiring of duty.

Art. of war 48.

ART. 38. Any officer who is found drunk on his guard, party, or other duty, shall be dismissed from the service. Any soldier who so offends shall suffer such [*corporal*] punishment as a court-martial may direct. [No court-martial shall sentence any soldier to be branded, marked, or tattooed.]

Drunk on duty.

Art. of war 45.

18 Feb., 1875, c. 80, v. 18, p. 318.
27 Feb., 1877, c. 69, v. 19, p. 244.

ART. 39. Any sentinel who is found sleeping upon his post, or who leaves it before he is regularly relieved, shall suffer death, or such other punishment as a court-martial may direct.

Sentinel sleeping on post.

Art. of war 46.

ART. 40. Any officer or soldier who quits his guard, platoon, or division, without leave from his superior officer, except in case of urgent necessity, shall be punished as a court-martial may direct.

Quitting guard, &c., without leave.

Art. of war 50.

ART. 41. Any officer who, by any means whatsoever, occasions false alarms in camp, garrison, or quarters, shall suffer death, or such other punishment as a court-martial may direct.

False alarms.

Art. of war 49.

ART. 42. Any officer or soldier who misbehaves himself before the enemy, runs away, or shamefully abandons any fort, post, or guard, which he is commanded to defend, or speaks words inducing others to do the like, or casts away his arms or ammunition, or quits his post or colors to plunder or pillage, shall suffer death, or such other punishment as a court-martial may direct.

Misbehavior before the enemy, cowardice, &c.

Art. of war 52.

Compelling a surrender.

Art. of war 59.

Disclosing watchword.

Art. of war 53.

Relieving the enemy.

Art. of war 56.

Corresponding with the enemy.

Art. of war 57.

Desertion.

Art. of war 20.

29 May, 1830, c. 183, v. 4, p. 418.

Deserter shall serve full term.

11 Jan., 1812, c. 14, s. 16, v. 2, p. 673.

29 Jan., 1813, c. 16, s. 12, v. 2, p. 796.

Desertion by resignation.

5 Aug., 1861, c. 54, s. 2, v. 12, p. 316.

Enlisting in other regiment without discharge.

Art. of war 22.

Advising to desert.

Art. of war 23.

29 May, 1830, c. 183, v. 4, p. 418.

Misconduct at divine service.

Art. of war 2.

Profane oaths.

Art. of war 3.

Officers to keep good order in their commands.

Art. of war 32.

ART. 43. If any commander of any garrison, fortress, or post is compelled, by the officers and soldiers under his command, to give up to the enemy or to abandon it, the officers or soldiers so offending shall suffer death, or such other punishment as a court-martial may direct.

ART. 44. Any person belonging to the armies of the United States who makes known the watchword to any person not entitled to receive it, according to the rules and discipline of war, or presumes to give a parole or watchword different from that which he received, shall suffer death, or such other punishment as a court-martial may direct.

ART. 45. Whosoever relieves the enemy with money, victuals, or ammunition, or knowingly harbors or protects an enemy, shall suffer death, or such other punishment as a court-martial may direct.

ART. 46. Whosoever holds correspondence with, or gives intelligence to, the enemy, either directly or indirectly, shall suffer death, or such other punishment as a court-martial may direct.

ART. 47. Any officer or soldier who, having received pay, or having been duly enlisted in the service of the United States, deserts the same, shall, in time of war, suffer death, or such other punishment as a court-martial may direct; and in time of peace, any punishment, excepting death, which a court-martial may direct. [See §§ 1996-1998.]

ART. 48. Every soldier who deserts the service of the United States shall be liable to serve for such period as shall, with the time he may have served previous to his desertion, amount to the full term of his enlistment; and such soldier shall be tried by a court-martial and punished, although the term of his enlistment may have elapsed previous to his being apprehended and tried.

ART. 49. Any officer who, having tendered his resignation, quits his post or proper duties, without leave, and with intent to remain permanently absent therefrom, prior to due notice of the acceptance of the same, shall be deemed and punished as a deserter.

ART. 50. No non-commissioned officer or soldier shall enlist himself in any other regiment, troop, or company, without a regular discharge from the regiment, troop, or company in which he last served, on a penalty of being reputed a deserter, and suffering accordingly. And in case any officer shall knowingly receive and entertain such non-commissioned officer or soldier, or shall not, after his being discovered to be a deserter, immediately confine him and give notice thereof to the corps in which he last served, the said officer shall, by a court-martial, be cashiered.

ART. 51. Any officer or soldier who advises or persuades any other officer or soldier to desert the service of the United States, shall, in time of war, suffer death, or such other punishment as a court-martial may direct; and in time of peace, any punishment, excepting death, which a court-martial may direct.

ART. 52. It is earnestly recommended to all officers and soldiers diligently to attend divine service. Any officer who behaves indecently or irreverently at any place of divine worship shall be brought before a general court-martial, there to be publicly and severely reprimanded by the president thereof. Any soldier who so offends shall, for his first offense, forfeit one-sixth of a dollar; for each further offense he shall forfeit a like sum, and shall be confined twenty-four hours. The money so forfeited shall be deducted from his next pay, and shall be applied, by the captain or senior officer of his troop, battery, or company, to the use of the sick soldiers of the same.

ART. 53. Any officer who uses any profane oath or execration shall, for each offense, forfeit and pay one dollar. Any soldier who so offends shall incur the penalties provided in the preceding article; and all moneys forfeited for such offenses shall be applied as therein provided.

ART. 54. Every officer commanding in quarters, garrison, or on the march, shall keep good order, and, to the utmost of his power, redress all abuses or disorders which may be committed by any officer or soldier under his command; and if, upon complaint made to him of officers or soldiers beating or otherwise ill-treating any person, disturbing fairs or

markets, or committing any kind of riot, to the disquieting of the citizens of the United States, he refuses or omits to see justice done to the offender, and reparation made to the party injured, so far as part of the offender's pay shall go toward such reparation, he shall be dismissed from the service, or otherwise punished, as a court-martial may direct.

ART. 55. All officers and soldiers are to behave themselves orderly in quarters and on the march; and whoever commits any waste or spoil, either in walks or trees, parks, warrens, fish-ponds, houses, gardens, grain-fields, inclosures, or meadows, or maliciously destroys any property whatsoever belonging to inhabitants of the United States, (unless by order of a general officer commanding a separate army in the field,) shall, besides such penalties as he may be liable to by law, be punished as a court-martial may direct.

ART. 56. Any officer or soldier who does violence to any person bringing provisions or other necessities to the camp, garrison, or quarters of the forces of the United States in foreign parts, shall suffer death, or such other punishment as a court-martial may direct.

ART. 57. Whosoever, belonging to the armies of the United States in foreign parts, or at any place within the United States or their Territories during rebellion against the supreme authority of the United States, forces a safe-guard, shall suffer death.

31 July, 1861, c. 32, v. 12, p. 284. 13 Feb., 1862, c. 25,

ART. 58. In time of war, insurrection, or rebellion, larceny, robbery, burglary, arson, mayhem, manslaughter, murder, assault and battery with an intent to kill, wounding, by shooting or stabbing, with an intent to commit murder, rape, or assault and battery with an intent to commit rape, shall be punishable by the sentence of a general court-martial, when committed by persons in the military service of the United States, and the punishment in any such case shall not be less than the punishment provided, for the like offense, by the laws of the State, Territory, or district in which such offense may have been committed.

ART. 59. When any officer or soldier is accused of a capital crime, or of any offense against the person or property of any citizen of any of the United States, which is punishable by the laws of the land, the commanding officer, and the officers of the regiment, troop, battery, company, or detachment, to which the person so accused belongs, are required, except in time of war, upon application duly made by or in behalf of the party injured, to use their utmost endeavors to deliver him over to the civil magistrate, and to aid the officers of justice in apprehending and securing him, in order to bring him to trial. If, upon such application, any officer refuses or willfully neglects, except in time of war, to deliver over such accused person to the civil magistrates, or to aid the officers of justice in apprehending him, he shall be dismissed from the service.

ART. 60. Any person in the military service of the United States who makes or causes to be made any claim against the United States, or any officer thereof, knowing such claim to be false or fraudulent; or

2 Mar., 1863, c. 67, s. 1, v. 12, p. 696.

Who presents or causes to be presented to any person in the civil or military service thereof, for approval or payment, any claim against the United States or any officer thereof, knowing such claim to be false or fraudulent; or

Who enters into any agreement or conspiracy to defraud the United States by obtaining, or aiding others to obtain, the allowance or payment of any false or fraudulent claim; or

Who, for the purpose of obtaining, or aiding others to obtain, the approval, allowance, or payment of any claim against the United States or against any officer thereof, makes or uses, or procures or advises the making or use of, any writing, or other paper, knowing the same to contain any false or fraudulent statement; or

Who, for the purpose of obtaining, or aiding others to obtain, the approval, allowance, or payment of any claim against the United States

Waste or spoil, and destruction of property without orders.

Art. of war 54.

Violence to persons bringing provisions.

Art. of war 51.

Forcing a safe-guard.

Art. of war 55.

13 July, 1861, c. 3, s. 5, v. 12, p. 257.

3, s. 5, v. 12, p. 340.

Certain crimes during rebellion

13 July, 1861, c. 3, s. 5, v. 12, p. 257.

31 July, 1861, c. 32, v. 12, p. 284.

3 Mar., 1863, c. 75, s. 30, v. 12, p. 736.

3 Mar., 1875, c. 144, v. 18, p. 479.

Offenders to be delivered up to civil magistrate.

Art. of war 33.

3 Mar., 1863, c. 75, s. 30, v. 12, p. 736.

Certain crimes of fraud against the United States.

s. 1, v. 12, p. 696.

Making false claim.

Presenting false claim.

Agreement to obtain payment of false claim.

False paper.

Perjury.

or any officer thereof, makes, or procures or advises the making of, any oath to any fact or to any writing or other paper, knowing such oath to be false; or

Forgery.

Who, for the purpose of obtaining, or aiding others to obtain, the approval, allowance, or payment of any claim against the United States or any officer thereof, forges or counterfeits, or procures or advises the forging or counterfeiting of, any signature upon any writing or other paper, or uses, or procures or advises the use of, any such signature, knowing the same to be forged or counterfeited; or

Delivering less property than receipt calls for.

Who, having charge, possession, custody or control of any money or other property of the United States, furnished or intended for the military service thereof, knowingly delivers, or causes to be delivered, to any persons having authority to receive the same, any amount thereof less than that for which he receives a certificate or receipt; or

Giving receipts without knowing truth of.

Who, being authorized to make or deliver any paper certifying the receipt of any property of the United States, furnished or intended for the military service thereof, makes, or delivers to any person, such writing, without having full knowledge of the truth of the statements therein contained, and with intent to defraud the United States; or

Stealing, wrongfully selling, &c.

Who steals, embezzles, knowingly and willfully misappropriates, applies to his own use or benefit, or wrongfully or knowingly sells or disposes of any ordnance, arms, equipments, ammunition, clothing, subsistence stores, money, or other property of the United States, furnished or intended for the military service thereof; or

Buying public military property.

Who knowingly purchases, or receives in pledge for any obligation or indebtedness, from any soldier, officer, or other person who is a part of or employed in said forces or service, any ordnance, arms, equipments, ammunition, clothing, subsistence stores, or other property of the United States, such soldier, officer, or other person not having lawful right to sell or pledge the same,

Shall, on conviction thereof, be punished by fine or imprisonment, or by such other punishment as a court-martial may adjudge. And if any person, being guilty of any of the offenses aforesaid, while in the military service of the United States, receives his discharge, or is dismissed from the service, he shall continue to be liable to be arrested and held for trial and sentence by a court-martial, in the same manner and to the same extent as if he had not received such discharge nor been dismissed.

Conduct unbecoming an officer and gentleman.

ART. 61. Any officer who is convicted of conduct unbecoming an officer and a gentleman shall be dismissed from the service.

Art. of war 83.
Crimes and disorders to prejudice of military discipline.

ART. 62. All crimes not capital, and all disorders and neglects, which officers and soldiers may be guilty of, to the prejudice of good order and military discipline, though not mentioned in the foregoing articles of war, are to be taken cognizance of by a general, or a regimental, garrison, or field-officers' court-marshal, (*) according to the nature and degree of the offense, and punished at the discretion of such court.

Art. of war 99.

Retainers of camp.

ART. 63. All retainers to the camp, and all persons serving with the armies of the United States in the field, though not enlisted soldiers, are to be subject to orders, according to the rules and discipline of war.

Art. of war 60.
All troops subject to articles of war.

ART. 64. The officers and soldiers of any troops, whether militia or others, mustered and in pay of the United States, shall, at all times and in all places, be governed by the articles of war, and shall be subject to be tried by courts-martial.

Art. of war 97.
29 July, 1861, c. Houston v. Moore,

25, s. 3, v. 12, pp. 281, 284. 2 Mar., 1863, c. 67, s. 1, v. 12, p. 696.—5 Wh., 20.

Arrest of officers accused of crimes.

ART. 65. Officers charged with crime shall be arrested and confined in their barracks, quarters, or tents, and deprived of their swords by the commanding officer. And any officer who leaves his confinement before he is set at liberty by his commanding officer shall be dismissed from the service.

Art. of war 77.

Soldiers accused of crimes.

ART. 66. Soldiers charged with crimes shall be confined until tried by court-martial, or released by proper authority.

Art. of war 78.

(*) Court-martial.

ART. 67. No provost-marshal, or officer commanding a guard, shall refuse to receive or keep any prisoner committed to his charge by an officer belonging to the forces of the United States; provided the officer committing shall, at the same time, deliver an account in writing, signed by himself, of the crime charged against the prisoner.

Receiving prisoners.

Art. of war 80.

ART. 68. Every officer to whose charge a prisoner is committed shall, within twenty-four hours after such commitment, or as soon as he is relieved from his guard, report in writing, to the commanding officer, the name of such prisoner, the crime charged against him, and the name of the officer committing him; and if he fails to make such report, he shall be punished as a court-martial may direct.

Report of prisoners.

Art. of war 82.

ART. 69. Any officer who presumes, without proper authority, to release any prisoner committed to his charge, or suffers any prisoner so committed to escape, shall be punished as a court-martial may direct.

Releasing prisoner without authority; escapes.

Art. of war 81.

ART. 70. No officer or soldier put in arrest shall be continued in confinement more than eight days, or until such time as a court-martial can be assembled.

Duration of confinement.

Art. of war 78.

ART. 71. When an officer is put in arrest for the purpose of trial, except at remote military posts or stations, the officer by whose order he is arrested shall see that a copy of the charges on which he is to be tried is served upon him within eight days after his arrest, and that he is brought to trial within ten days thereafter, unless the necessities of the service prevent such trial; and then he shall be brought to trial within thirty days after the expiration of said ten days. If a copy of the charges be not served, or the arrested officer be not brought to trial, as herein required, the arrest shall cease. But officers released from arrest, under the provisions of this article, may be tried, whenever the exigencies of the service shall permit, within twelve months after such release from arrest.

Copy of charges and time of trial.

17 July, 1862, c. 200, s. 11, v. 12, p. 595.

ART. 72. Any general officer, commanding the Army of the United States, a separate Army, or a separate department, shall be competent to appoint a general court-martial, either in time of peace or in time of war. But when any such commander is the accuser or prosecutor of any officer under his command, the court shall be appointed by the President, and its proceedings and sentence shall be sent directly to the Secretary of War, by whom they shall be laid before the President, for his approval or orders in the case.

Whom may appoint general courts-martial.

Art. of war 65.
29 May, 1830, c. 179, ss. 1, 2, v. 4, p. 417.

ART. 73. In time of war the commander of a division, or of a separate brigade of troops, shall be competent to appoint a general court-martial. But when such commander is the accuser or prosecutor of any person under his command, the court shall be appointed by the next higher commander.

Commanders of divisions and separate brigades may appoint, in time of war.

24 Dec., 1861, c. 3, v. 12, p. 330.

ART. 74. Officers who may appoint a court-martial shall be competent to appoint a judge-advocate for the same.

Judge-advocate.

ART. 75. General courts-martial may consist of any number of officers from five to thirteen, inclusive; but they shall not consist of less than thirteen when that number can be convened without manifest injury to the service.

Art. of war 69.

Members of general courts-martial.

Art. of war 64.

ART. 76. When the requisite number of officers to form a general court-martial is not present in any post or detachment, the commanding officer shall, in cases which require the cognizance of such a court, report to the commanding officer of the department, who shall, thereupon, order a court to be assembled at the nearest post or department at which there may be such a requisite number of officers, and shall order the party accused, with necessary witnesses, to be transported to the place where the said court shall be assembled.

When requisite number not at a post.

Art. of war 86.

ART. 77. Officers of the Regular Army shall not be competent to sit on courts-martial to try the officers or soldiers of other forces, except as provided in Article 78.

Regular officers; on what courts may sit.

Art. of war 97.

Marine and Regular Army officers associated on courts.

Art. of war 68.
30 June, 1834, c. 132, s. 2, v. 4, p. 713.

Officers triable by general courts-martial.

Art. of war 75.
Field-officers' courts.

17 July, 1862, c. 201, s. 7, v. 12, p. 598.

Regimental courts.

Art. of war 69.
17 July, 1862, c. 201, s. 7, v. 12, p. 598.

Garrison courts.

Art. of war 66.
17 July, 1862, c. 201, s. 7, v. 12, p. 598.

18 Feb., 1875, c. 80, v. 18, p. 318.

Jurisdiction of field-officers', regimental, and garrison courts.

Art. of war 66 and 67.

Oath of members of courts-martial.

Art. of war 69.

Oath of judge-advocate.

Art. of war 69.

Contempts of court.

Art. of war 76.
Behavior of members.

Art. of war 72.
Challenges by prisoner.

ART. 78. Officers of the Marine Corps, detached for service with the Army by order of the President, may be associated with officers of the Regular Army on courts-martial for the trial of offenders belonging to the Regular Army, or to forces of the Marine Corps so detached; and in such cases the orders of the senior officer of either corps, who may be present and duly authorized, shall be obeyed.

ART. 79. Officers shall be tried only by general courts-martial; and no officer shall, when it can be avoided, be tried by officers inferior to him in rank.

ART. 80. In time of war a field-officer may be detailed in every regiment, to try soldiers thereof for offenses not capital; and no soldier, serving with his regiment, shall be tried by a regimental (*) garrison court-martial when a field-officer of his regiment may be so detailed.

ART. 81. Every officer commanding a regiment or corps shall, subject to the provisions of article eighty, be competent to appoint, for his own regiment or corps, courts-martial, consisting of three officers, to try offenses not capital.

ART. 82. Every officer commanding a garrison, fort, or other place, where the troops consist of different corps, shall, subject to the provisions of article [ninety-five.] [eighty] be competent to appoint, for such garrison or other place, courts-martial, consisting of three officers, to try offenses not capital.

ART. 83. Regimental and garrison courts-martial, and field-officers detailed to try offenders, shall not have power to try capital cases or commissioned officers, or to inflict a fine exceeding one month's pay, or to imprison or put to hard labor any non-commissioned officer or soldier for a longer time than one month.

17 July, 1862, c. 201, s. 7, v. 12, p. 598.

ART. 84. The judge-advocate shall administer to each member of the court, before they proceed upon any trial, the following oath, which shall also be taken by all members of regimental and garrison courts-martial: "You, A B, do swear that you will well and truly try and determine, according to evidence, the matter now before you, between the United States of America and the prisoner to be tried, and that you will duly administer justice, without partiality, favor, or affection, according to the provisions of the rules and articles for the government of the armies of the United States, and if any doubt should arise, not explained by said articles, then according to your conscience, the best of your understanding, and the custom of war in like cases; and you do further swear that you will not divulge the sentence of the court until it shall be published by the proper authority; neither will you disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof, as a witness, by a court of justice, in a due course of law. So help you God."

ART. 85. When the oath has been administered to the members of a court-martial, the president of the court shall administer to the judge-advocate, or person officiating as such, an oath in the following form:

"You, A B, do swear that you will not disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof, as a witness, by a court of justice, in due course of law; nor divulge the sentence of the court to any but the proper authority, until it shall be duly disclosed by the same. So help you God."

ART. 86. A court-martial may punish, at discretion, any person who uses any menacing words, signs, or gestures, in its presence, or who disturbs its proceedings by any riot or disorder.

ART. 87. All members of a court-martial are to behave with decency and calmness.

ART. 88. Members of a court-martial may be challenged by a prisoner, but only for cause stated to the court. The court shall determine the

(*) The word *or* omitted from the Roll.

relevancy and validity thereof, and shall not receive a challenge to more than one member at a time.

ART. 89. When a prisoner, arraigned before a general court-martial, from obstinacy and deliberate design, stands mute, or answers foreign to the purpose, the court may proceed to trial and judgment, as if the prisoner had pleaded not guilty.

ART. 90. The judge-advocate, or some person deputed by him, or by the general or officer commanding the Army, detachment, or garrison, shall prosecute in the name of the United States, but when the prisoner has made his plea, he shall so far consider himself counsel for the prisoner as to object to any leading question to any of the witnesses, and to any question to the prisoner, the answer to which might tend to criminate himself.

ART. 91. The depositions of witnesses residing beyond the limits of the State, Territory, or district in which any military court may be ordered to sit, if taken on reasonable notice to the opposite party and duly authenticated, may be read in evidence before such court in cases not capital.

ART. 92. All persons who give evidence before a court-martial shall be examined on oath, or affirmation, in the following form: "You swear (or affirm) that the evidence you shall give, in the case now in hearing, shall be the truth, the whole truth, and nothing but the truth. So help you God."

ART. 93. A court-martial shall, for reasonable cause, grant a continuance to either party, for such time, and as often, as may appear to be just: *Provided*, That if the prisoner be in close confinement, the trial shall not be delayed for a period longer than sixty days.

ART. 94. Proceedings of trials shall be carried on only between the hours of eight in the morning and three in the afternoon, excepting in cases which, in the opinion of the officer appointing the court, require immediate example.

ART. 95. Members of a court-martial, in giving their votes, shall begin with the youngest in commission.

ART. 96. No person shall be sentenced to suffer death, except by the concurrence of two-thirds of the members of a general court-martial, and in the cases herein expressly mentioned.

ART. 97. No person in the military service shall, under the sentence of a court-martial, be punished by confinement in a penitentiary, unless the offense of which he may be convicted would, by some statute of the United States, or by some statute of the State, Territory, or District in which such offense may be committed, or by the common law, as the same exists in such State, Territory, or District, subject such convict to such punishment.

ART. 98. No person in the military service shall be punished by flogging, or by branding, marking, or tattooing on the body.

ART. 99. No officer shall be discharged or dismissed from the service, except by order of the President, or by sentence of a general court-martial; and in time of peace no officer shall be dismissed, except in pursuance of the sentence of a court-martial, or in mitigation thereof.

[See § 1229.]

ART. 100. When an officer is dismissed from the service for cowardice or fraud, the sentence shall further direct that the crime, punishment, name, and place of abode of the delinquent shall be published in the newspapers in and about the camp, and in the State from which the offender came, or where he usually resides; and after such publication it shall be scandalous for an officer to associate with him.

ART. 101. When a court-martial suspends an officer from command, it may also suspend his pay and emoluments for the same time, according to the nature of his offense.

Art. of war 71.
In re Bird, 2 Sawyer, 33.

Prisoner standing mute.

Art. of war 70.

Judge-advocate, prosecutor and counsel for prisoner.

Art. of war 69.

Depositions.

Art. of war 74.
3 Mar., 1863, c. 75, s. 27, v. 12, p. 736.

Oath of witness.

Art. of war 73.

Continuances.

3 Mar., 1863, c. 75, s. 29, v. 12, p. 736.

Hours of sitting.

Art. of war 75.

Order of voting.

Art. of war 72.
Sentence of death.

Art. of war 87.

Penitentiaries.

16 July, 1862, c. 190, ss. 1, 4, v. 12, p. 589.

Flogging.

5 Aug., 1861, c. 54, s. 3, v. 12, p. 317. 6 June, 1872, c. 316, s. 2, v. 17, p. 261.

Discharge and dismissal of officers.

Art. of war 11.
13 July, 1866, c. 176, s. 5, v. 14, p. 92.

Publication of officers cashiered for cowardice or fraud.

Art. of war 85.

Suspension of officer's pay.

Art. of war 84.

No person tried twice for same, &c.
Art. of war 87.

Limitation of time of prosecution.
Art. of war 88.

Approval of sentence by officer ordering court.
Art. of war 65.

Confirmation of death sentence.
Art. of war 65.

17 July, 1862, c. 201, s. 5, v. 12, p. 598.
3 Mar., 1863, c. 75, s. 21, v. 12, p. 735.
2 July, 1864, c. 215, s. 1, v. 13, p. 356.

Confirmation of dismissals in time of peace.
Art. of war 65.

Dismissal by division or brigade courts.
24 Dec., 1861, c. 3, v. 12, p. 330.

General officers; sentences respecting.
Art. of war 65.

Confirmation by officer ordering court.
Art. of war 65.

Confirmation of field-officers' sentences.
17 July, 1862, c. 201, s. 7, v. 12, p. 598.

Suspension of sentences of death or dismissal.
Art. of war 89.

Pardon and mitigation of sentences.
Art. of war 89.

17 July, 1862, c. 201, s. 7, v. 12, p. 598.

Proceedings forwarded to Judge-Advocate-General.
Art. of war 90.

17 July, 1862, c. 201, ss. 5, 6, v. 12,

ART. 102. No person shall be tried a second time for the same offense.

ART. 103. No person shall be liable to be tried and punished by a general court-martial for any offense which appears to have been committed more than two years before the issuing of the order for such trial, unless, by reason of having absented himself, or of some other manifest impediment, he shall not have been amenable to justice within that period.

ART. 104. No sentence of a court-martial shall be carried into execution until the whole proceedings shall have been approved by the officer ordering the court, or by the officer commanding for the time being.

ART. 105. No sentence of a court-martial, inflicting the punishment of death, shall be carried into execution until it shall have been confirmed by the President; except in the cases of persons convicted, in time of war, as spies, mutineers, deserters, or murderers, and in the cases of guerilla marauders, convicted, in time of war, of robbery, burglary, arson, rape, assault with intent to commit rape, or of violation of the laws and customs of war; and in such excepted cases the sentence of death may be carried into execution upon confirmation by the commanding general in the field, or the commander of the department, as the case may be.

ART. 106. In time of peace no sentence of a court-martial, directing the dismissal of an officer, shall be carried into execution, until it shall have been confirmed by the President. [See § 1229.]

ART. 107. No sentence of a court-martial appointed by the commander of a division or of a separate brigade of troops, directing the dismissal of an officer, shall be carried into execution until it shall have been confirmed by the general commanding the army in the field to which the division or brigade belongs.

ART. 108. No sentence of a court-martial, either in time of peace or in time of war, respecting a general officer, shall be carried into execution, until it shall have been confirmed by the President.

ART. 109. All sentences of a court-martial may be confirmed and carried into execution by the officer ordering the court, or by the officer commanding for the time being, where confirmation by the President, or by the commanding general in the field, or commander of the department, is not required by these articles.

ART. 110. No sentence of a field-officer, detailed to try soldiers of his regiment, shall be carried into execution, until the whole proceedings shall have been approved by the brigade commander, or, in case there be no brigade commander, by the commanding officer of the post.

ART. 111. Any officer who has authority to carry into execution the sentence of death, or of dismissal of an officer, may suspend the same until the pleasure of the President shall be known; and, in such case, he shall immediately transmit to the President a copy of the order of suspension, together with a copy of the proceedings of the court.

ART. 112. Every officer who is authorized to order a general court-martial shall have power to pardon or mitigate any punishment adjudged by it, except the punishment of death or of dismissal of an officer. Every officer commanding a regiment or garrison in which a regimental or garrison court-martial may be held, shall have power to pardon or mitigate any punishment which such court may adjudge.

ART. 113. Every judge-advocate, or person acting as such, at any general court-martial, shall, with as much expedition as the opportunity of time and distance of place may admit, forward the original proceedings and sentence of such court to the Judge-Advocate-General of the Army, in whose office they shall be carefully preserved.

p. 598. 28 July, 1866, c. 299, s. 12, v. 14, p. 334. 3 Mar., 1877, c. 102, v. 19, p. 310.

ART. 114. Every party tried by a general court-martial shall, upon demand thereof, made by himself or by any person in his behalf, be entitled to a copy of the proceedings and sentence of such court.

Party entitled to a copy.

ART. 115. A court of inquiry, to examine into the nature of any transaction of, or accusation or imputation against, any officer or soldier, may be ordered by the President or by any commanding officer; but, as courts of inquiry may be perverted to dishonorable purposes, and may be employed, in the hands of weak and envious commandants, as engines for the destruction of military merit, they shall never be ordered by any commanding officer, except upon a demand by the officer or soldier whose conduct is to be inquired of.

Art. of war 90.
Courts of inquiry, how ordered.

ART. 116. A court of inquiry shall consist of one or more officers, not exceeding three, and a recorder, to reduce the proceedings and evidence to writing.

Arts. of war 91 and 92.

ART. 117. The recorder of a court of inquiry shall administer to the members the following oath: "You shall well and truly examine and inquire, according to the evidence, into the matter now before you, without partiality, favor, affection, prejudice, or hope of reward: so help you God." After which the president of the court shall administer to the recorder the following oath: "You, A B, do swear that you will, according to your best abilities, accurately and impartially record the proceedings of the court and the evidence to be given in the case in hearing: so help you God."

Members of court of inquiry.

Art. of war 91.
Oaths of members and recorder of court of inquiry.

Art. of war 93.

ART. 118. A court of inquiry, and the recorder thereof, shall have the same power to summon and examine witnesses as is given to courts-martial and the judge-advocates thereof. Such witnesses shall take the same oath which is taken by witnesses before courts-martials, (*) and the party accused shall be permitted to examine and cross-examine them, so as fully to investigate the circumstances in question. [See § 1202.]

Witnesses before courts of inquiry.

Arts. of war 91 and 93.

3 Mar., 1863, c. 75, s. 27, v. 12, p. 736.

3 Mar., 1863, c. 79, s. 25, v. 12, p. 754.

ART. 119. A court of inquiry shall not give an opinion on the merits of the case inquired of unless specially ordered to do so.

Opinion; when given by.

ART. 120. The proceedings of a court of inquiry must be authenticated by the signatures of the recorder and the president thereof, and delivered to the commanding officer.

Art. of war 91.
Authentication of proceedings of court of inquiry.

Art. of war 92.

ART. 121. The proceedings of a court of inquiry may be admitted as evidence by a court-martial, in cases not capital, nor extending to the dismissal of an officer: *Provided*, That the circumstances are such that oral testimony cannot be obtained.

Proceedings of court of inquiry used as evidence.

Art. of war 92.

ART. 122. If, upon marches, guards, or in quarters, different corps of the Army happen to join or do duty together, the officer highest in rank of the line of the Army, Marine Corps, or militia, by commission, there on duty or in quarters, shall command the whole, and give orders for what is needful to the service, unless otherwise specially directed by the President, according to the nature of the case.

Command, when different corps happen to join.

Art. of war 62.

ART. 123. In all matters relating to the rank, duties, and rights of officers, the same rules and regulations shall apply to officers of the Regular Army and to volunteers commissioned in, or mustered into said service, under the laws of the United States, for a limited period.

Regular and volunteer officers on same footing as to rank, &c.

2 Mar., 1867, c. 159, s. 2, v. 14, p. 435.

ART. 124. Officers of the militia of the several States, when called into the service of the United States, shall on all detachments, courts-martial, and other duty wherein they may be employed in conjunction with the regular or volunteer forces of the United States, take rank next after all officers of the like grade in said regular or volunteer forces, notwithstanding the commissions of such militia officers may be older than the commissions of the said officers of the regular or volunteer forces of the United States.

Rank of militia officers on duty with officers of regular or volunteer forces.

Art. of war 98
2 Mar., 1867, c. 159, s. 2, v. 14, p. 435.

ART. 125. In case of the death of any officer, the major of his regiment, or the officer doing the major's duty, or the second officer in command at any post or garrison, as the case may be, shall immediately secure all his

Deceased officers' effects.

Art. of war. 94.

(*) *Sic* in the Roll.

Deceased soldiers' effects.

Art. of war 94.

Effects of deceased officers and soldiers to be accounted for.

Art. of war 95.

Articles of war to be published once in six months to every regiment, &c.

Art. of war 101.

Spies.

10 April, 1806, c.

20, s. 2, v. 2, p. 371.

13 Feb., 1862, c.

25, s. 4, v. 12, p. 340.

3 Mar., 1863, c.

75, s. 38, v. 12, p.

737.

effects then in camp or quarters, and shall make, and transmit to the office of the Department of War, an inventory thereof.

ART. 126. In case of the death of any soldier, the commanding officer of his troop, battery, or company shall immediately secure all his effects then in camp or quarters, and shall, in the presence of two other officers, make an inventory thereof, which he shall transmit to the office of the Department of War.

ART. 127. Officers charged with the care of the effects of deceased officers or soldiers shall account for and deliver the same, or the proceeds thereof, to the legal representatives of such deceased officers or soldiers. And no officer so charged shall be permitted to quit the regiment or post until he has deposited in the hands of the commanding officer all the effects of such deceased officers or soldiers not so accounted for and delivered.

ART. 128. The foregoing articles shall be read and published, once in every six months, to every garrison, regiment, troop, or company in the service of the United States, and shall be duly observed and obeyed by all officers and soldiers in said service.

SEC. 1343. All persons who, in time of war, or of rebellion against the supreme authority of the United States, shall be found lurking or acting as spies, in or about any of the fortifications, posts, quarters, or encampments of any of the armies of the United States, or elsewhere, shall be triable by a general court-martial, or by a military commission, and shall, on conviction thereof, suffer death.

CHAPTER SIX.

MILITARY PRISON.

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Military prison.

3 Mar., 1873, c.

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Board of government.

3 Mar., 1873, c.

249, s. 2, v. 17, p.

582.

Visitation of prison.

3 Mar., 1873, c.

249, s. 3, v. 17, p. 583.

SEC. 1344. There shall be established at Rock Island, in the State of Illinois, a prison for the confinement and reformation of offenders against the rules, regulations, and laws for the government of the Army of the United States, in which shall be securely confined, and employed at labor, and governed in the manner hereinafter directed, all offenders convicted before any court-martial or military commission in the United States, and sentenced according to law to imprisonment therein.

SEC. 1345. The Secretary of War shall organize a board of five members, to consist of three officers of the Army and two persons from civil life, who shall adopt a plan for the building of such prison and who shall frame regulations for the government of the prisoners, in accordance with the provisions of this chapter. The said commissioners from civil life shall hold their offices for the term of three years, and shall be paid five dollars a day while on duty, and necessary traveling expenses; and the said officers of the Army shall, at all times, be subject to removal by the Secretary of War.

SEC. 1346. The Secretary of War shall, with said commissioners, semi-annually, and as much oftener as may be deemed expedient, visit said prison for the purposes of examination, inspection, and correction; and

they shall inquire into all abuses or neglects of duty on the part of the officers or other persons in charge of the same, and make such changes in the general discipline of the prison as they may hold to be essential.

SEC. 1347. The officers of the prison shall consist of a commandant and such subordinate officers as may be necessary, a chaplain, a surgeon, and a clerk, who shall be detailed by the Secretary of War from the commissioned officers of the Army; and a sufficient number of enlisted men shall be detailed by the Secretary of War to act as turnkeys, guards, and assistants in the prison.

SEC. 1348. One of the inspectors of the Army shall, at least once in three months, visit the prison for the purpose of examining into the books and all the affairs thereof, and ascertaining whether the laws, rules, and regulations relating thereto are complied with, the officers are competent and faithful, and the convicts properly governed and employed, and at the same time treated with humanity and kindness. And it shall be the duty of the inspector, at once, to make full report thereof to the Secretary of War.

SEC. 1349. Before the commandant enters upon the duties of his office he shall give bond, with sufficient sureties, in a sum to be fixed by the Secretary of War, to be approved by him, conditioned that he shall faithfully account for all money placed in his hands for the use of the prison and for the faithful discharge of all his duties as commandant.

SEC. 1350. The commandant shall have command of the prison; shall have the charge and employment of the prisoners, and the custody of all the property of the Government connected with the prison. He shall receive and pay out all money used for the prison, and shall cause to be kept, in suitable books, complete accounts of all the property, expenses, income, business, and concerns of the prison; and shall make full and regular reports thereof to the Secretary of War.

SEC. 1351. The commandant shall, under the direction and with the approval of the Secretary of War, employ, for the benefit of the United States, the convicts at such labor and in such trades as may be deemed best for their health and reformation. He shall have power to sell and dispose of any articles manufactured by the convicts, and shall regularly account for the proceeds thereof, and shall give bond and security for the faithful keeping and accounting of all moneys and property coming to his hands as such commandant.

SEC. 1352. The commandant shall take note and make record of the good conduct of the convicts, and shall shorten the daily time of hard labor for those who, by their obedience, honesty, industry, or general good conduct, earn such favors; and the Secretary of War is authorized and directed to remit, in part, the sentences of such convicts, and to give them an honorable restoration to duty in case the same is merited.

SEC. 1353. In case any convict shall disobey the lawful orders of the officers of the prison, or refuse to comply with the rules and regulations thereof, he may be placed in solitary confinement, and the commandant shall at once report the case to the Secretary of War, who shall direct the inspector to make full examination and report of the matter at the next inspection.

SEC. 1354. In no case shall any prisoner be subjected to whipping, branding, or the carrying of weights for the purpose of discipline, or for producing penitence.

SEC. 1355. Every prisoner, upon being discharged from prison, shall be furnished with decent clothing.

SEC. 1356. The use of newspapers and books shall not be denied the convicts at times when not employed; and unofficial visitors shall be admitted to the prison under such restrictions as the board of commissioners may impose. The prisoners shall not be denied the privilege of communicating with their friends by letter, and from receiving like

Officers and attendants.

3 Mar., 1873, c. 249, s. 4, v. 17, p. 583.

Examination of accounts and government of prison.

3 Mar., 1873, c. 249, s. 5, v. 17, p. 583.

Bond of commandant.

3 Mar., 1873, c. 249, s. 6, v. 17, p. 583.

Powers and duties of commandant.

3 Mar., 1873, c. 249, s. 6, v. 17, p. 583.

Employment of convicts, proceeds of work.

3 Mar., 1873, c. 249, s. 6, v. 17, p. 583.

Conduct of prisoners, remissions.

3 Mar., 1873, c. 249, s. 6, v. 17, p. 583.

Misconduct of prisoners.

3 Mar., 1873, c. 249, s. 6, v. 17, p. 583.

Forbidden punishments.

3 Mar., 1873, c. 249, s. 6, v. 17, p. 583.

Clothing at discharge.

3 Mar., 1873, c. 249, s. 6, v. 17, p. 583.

Privileges of prisoners.

3 Mar., 1873, c. 249, s. 7, v. 17, p. 584.

communications from them, all of which shall be subject to the inspection of the commandant, or such officer as he may assign to that duty.

Provisions for prisoners, what.

3 Mar., 1873, c. 249, s. 8, v. 17, p. 584.

SEC. 1357. The prisoners shall be supplied with ample and clean bedding, and with wholesome and sufficient food, but when in hospital or under discipline their diet shall be prescribed by the proper authority. The prison shall be suitably ventilated, and each prisoner shall have a weekly bath of cold or tepid water, which shall be applied to the whole surface of the body, unless the surgeon shall direct otherwise for the health of the prisoner.

Officers, &c., not to be interested in contracts.

SEC. 1358. No officer of the prison, or other person connected therewith, shall be concerned or interested, directly or indirectly, in any contract, purchase, or sale made on account of the prison.

3 Mar., 1873, c. 249, s. 9, v. 17, p. 584.

Officers suffering prisoner to escape.

3 Mar., 1873, c. 249, s. 10, v. 17, p. 584.

SEC. 1359. Any officer who shall suffer a convict to escape, or shall in any way consent to his escape, or shall aid him to escape, or in an attempt to escape, shall be dismissed from the service, and suffer such other punishment as a court-martial may inflict.

Soldiers suffering prisoner to escape.

3 Mar., 1873, c. 249, s. 11, v. 17, p. 584.

SEC. 1360. Any soldier or other person employed in the prison who shall suffer a convict to escape, or shall in any way consent to his escape, or shall aid him to escape, or in an attempt to escape, shall, upon conviction by a court-martial, be confined therein not less than one year.

Prisoners subject to articles of war.

3 Mar., 1873, c. 249, s. 12, v. 17, p. 584.

SEC. 1361. All prisoners under confinement in said military prisons undergoing sentence of courts-martial shall be liable to trial and punishment by courts-martial under the rules and articles of war for offenses committed during the said confinement.

21 May, 1874, c. 186, v. 18, p. 48.