and the other half to the use of the United States: except where the prosecution shall be first instituted on behalf of the United States; in which case, the whole shall be to their use.

Intercourse with the Indians surrounded by certain settlements of citizens of the U. States and also certain roads, &c. to be free.

Sec. 19. *And be it further enacted*, That nothing in this act shall be construed to prevent any trade or intercourse with Indians living on lands surrounded by settlements of the citizens of the United States, and being within the ordinary jurisdiction of any of the individual states; or the unmolested use of a road from Washington district, to Mero district, and of the navigation of the Tennessee river, as reserved and secured by treaty; nor shall this act be construed to prevent any person or persons travelling from Knoxville to Price's settlement (so called) provided they shall travel in the trace or path which is usually travelled, and provided the Indians make no objection; but if the Indians object, the President of the United States is hereby authorized to issue a proclamation, prohibiting all travelling on said trace, after which, the penalties of this act shall be incurred by every person travelling or being found on said trace, within the Indian boundary without a passport.

And other Indian boundary may be ascertained, &c.

Sec. 20. *And be it further enacted*, That the President of the United States be, and he is hereby authorized to cause to be clearly ascertained, and distinctly marked, in all such places as he shall deem necessary, and in such manner as he shall direct, any other boundary lines between the United States and any Indian tribe, which now are, or hereafter may be established by treaty.

Limitation of this act.

Sec. 21. *And be it further enacted*, That this act shall be in force from and after the third day of March, one thousand seven hundred and ninety-nine, and shall continue in force the term of three years; and so far as respects the proceedings under this act, it is to be understood, that the act, intituled "An act to amend an act, intituled An act giving effect to the laws of the United States within the district of Tennessee," is not to operate. And all disabilities which have taken place shall continue and remain; and all penalties and forfeitures, that have been incurred, may be recovered, and all prosecutions and suits which may have been commenced, may be prosecuted to final judgment, under the act, to regulate trade and intercouse with the Indian tribes, and to preserve peace on the frontiers; which act expires, by its own limitation, on the third day of March, one thousand seven hundred and ninety-nine, in the same manner, as if the said act was continued in force.

Part of a certain act not to operate.

Partial continuance of the former act.

1799, ch. 8.

Approved, March 3, 1799.

Statute III.

March 3, 1799.

[Obsolete.]

Chap. XLVII.—*An Act authorizing the President of the United States to fill certain vacancies in the Army and Navy.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States shall be, and he is hereby authorized to make appointments to fill any vacancies in the army and navy which may have happened during the present session of the Senate.

Approved, March 3, 1799.

Statute III.

March 3, 1799.

Repealed March 16, 1802. 1796, ch. 39.

Chap. XLVIII.—*An Act for the better organizing of the Troops of the United States; and for other purposes.*

How a regi-

Section 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the troops heretofore authorized, and which hereafter may be authorized to be raised, shall be composed and organized as follows, to wit: A regiment

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ment of infantry shall be composed.

of infantry shall consist of one lieutenant-colonel commandant, two majors, first and second, one adjutant, one quartermaster, and one paymaster, each being a lieutenant, one surgeon, and two surgeon's mates, ten captains, ten first and ten second lieutenants, besides the three lieutenants before mentioned, ten cadets, two sergeant-majors, two quartermaster sergeants, two chief musicians, first and second, twenty other musicians, forty sergeants, forty corporals, and nine hundred and twenty privates, which, together, shall form two battalions, each battalion of five companies. A regiment of cavalry shall consist of one lieutenant-colonel commandant, two majors, a first and second, one adjutant, one quartermaster, and one paymaster, each being a lieutenant; one surgeon and two surgeon's mates, ten captains, ten first and ten second lieutenants, besides the three lieutenants before mentioned, ten cadets, two sergeant-majors, two quartermaster sergeants, two chief musicians, first and second, ten other musicians, forty sergeants, forty corporals, and nine hundred and twenty privates, including ten saddlers, ten blacksmiths, and ten boot-makers; which, together, shall form five squadrons, each squadron of two companies. A regiment of artillery shall consist of one lieutenant-colonel commandant, four majors, one adjutant, one quartermaster, and one paymaster, each being a lieutenant, one surgeon, and two surgeon's mates, sixteen captains, thirty-two lieutenants, besides the three lieutenants before mentioned, thirty-two cadets, four sergeant-majors, four quartermaster sergeants, sixty-four sergeants, sixty-four corporals, one chief musician, ten other musicians, eight hundred and ninety-six privates, including one hundred and twenty-eight artificers, which, together, shall form four battalions, each battalion of four companies: *Provided always*, that the number of privates raised and to be raised for the regiment of cavalry and the regiments of infantry heretofore authorized, shall not exceed the number respectively for which provision hath been heretofore made by law; nor shall the battalion of riflemen, nor the two additional troops of cavalry authorized by this act, be raised, until further provision shall be so made, unless war shall break out between the United States and some European prince, potentate, or state, in which case it shall be lawful for the President of the United States, at his discretion, to cause the said regiments, or any of them, to be severally completed to their full establishment.

A regiment of cavalry.

A regiment of artillery.

Certain regiments not to be completed, but in case of war.

Ensigns and cornets to be second lieutenants.

Sec. 2. *And be it further enacted*, That every ensign and every cornet in the regiments heretofore appointed shall be denominated hereafter second lieutenants.

Compensation and allowance to the troops in actual service.

Sec. 3. *And be it further enacted*, That the officers, non-commissioned officers and privates herein after mentioned, who now are or at any time hereafter may be in the actual service of the United States, shall be entitled to, and shall receive the following compensations, to wit: a major-general one hundred and sixty-six dollars per month and fifteen rations of provisions per day, or an equivalent in money, and when forage shall not be furnished by the United States, the further sum of twenty dollars per month. A brigadier-general, one hundred and four dollars per month, twelve rations per day, or an equivalent in money, and sixteen dollars per month for forage when not furnished as aforesaid. A lieutenant-colonel commandant, seventy-five dollars per month, six rations per day, or an equivalent in money, and twelve dollars for forage, when not furnished as aforesaid. A major of artillery or cavalry, each fifty-five dollars per month, four rations per day, or an equivalent in money, and ten dollars per month for forage, when not furnished as aforesaid. A major of infantry, fifty dollars per month, four rations per day, or an equivalent in money, and ten dollars per month for forage, when not furnished as aforesaid. A captain of cavalry, forty dollars per month, three rations per day, or an equivalent in money, and eight dollars per month for forage, when not furnished as aforesaid. A captain of

artillery and infantry, forty dollars per month, and three rations per day, or an equivalent in money. A first lieutenant of cavalry, thirty dollars per month, two rations per day, or an equivalent in money, and six dollars per month for forage when not furnished as aforesaid. Lieutenants of artillery, each thirty dollars per month, and two rations per day, or an equivalent in money. A second lieutenant of cavalry twenty-five dollars per month, two rations per day, or an equivalent in money, and six dollars per month for forage when not furnished as aforesaid. A first lieutenant of infantry, thirty dollars per month and two rations per day, or an equivalent in money. A second lieutenant of infantry, twenty-five dollars per month and two rations per day, or an equivalent in money. A regimental surgeon, forty-five dollars per month, three rations per day, or an equivalent in money, and ten dollars per month for forage when not furnished as aforesaid. A surgeon's mate, thirty dollars per month, two rations per day or an equivalent in money, and six dollars per month for forage, when not furnished as aforesaid. A regimental paymaster, quartermaster and adjutant, in addition to their pay in the line, each ten dollars, and six dollars per month for forage, when not furnished as aforesaid. A cadet of cavalry, ten dollars per month, two rations per day, or an equivalent in money, and six dollars per month for forage, when not furnished as aforesaid. All other cadets, ten dollars per month and two rations per day, or an equivalent in money. A sergeant-major and a quartermaster-sergeant, each ten dollars per month. A chief musician, eight dollars per month. A sergeant, eight dollars per month. A corporal, seven dollars per month. A musician, six dollars per month. An artificer to the infantry and artillery, a farrier, saddler and boot-maker to the dragoons, each ten dollars per month. A private soldier, five dollars per month, and to each of the said non-commissioned officers and privates one ration of provisions per day.

Soldiers exempted from arrests for debt or contract.

Sec. 4. *And be it further enacted*, That all non-commissioned officers, artificers, privates and musicians, who are and who shall be enlisted, and the non-commissioned officers, artificers, privates and musicians of the militia or other corps, who at any time may be in the actual service of the United States, shall be, and they are hereby exempted during their term of service, from all personal arrests, for any debt or contract. And whenever any non-commissioned officer, artificer, private or musician shall be arrested, whether by mesne process or in execution, contrary to the intent hereof, it shall be the duty of the judge of the district court of the United States and of any court or judge of a state, who, by the laws of such state, are authorized to issue writs of habeas corpus, respectively, on application by an officer, to grant a writ of habeas corpus returnable before himself: and upon due hearing and examination in a summary manner, to discharge the non-commissioned officer, artificer, private or musician from such arrest, taking common bail, if required, in any case upon mesne process, and commit him to the applicant, or some other officer of the same corps.

Qualifications of soldiers as to age, size, &c.

Sec. 5. *And be it further enacted*, That each non-commissioned officer, private, artificer and musician, who shall hereafter be enlisted for the army of the United States shall be able-bodied, and of a size and age suitable for the public service, according to the directions which the President of the United States shall and may establish; and shall be entitled to a bounty of twelve dollars: but the payment of four dollars thereof shall be deferred until he shall have joined the army: and each commissioned officer, who shall be employed in the recruiting service, shall be entitled to receive, for each such non-commissioned officer and private and artificer, and for each sufficient musician duly enlisted and mustered, the sum of two dollars, the same being in full compensation for his extra expenses in the execution of this service.

Bounty.

Emoluments of recruiting officers.

When officers are detached for certain purposes from their regiments, their places shall be supplied.

Sec. 6. *And be it further enacted*, That when any officer shall be detached from a regiment to serve as an aid to a general officer, or as assistant or other inspector, or as an assistant to the quartermaster-general, by whatsoever name, or as an assistant to the adjutant-general, by whatsoever name, the place of such officer in his regiment shall be supplied by promotion or new appointment, or both, as may be requisite; but the officer detached shall nevertheless retain his station in his regiment, and shall rank and rise therein, in the same manner as if he had not been detached.

From what ranks inspectors, aids, &c. are to be taken.

Sec. 7. *And be it further enacted*, That no officer shall be appointed as the inspector of a division, who when appointed shall be of a rank higher than that of major, or as the inspector of a brigade, who when appointed shall be of a rank higher than that of captain, or as the aid of a major-general, who when appointed shall be of a rank higher than that of captain, or as the aid of a brigadier-general, who when appointed shall be of a rank higher than that of first lieutenant, or as the quartermaster of a division, who when appointed shall be of a rank higher than that of captain, or as the quartermaster of a brigade, who when appointed shall be of a rank higher than that of first lieutenant, or as an assistant to the adjutant-general, who when appointed shall be of a rank higher than that of captain.

Formation of brigades and divisions.

Sec. 8. *And be it further enacted*, That in the ordinary arrangement of the army, two regiments of infantry or cavalry shall constitute a brigade, and shall be commanded by a brigadier-general; two brigades, a division, and shall be commanded by a major-general. *Provided always*, that it shall be in the discretion of the commanding general, to vary this disposition, whenever he shall judge it proper; and provided also, that this act shall not render it necessary to appoint any greater number of general officers than have been heretofore authorized by law, sooner than, in the opinion of the President, the military service of the United States shall require it.

A commander of the army to be appointed, and his style.

Sec. 9. *And be it further enacted*, That a commander of the army of the United States shall be appointed and commissioned by the style of "General of the Armies of the United States," and the present office and title of Lieutenant-General shall thereafter be abolished.

Quartermaster General.

Sec. 10. *And be it further enacted*, That there shall be a Quartermaster-General of the army of the United States, who shall be entitled to the rank, pay, emoluments and privileges of a major-general.

A battalion of riflemen may be raised.

Sec. 11. *And be it further enacted*, That it shall be lawful for the President of the United States, at his discretion, to organize, officer, and raise a battalion of riflemen, to consist of the same number of officers and men, and to be entitled to the same pay and emoluments whatsoever as a battalion of infantry of the line.

Deputy, division and brigade quartermasters.

Sec. 12. *And be it further enacted*, That to any army of the United States, other than that in which the quartermaster-general shall serve, there shall be a deputy quartermaster-general, who shall be a field officer, and who, in addition to his other emoluments, shall be entitled to fifty dollars per month, which shall be in full compensation for his extra services and travelling expenses, but the provisions of this act are not to affect the present quartermaster-general of the army of the United States, who in case a quartermaster-general shall be appointed by virtue of this act, is to act as deputy quartermaster-general, and shall hereafter have the rank of lieutenant-colonel; and that to every division of an army, there shall be a division quartermaster, who, in addition to his other emoluments, shall be entitled to thirty dollars per month, which shall be in full compensation for his extra services and travelling expenses; and that to every brigade there shall be a brigade quartermaster, who, in addition to his other emoluments, shall be entitled to twenty-four dollars

per month, which shall be in full compensation for his extra services and travelling expenses; each of which officers shall be chosen by the quartermaster general, from among the regimental officers.

Deputy division and brigade inspectors.

Sec. 13. *And be it further enacted*, That to any army of the United States, other than that in which the inspector-general shall serve, there shall be a deputy inspector-general, who shall be a field officer, and who, in addition to his other emoluments, shall be entitled to fifty dollars per month, which shall be in full compensation for his extra services and travelling expenses; and that to every division of an army there shall be a division inspector, who, in addition to his other emoluments, shall be entitled to thirty dollars per month, which shall be in full compensation for his extra services and travelling expenses; and that to every brigade there shall be a brigade inspector, who, in addition to his other emoluments, shall be entitled to twenty-four dollars per month, which shall be in full compensation for his extra services and travelling expenses: each of which officers shall be chosen by the inspector-general from among the regimental officers. The deputy inspector-general to be in every case approved by the general commanding the army to which he shall be annexed.

The adjutant general to be assistant inspector general, &c.

Sec. 14. *And be it further enacted*, That the adjutant-general of the army shall be *ex-officio* assistant inspector-general, and that every deputy inspector-general shall be *ex-officio* deputy adjutant-general, and shall perform the duties of adjutant-general in the army to which he shall be annexed.

Duty of the paymaster general.

Sec. 15. *And be it further enacted*, That the paymaster-general of the armies of the United States, shall always quarter at or near the headquarters of the main army, or at such place as the commander in chief shall deem proper; and that to the army on the western frontiers and to detachments from the main army intended to act separately for a time, he shall appoint deputy paymasters, who shall account to him for the money advanced to them, and shall each give a bond in the sum of fifteen thousand dollars, with sufficient sureties for the faithful discharge of their duties respectively, and take an oath faithfully to execute the duties of their offices, and the several regimental paymasters shall also give bond in the sum of five thousand dollars with one or more sufficient sureties, and take an oath as aforesaid for the faithful discharge of the duties of their offices respectively; and that the paymaster general shall receive eighty dollars per month, with the rations and forage of a major in full compensation for his services and travelling expenses; and the deputy, in addition to his pay and other emoluments, thirty dollars per month in full compensation for his extra services and travelling expenses.

Deputy and regimental paymasters to give security.

Compensation of the paymaster general and the deputy.

Aids of major and brigadier generals.

Sec. 16. *And be it further enacted*, That every major-general of the army of the United States shall be entitled to two aids to be chosen by himself, each of whom, in addition to his pay and other emoluments in his regiment, shall receive twenty-four dollars per month, and ten dollars per month for forage, when not furnished as aforesaid; and that every brigadier-general of the said army shall be entitled to one aid to be chosen by himself, who, in addition to his pay and other emoluments in his regiment, shall receive twenty-four dollars per month, and ten dollars per month for forage, when not furnished as aforesaid.

Two engineers, distinct from the corps, to be appointed.

Sec. 17. *And be it further enacted*, That the President of the United States be authorized to engage and appoint, distinct from the officers of the corps of artillerists and engineers, two engineers with the rank of lieutenant-colonel, and to stipulate and allow to them respectively, such compensations as he shall find necessary and expedient.

An inspector of fortifications to be appointed.

Sec. 18. *And be it further enacted*, That an inspector of fortifications shall be appointed, whose duties shall be assigned him by the Secretary of War under the direction of the President of the United States, that the compensation to be allowed to the said inspector, if

selected from the corps of artillerists and engineers, in full for his extra services and travelling expenses, shall, besides his pay and emoluments in the corps, be thirty-five dollars per month, and if he shall not be an officer in the artillery or army, he shall, in full compensation for his services and expenses, be allowed the sum of seventy-five dollars monthly, and be entitled to the rank of major in the army of the United States, and in case the said inspector shall be chosen from the corps of artillerists and engineers or army of the United States, his place therein shall be supplied by promotion or a new appointment or both, as may be requisite; but he shall nevertheless retain his station in the said corps or army, and shall rank and rise therein, in the same manner as if he had never been appointed to the said office of inspector.

Component parts of a ration of provisions.

Sec. 19. *And be it further enacted*, That a ration of provisions shall henceforth consist of eighteen ounces of bread or flour, or when neither can be obtained, of one quart of rice or one and an half pound of sifted or bolted Indian meal, one pound and a quarter of fresh beef, or one pound of salted beef, or three quarters of a pound of salted pork, and when fresh meat is issued, salt at the rate of two quarts for every hundred rations, soap at the rate of four pounds, and candles at the rate of a pound and a half for every hundred rations. *Provided always*, that there shall be no diminution of the ration to which any of the troops now in service may be entitled by the terms of their enlistment.

Annual allowance of uniform clothing.

Sec. 20. *And be it further enacted*, That every non-commissioned officer, private, artificer, and musician of the artillery and infantry, shall receive annually, the following articles of uniform clothing, to wit: one hat, one coat, one vest, two pair of woollen and two pair of linen overalls, four pair of shoes, four shirts, four pair of socks, one blanket, one stock and clasp, and one pair of buckles.

Clothing for the dragoons.

Sec. 21. *And be it further enacted*, That suitable clothing be provided for the dragoons, adapted to the nature of the service, and conformed as near as may be to the value of the clothing allowed to the infantry and artillery.

Spirits and vinegar may be issued to the troops.

Sec. 22. *And be it further enacted*, That it shall be lawful for the commander in chief of the army, or the commanding officer of any separate detachment or garrison thereof, at his discretion, to cause to be issued, from time to time to the troops under his command out of such supplies as shall have been provided for the purpose, rum, whiskey, or other ardent spirits in quantities not exceeding half a gill to each man per day, excepting in cases of fatigue service, or other extraordinary occasions, and that whensoever supplies thereof shall be on hand, there shall be issued to the troops vinegar at the rate of two quarts for every hundred rations.

Provision for altering soldiers clothing.

Sec. 23. *And be it further enacted*, That 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 the better to fit them to the persons respectively for whose use they shall be delivered; and for defraying the expense of such alteration, 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.

Clothing, camp utensils, &c. to be provided by the Secretary of War.

Sec. 24. *And be it further enacted*, That it shall be lawful for the Secretary of War, to cause to be provided, in each and every year, all clothing, camp utensils and equipage, medicines and hospital stores, necessary for the troops and armies of the United States for the succeeding year, and for this purpose to make purchases, and enter, or cause to be entered into, all necessary contracts or obligations for effecting the same.

Sec. 25. *And be it further enacted*, That whenever any officer or

soldier shall be discharged from the service, except by way of punishment for an offence, he shall be allowed his pay and rations, or an equivalent in money, for such term of time, as shall be sufficient to travel from the place where he receives his discharge to the place of his residence, computing at the rate of twenty miles to a day.

Allowance for officers and soldiers to return home.

SEC. 26. *And be it further enacted*, That there shall be allowed to the inspector-general, in addition to his allowance as major-general, and in full compensation for extra services and expenses in the execution of his office, the sum of fifty dollars per month, and that he shall be allowed a secretary to be appointed by himself, with the pay and emoluments of a captain.

Extra allowance to the inspector general.

APPROVED, March 3, 1799.

March 2, 1799.

A subscription to Folwell's edition of the Journals of Congress authorized.

RESOLVED, *by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Senate, and the Clerk of the House of Representatives be authorized and directed to subscribe, on such terms as they may deem eligible, for the use of the Senate and House of Representatives, for four hundred copies of the Journals of Congress, which are proposed to be published by Richard Folwell; and such number of copies of deficient volumes of the sets now in print, as may be necessary to complete the same.

APPROVED, March 2, 1799.