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CHAP. 311.—An Act To provide for the relief of certain officers and enlisted men of the volunteer forces. February 24, 1897.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person who was duly appointed or commissioned to be an officer of the volunteer service during the war of the rebellion, and who was subject to the mustering regulations at the time applied to members of the volunteer service shall be held and considered to have been mustered into the service of the United States in the grade named in his appointment or commission from the date from which he was to take rank under and by the terms of his said appointment or commission, whether the same was actually received by him or not, and shall be entitled to pay, emoluments, and pension as if actually mustered at that date: *Provided*, That at the date from which he was to take rank by the terms of his said appointment or commission there was a vacancy to which he could be so appointed or commissioned, and his command had either been recruited to the minimum number required by law and the regulations of the War Department, or had been assigned to duty in the field, and that he was actually performing the duties of the grade to which he was so appointed or commissioned; or if not so performing such duties, then he shall be held and considered to have been mustered into service and to be entitled to the benefits of such muster from such time after the date of rank given in his commission as he may have actually entered upon such duties: *Provided further*, That any person held as a prisoner of war, or who may have been absent by reason of wounds, or in hospital by reason of disability received in the service in the line of duty, at the date of issue of his appointment or commission, if a vacancy existed for him in the grade to which so appointed or commissioned, shall be entitled to all the benefits to which he would have been entitled under this Act if he had been actually performing the duties of the grade to which he was appointed or commissioned at said date: *Provided further*, That this Act shall be construed to apply only in those cases where the commission bears date prior to June twentieth, eighteen hundred and sixty-three, or after that date when the commands of the persons appointed or commissioned were not below the minimum number required by then existing laws and regulations: *And provided further*, That the pay and allowances actually received for the period covered by the recognition extended under this Act shall be deducted from the sums otherwise to be paid thereunder.

Volunteers.
Officers to take rank by terms of appointment.

Pay, etc.
Provisos.
To date from actual performance of duties, etc.

Prisoners of war, or disabled.

Limitation.

Deduction of pay received.

SEC. 2. That the heirs or legal representatives of any person whose muster into service shall be recognized and established under the terms of this Act shall be entitled to receive the arrears of pay and emoluments due, and the pension, if any, authorized by law, for the grade to which recognition shall be so extended.

Allowance to heirs.

SEC. 3. That the pay and allowances of any rank or grade paid to and received by any military or naval officer in good faith for services actually performed by such officer in such rank or grade during the war of the rebellion, other than as directed in the fourth proviso of the first section of this Act, shall not be charged to or recovered back from such officer because of any defect in the title of such officer to the office, rank, or grade in which such services were so actually performed.

No deductions if services performed.

SEC. 4. That all acts and parts of acts inconsistent with the provisions of this Act be, and the same are hereby, repealed.

Repeal, etc.

Approved, February 24, 1897.

CHAP. 312.—An Act Providing for the erection of a light-house at Orient Point, Long Island, New York. February 24, 1897.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Light-house Board is hereby authorized and directed to erect a Light-house, with fog signal,

Orient Point, N. Y.
Light-house established.