

Time may be extended. Other returns may be required. require it, extend the time hereinbefore prescribed for the rendition of accounts: *and provided further*, That nothing herein contained shall be construed to restrain the heads of any of the departments from requiring such other returns or reports from the officer or agent, subject to the control of such heads of departments, as the public interests may require.

APPROVED, July 17, 1862.

July 17, 1862. CHAP. CC. — *An Act to define the Pay and Emoluments of certain Officers of the Army, and for other Purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That officers of the army entitled to forage for horses shall not be allowed to commute it, but may draw forage in kind for each horse actually kept by them when and at the place where they are on duty, not exceeding the number authorized by law: *Provided, however*, That when forage in kind cannot be furnished by the proper department, then, and in all such cases, officers entitled to forage may commute the same according to existing regulations: *And 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.

Forage to be drawn in kind. When to be commuted. Officers on duty requiring them to be mounted to receive pay of cavalry officers. Forage of major generals, brigadier generals, colonels, &c. Captains, &c. Chaplains. Penalty. Construction of act of 1861, ch. 63, § 1; *Ante*, p. 326. of 1861, ch. 9, § 8. *Ante*, p. 270. Pay of quartermaster sergeants. Regimental bands to be mustered out of service. 1861, ch. 9, § 2. *Ante*, p. 269. Brigade bands, number, pay, &c. Mileage of officers.

SEC. 2. *And be it further enacted*, That major generals shall be entitled to draw forage in kind for five horses; brigadier generals for four horses; colonels, lieutenant colonels, and majors, for two horses each; captains and lieutenants of cavalry and artillery, or having the cavalry allowance, for two horses each; and chaplains, for one horse only.

SEC. 3. *And be it further enacted*, That whenever an officer of the army shall employ a soldier as his servant he shall, for each and every month during which said soldier shall be so employed, deduct from his own monthly pay the full amount paid to or expended by the government per month on account of said soldier; and every officer of the army who shall fail to make such deduction shall, on conviction thereof before a general court-martial, be cashiered.

SEC. 4. *And be it further enacted*, That the first section of the act approved August six, eighteen hundred and sixty-one, entitled "An act to increase the pay of privates in the regular army and in the volunteers in the service of the United States, and for other purposes," shall not be so construed, after the passage of this act, as to increase the emoluments of the commissioned officers of the army. And the eighth section of the act of twenty-second July, eighteen hundred and sixty-one, entitled "An act to authorize the employment of volunteers to aid in enforcing the laws and protecting public property," shall be so construed as to give to quartermaster sergeants the same compensation as to regimental commissary sergeants.

SEC. 5. *And be it further enacted*, That so much of the aforesaid act approved twenty-second July, eighteen hundred and sixty-one, as authorizes each regiment of volunteers in the United States service to have twenty-four musicians for a band, and fixes the compensation of the leader of the band, be, and the same is hereby, repealed; and the men composing such bands shall be mustered out of the service within thirty days after the passage of this act.

SEC. 6. *And be it further enacted*, That each brigade in the volunteer service may have sixteen musicians as a band, who shall receive the pay and allowances now provided by law for regimental bands, except the leader of the band, who shall receive forty-five dollars per month with the emoluments and allowances of a quartermaster's sergeant.

SEC. 7. *And be it further enacted*, That in lieu of the present rate of mileage allowed to officers of the army when travelling on public duty,

where transportation in kind is not furnished to them by the government, not more than six cents per mile shall hereafter be allowed, unless where an officer is ordered from a station east of the Rocky Mountains to one west of the same mountains, or vice versa, when ten cents per mile shall be allowed to him; and no officer of the army or navy of the United States shall be paid mileage except for travel actually performed at his own expense, and in obedience to orders.

Actual mileage only, under orders, paid for.

SEC. 8. *And be it further enacted*, That so much of section nine of the aforesaid act, approved July twenty-second, eighteen hundred and sixty-one, and of section seven of the "Act providing for the better organization of the military establishment," approved August third, eighteen hundred and sixty-one, as defines the qualifications of chaplains in the army and volunteers, shall hereafter be construed to read as follows: That no person shall be appointed a chaplain in the United States army who is not a regularly ordained minister of some religious denomination, and who does not present testimonials of his present good standing as such minister, with a recommendation for his appointment as an army chaplain from some authorized ecclesiastical body, or not less than five accredited ministers belonging to said religious denomination.

Chaplains, qualifications of.
1861, ch. 9, § 9.
1861, ch. 42, § 7.
Ante, pp. 270, 288.

SEC. 9. *And be it further enacted*, That hereafter the compensation of all chaplains in the regular or volunteer service or army hospitals shall be one hundred dollars per month and two rations a day when on duty; and the chaplains of the permanent hospitals, appointed under the authority of the second section of the act approved May twentieth, eighteen hundred and sixty-two, shall be nominated to the Senate for its advice and consent, and they shall, in all respects, fill the requirements of the preceding section of this act relative to the appointment of chaplains in the army and volunteers, and the appointments of chaplains to army hospitals, heretofore made by the President, are hereby confirmed; and it is hereby made the duty of each officer commanding a district or post containing hospitals, or a brigade of troops, within thirty days after the reception of the order promulgating this act, to inquire into the fitness, efficiency, and qualifications of the chaplains of hospitals or regiments, and to muster out of service such chaplains as were not appointed in conformity with the requirements of this act, and who have not faithfully discharged the duties of chaplains during the time they have been engaged as such. Chaplains employed at the military posts called "chaplains' posts" shall be required to reside at the posts, and all chaplains in the United States service shall be subject to such rules in relation to leave of absence from duty as are prescribed for commissioned officers of the United States army stationed at such posts.

Chaplains, pay and rations.

Chaplains of permanent hospitals.
1862, ch. 80, § 2.
Ante, p. 404.

Commander of post to inquire into fitness, &c., of chaplain.

Residence of chaplains.

SEC. 10. *And be it further enacted*, That so much of the fifth section of the act approved July twenty-second, eighteen hundred and sixty-one, as allows forty cents per day for the use and risk of the horses of company officers of cavalry, and the tenth section of the aforesaid act, approved August three, eighteen hundred and sixty-one, be, and the same are hereby, repealed.

Allowance for risk of horses abolished.
1861, ch. 9, § 5.
1861, ch. 42, § 10.
Ante, pp. 269, 288.

SEC. 11. *And be it further enacted*, That whenever an officer shall be put under arrest, except at remote military posts or stations, it shall be the duty of the officer by whose orders he is arrested to see that a copy of the charges on which he has been arrested and is to be tried shall be served upon him within eight days thereafter, and that he shall be 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 the said ten days or the arrest shall cease: *Provided*, That if the copy of the charges be not served upon the arrested officer, as herein provided, the arrest shall cease; but officers released from arrest under the provisions of this section may be tried whenever the exigencies of the service will permit, within twelve months after such

Proceedings in cases of arrest of officers.
Copy of charges.

Trial.

Proviso.

This section to apply to all under arrest and awaiting trial.

Certain officers of the army and marine corps may be retired.

1861, ch. 42, § 17.
Ante, p. 289

Contracts, &c. for goods or supplies to be reported promptly to Congress.

Interest in contracts not to be transferred.

Penalty.

Rights of United States saved.

Supplies to be marked.

Punishment of certain contractors found guilty of fraud, &c.

Certain contractors subject to rules, &c. for land and naval forces.

President may dismiss, for cause, any officer;

may purchase cemetery grounds.

Law authorizing additional aides-de-camp repealed.

1861, ch. 24.
1861, ch. 47.

release from arrest: *And provided, further,* That the provisions of this section shall apply to all persons now under arrest and awaiting trial.

SEC. 12. *And be it further enacted,* That whenever the name of any officer of the army or marine corps, now in the service, or who may hereafter be in the service of the United States, shall have been borne on the army register or naval register, as the case may be, forty-five years, or he shall be of the age of sixty-two years, it shall be in the discretion of the President to retire him from active service and direct his name to be entered on the retired list of officers of the grade to which he belonged at the time of such retirement; and the President is hereby authorized to assign any officer retired under this section or the act of August third, eighteen hundred and sixty-one, to any appropriate duty; and such officer thus assigned shall receive the full pay and emoluments of his grade while so assigned and employed.

SEC. 13. *And be it further enacted,* That all contracts made for, or orders given for the purchase of, goods or supplies by any department of the government shall be promptly reported to Congress by the proper head of such department if Congress shall at the time be in session, and if not in session said reports shall be made at the commencement of the next ensuing session.

SEC. 14. *And be it further enacted,* That no contract or order, or any interest therein, shall be transferred by the party or parties to whom such contract or order may be given to any other party or parties, and that any such transfer shall cause the annulment of the contract or order transferred, so far as the United States are concerned: *Provided,* That all rights of action are hereby reserved to the United States for any breach of such contract by the contracting party or parties.

SEC. 15. *And be it further enacted,* That every person who shall furnish supplies of any kind to the army or navy shall be required to mark and distinguish the same, with the name or names of the contractors so furnishing said supplies in such manner as the Secretary of War and the Secretary of the Navy may respectively direct, and no supplies of any kind shall be received unless so marked and distinguished.

SEC. 16. *And be it further enacted,* That whenever any contractor for subsistence, clothing, arms, ammunition, munitions of war, and for every description of supplies for the army or navy of the United States, shall be found guilty by a court-martial of fraud or wilful neglect of duty, he shall be punished by fine, imprisonment, or such other punishment as the court-martial shall adjudge; and any person who shall contract to furnish supplies of any kind or description for the army or navy he shall be deemed and taken as a part of the land or naval forces of the United States, for which he shall contract to furnish said supplies, and be subject to the rules and regulations for the government of the land and naval forces of the United States.

SEC. 17. *And be it further enacted,* That the President of the United States be, and hereby is, authorized and requested to dismiss and discharge from the military service either in the army, navy, marine corps, or volunteer force, in the United States service, any officer for any cause which, in his judgment, either renders such officer unsuitable for, or whose dismission would promote, the public service.

SEC. 18. *And be it further enacted,* That the President of the United States shall have power, whenever in his opinion it shall be expedient, to purchase cemetery grounds, and cause them to be securely enclosed, to be used as a national cemetery for the soldiers who shall die in the service of the country.

SEC. 19. *And be it further enacted,* That so much of the act approved the fifth of August, eighteen hundred and sixty-one, entitled "An act supplementary to an act entitled 'An act to increase the present military establishment of the United States,'" approved the twenty-ninth of July,

eighteen hundred and sixty-one, as authorizes the appointment of additional aides-de-camp, be, and the same is hereby, repealed. But this repeal shall not be construed so as to deprive those persons already appointed, in strict conformity with said act of the fifth of August, eighteen hundred and sixty-one, from holding their offices in the same manner as if it had not been repealed.

Ante, p. 314.
Construction of this section.

SEC. 20. *And be it further enacted*, That the different regiments and independent companies heretofore mustered into the service of the United States as volunteer engineers, pioneers, or sappers and miners, under the orders of the President or Secretary of War, or by authority of the commanding general of any military department of the United States, or which, having been mustered into the service as infantry, shall have been reorganized and employed as engineers, pioneers, or sappers and miners, shall be, and the same are hereby, recognized and accepted as volunteer engineers, on the same footing, in all respects, in regard to their organization, pay, and emoluments, as the corps of engineers of the regular army of the United States, and they shall be paid for their services, already performed, as is now provided by law for the payment of officers and non-commissioned officers and privates of the engineer corps of the regular army.

Volunteer engineers, &c., pay and emoluments of.

SEC. 21. *And be it further enacted*, That any alien, of the age of twenty-one years and upwards, who has enlisted or shall enlist in the armies of the United States, either the regular or the volunteer forces, and has been or shall be hereafter honorably discharged, may be admitted to become a citizen of the United States, upon his petition, without any previous declaration of his intention to become a citizen of the United States, and that he shall not be required to prove more than one year's residence within the United States previous to his application to become such citizen; and that the court admitting such alien shall, in addition to such proof of residence and good moral character as is now provided by law, be satisfied by competent proof of such person having been honorably discharged from the service of the United States as aforesaid.

Aliens, honorably discharged from military service, may become citizens without, &c.

Proof of discharge.

SEC. 22. *And be it further enacted*, That there shall be added to the Adjutant General's department, by regular promotion of its present officers, one colonel, two lieutenant colonels, and nine majors; and that the grade of captain in said department shall thereafter be abolished, and all vacancies occurring in the grade of major shall be filled by selection from among the captains of the army.

Increase of officers in adjutant general's department.

APPROVED, July 17, 1862.

CHAP. CCI. — *An Act to amend the Act calling forth the Militia to execute the Laws of the Union, suppress Insurrections, and repel Invasions, approved February twenty-eight, seventeen hundred and ninety-five, and the Acts amendatory thereof, and for other Purposes.*

July 17, 1862.
1795, ch. 36.
Vol. i. p. 424.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever the President of the United States shall call forth the militia of the States, to be employed in the service of the United States, he may specify in his call the period for which such service will be required, not exceeding nine months; and the militia so called shall be mustered in and continue to serve for and during the term so specified, unless sooner discharged by command of the President. If by reason of defects in existing laws, or in the execution of them, in the several States, or any of them, it shall be found necessary to provide for enrolling the militia and otherwise putting this act into execution, the President is authorized in such cases to make all necessary rules and regulations; and the enrolment of the militia shall in all cases include all able-bodied male citizens between the ages of eighteen and forty-five, and shall be apportioned among the States according to representative population.

When militia are called forth, their term of service to be specified,

not to exceed nine months.

Militia to be mustered in, &c.

The President to provide for enrolling the militia in certain States.

Enrolment to include whom, and how apportioned.