

TITLE XIV.

THE ARMY.

CHAPTER ONE.

ORGANIZATION.

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Composition of
the Army.

- 28 July, 1866, c.
299, v. 14, p. 332.
25 July, 1866, c.
232, s. 1, v. 14, p.
223.
3 March, 1799, c.
48, s. 9, v. 1, p. 752.
3 March, 1869, c.
124, ss. 2, 5, v. 15, p.
318.
15 July, 1870, c.
294, ss. 6, 7, 8, v. 16,
p. 318.

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such office shall cease, and all enactments creating or regulating such offices shall, respectively, be held to be repealed.

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 Staff.
aids, not exceeding six, as he may deem necessary, who shall have,
while serving on his staff, the rank of colonel of cavalry.

25 July, 1866, c.
232, s. 2, v. 14, p.
223. 3 April, 1869, c. 9, s. 1, v. 16, p. 6.

SEC. 1097. The Lieutenant-General may select from the Army two Lieutenant-Gen-
aids and one military secretary, who^(a) have the rank of lieutenant-
colonel of cavalry while serving on his staff. eral's aids and sec-
retary.

28 July, 1866, c. 299, s. 9, v. 14, p. 333. 25 July, 1866, c. 232, s. 2, v. 14, p. 223.

SEC. 1098. Each major-general shall have three aids, who may be Aids of major
selected by him from captains or lieutenants of the Army, and each brig-
adier-general shall have two aids, who may be selected by him from and brigadier gen-
erals.

28 July, 1866, c.
299, s. 9, v. 14, p. 333. 29 July, 1861, c. 24, s. 3, v. 12, p. 280.

SEC. 1099. Each regiment of artillery shall consist of twelve batteries, Artillery regi-
one colonel, one lieutenant-colonel, one major for every four batteries, ment.
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.

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

SEC. 1100. Each battery of artillery shall consist of one captain, one Artillery battery.
first lieutenant, one second lieutenant, one first sergeant, one quarter-
master-sergeant, four sergeants, four corporals, two musicians, two artif-
icers, 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.

SEC. 1101. One battery in each regiment of artillery, to be desig-
nated 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.

SEC. 1102. Each regiment of cavalry shall consist of twelve troops, Cavalry regi-
one colonel, one lieutenant-colonel, three majors, one surgeon, one assist-
ant 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 ninth and tenth
regiments shall have an additional veterinary surgeon. The adjutant
and the quartermaster of each regiment shall be extra lieutenants, se-
lected from the first or second lieutenants of the regiment.

75, s. 37, v. 12, p. 737. 3 Aug., 1861, c. 42, s. 12, v. 12, p. 289. 3 March, 1869, c. 124, s. 5, v.
15, p. 318. 15 July, 1870, c. 294, ss. 9, 10, v. 16, p. 318.

SEC. 1103. Each troop of cavalry shall consist of one captain, one Troop.
first lieutenant, one second lieutenant, one first sergeant, one quarter-
master-sergeant, five sergeants, four corporals, two trumpeters, two
farriers, one saddler, one wagoner, and such number of privates, not ex-
ceeding seventy-eight, as the President may direct.

28 July, 1866, c.
299, s. 3, v. 14, p.
332. 17 July, 1862, c.
201, s. 11, v. 12, p. 599. 6 Jan., 1863, c. 7, v. 12, p. 634. 3 March, 1863, c. 75, s. 37, v. 12, p.
737. 15 July, 1870, c. 294, s. 10, v. 16, p. 318.

SEC. 1104. The enlisted men of two regiments of cavalry shall be col- Colored cavalry
ored men. regiments.

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

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

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

^(a) The word *shall* omitted from the Roll.

Infantry regi-
ment.

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

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

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

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.

Bands.

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

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

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

Indian scouts.

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

Trading estab-
lishments.

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

Brigades and di-
visions.

3 March, 1799, c. 48, s. 3, v. 1, p. 752.

Number of enlist-
ed men.

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

General qualifica-
tions.

16 March, 1802, c. 9, s. 11, v. 2, p. 134.

3 March, 1815, c. 79, s. 7, v. 3, p. 224.

1862, c. 25, s. 2, v. 12, p. 339.

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.

3 March, 1869, c. 124, s. 2, v. 15, p. 318.

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.

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

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.

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.

5 July, 1838, c. 162, s. 30, v. 5, p. 260.

17 July, 1862, c. 200, s. 21, v. 12, p. 597.

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, shall be enlisted or mustered into the military service.

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

Persons not to be enlisted.

4 July, 1864, c. 237, s. 5, v. 13, p. 380.
c. 68, s. 6, v. 4, p. 647.

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

Term of enlistment.

3 March, 1869, c. 124, s. 4, v. 15, p. 318.—U. S. vs. 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.

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

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.

Chaplains, number of.

28 July, 1866, c. 299, ss. 7, 30, v. 14, pp. 333, 337.

7 July, 1838, c. 194, v. 5, p. 308. 2 March, 1849, c. 83, s. 3, v. 9, p. 351. 9 April, 1864, c. 53, s. 1, v. 13, p. 46. 2 March, 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.

28 July, 1866, c. 299, ss. 7, 30, v. 14, pp. 333, 337. 9 April, 1864, c. 53, s. 1, v. 13, p. 46. 2 March, 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.

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.

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.

Corps of adjutants-general, organization.

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

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

Vacancy to be filled from the line. 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.

17 July, 1862, c. 200, s. 22, v. 12, p. 597. 3 March, 1869, c. 124, s. 6, v. 15, p. 318. 10 April, 1869, Res. 11, v. 16, p. 53.

When to be inspectors. 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.

5 July, 1838, c. 162, s. 7, v. 5, p. 257. 18 June, 1846, c. 29, s. 6, v. 9, p. 18. 3 March, 1847, c. 61, s. 2, v. 9, p. 184. 19 July, 1848, c. 104, s. 3, v. 9, p. 247. 2 March, 1849, c. 83, s. 4, v. 9, p. 351.

Corps of inspectors-general, organization. SEC. 1131. There shall be five inspectors-general of the Army, with the rank of colonel of cavalry; one assistant inspector-general, with the rank of lieutenant-colonel of cavalry; and two assistant inspectors-general, with the rank of major of cavalry.

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

Quartermaster's Corps, organization. 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.

Duties. 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.

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

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

Supplies to naval and marine detachments. 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.

Permanent barracks. 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.

Forage and wagon masters. 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. 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.

5 July, 1838, c. 162, s. 10, v. 5, p. 257.

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.

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 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

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.

Subsistence Corps, organization.

28 July, 1866, c. 299, s. 16, v. 14, p. 334.

Duties.

14 April, 1818, c. 61, s. 7, v. 3, p. 427.

3 March, 1835, c. 49, s. 1, v. 4, p. 780.

Post commissary-sergeants.

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

Rations to naval detachments.

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

Credit sales.

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

Sales of rations.

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

The ration.

16 March, 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 March, 1863, c. 78, s. 11, v. 12, p. 744.

Coffee and sugar commuted.

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

- than the present ration; provided, the same shall be acceptable to the men. [See § 1294.]
- Sugar and coffee in kind.** SEC. 1148. The ration of sugar and coffee, when issued in kind, shall, when the convenience of the service permits, be issued weekly.
- 5 July, 1838, c. 162, s. 17, v. 5, p. 258.
- Sales of tobacco.** 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.]
- 3 March, 1865, c. 81, s. 6, v. 13, p. 497.
- Officers not to trade.** 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.
- 14 April, 1818, c. 61, s. 9, v. 3, p. 427.
3 March, 1835, c. 49, s. 1, v. 4, p. 780.
28 July, 1866, c. 299, s. 25, v. 14, p. 336.
3 March, 1865, c. 81, s. 6, v. 13, p. 497.
- Corps of Engineers, organization.** 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.
- 28 July, 1866, c. 299, s. 19, v. 14, p. 335.
3 March, 1869, c. 124, s. 6, v. 15, p. 318; 10 June, 1872, c. 426, v. 17, p. 382.
- Regulations of supplies.** 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.
- 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. 28 July, 1866, c. 299, s. 20, v. 14, p. 335.
- Disbursements.** 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.
- 5 July, 1838, c. 162, s. 27, v. 5, p. 260.
7 July, 1838, c. 194, v. 5, p. 308.
- Engineer battalion.** 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.
- 28 July, 1866, c. 299, s. 20, v. 14, p. 335. 30 June, 1864, c. 145, s. 4, v. 13, p. 144. 3 Aug., 1861, c. 42, s. 4, v. 12, p. 287. 6 Aug., 1861, c. 57, s. 2, v. 12, p. 318. 15 May, 1846, c. 21, s. 1, v. 9, p. 12.
- Engineer company.** 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.
- 3 Aug., 1861, c. 42, s. 4, v. 12, p. 287.
15 July, 1870, c. 294, s. 2, v. 16, p. 317.
- Engineer officers.** 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.
- 28 July, 1866, c. 299, s. 20, v. 14, p. 335. 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.

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.

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.
3 March, 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.

Engineers, limits of duty.

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

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.

Ordnance Corps, organization.

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

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

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

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.

Appointment in.

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

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

Store-keepers.

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

335. 2 March, 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.

Enlisted men.

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

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

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

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, furnished with proper tools, carriages, and apparatus, as may be necessary, and shall make regulations for their government.

Detail of artificers.

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

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 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.

Supplies.

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

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.

Depots.

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

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

Orders for supplies.

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

- an army, garrison, or detachment, for the supply of all ordnance and ordnance stores for garrison, field, or siege service.
- Semi-annual reports.** 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.
- Medical Department, organization.** 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 the 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.
- Right of command.** 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.
- Volunteer service of assistant surgeons.** SEC. 1170. Assistant surgeons who have served three years as surgeons or assistant surgeons in the volunteer forces^(a) be eligible to promotion to the grade of captain.
- Purveyors to be assignable as surgeons.** 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.
- Examinations.** 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.
- Duties of chief medical purveyor.** 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.
- Supervision of cooking.** SEC. 1174. The officers of the Medical Department of the Army shall unite with the officers of the line 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.]
- Sick-diet in hospital.** 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.
- Trusses, to whom furnished.** 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.
- Application for.** 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.]

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

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.

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 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.

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.

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

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

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.

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.

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

Trusses, purchase of.

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

Post hospital-stewards.

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

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

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. 286, v. 17, p. 219.

Right of command.

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

Additional paymasters.

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

Additional paymasters, service temporary.

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

Duties of paymaster-General.

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

Duties of deputy paymasters-general.

3 March, 1847, c. 61, ss. 12, 22, v. 9, p. 185. 19 July, 1848, c. 104, s. 3, v. 9, p. 247. 2 March, 1849, c. 80, v. 9, p. 350. 25 July, 1866, c. 299, s. 18, v. 14, p. 335.

Duties of paymasters.

24 April, 1816, c.

69, s. 4, v. 3, p. 293. 14 July, 1832, c. 224, s. 4, v. 4, p. 582. 5 July, 1833, c. 162, s. 25, v. 5, p. 259.

Periods of payment.

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

Paymasters' clerks.

24 April, 1816, c. 69, s. 3, v. 3, p. 297.

5 July, 1838, c. 162, s. 20, v. 5, p. 259. Secretary of War, to employ citizens as clerks, at a salary of twelve hundred dollars a year.

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

Bonds of disbursing officers, by whom to be given.

24 April, 1816, c. 69, s. 6, v. 3, p. 298.

17 June, 1846, c. 28, s. 2, v. 9, p. 17.

3 March, 1857, c. 106, s. 2, v. 11, p. 203.

23 Aug., 1842, c. 186, s. 2, v. 5, p. 512. 28 July, 1866, c. 299, s. 17, v. 14, p. 334. 15 May, 1820, c. 102, s. 3, v. 3, p. 582. 17 July, 1862, c. 201, s. 16, v. 12, p. 600.—*U. S. vs. Kirkpatrick*, 9 Wh., 720; *U. S. vs. Van Zandt*, 11 Wh., 184; *Dox vs. Postmaster-General*, 1 Pet., 325; *U. S. vs. Linn*, 15 Pet., 290.

Renewing bond of paymasters.

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

Chiefs of corps and departments, how selected.

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

Appointments and promotions in staff corps and Departments.

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

Signal service, rank of chief.

28 July, 1866, c. 299, s. 22, v. 14, p. 335.

21 June, 1860, c. 163, s. 1, v. 12, p. 66.

Details for signal-duty.

28 July, 1866, c. 299, s. 22, v. 14, p. 335.

Signal-detail to be mounted.

28 July, 1866, c. 299, s. 22, v. 14, p. 335.

Bureau of Military Justice, organization.

28 July, 1866, c. 299, s. 12, v. 14, p. 334.

Duties of Judge-Advocate-General.

28 July, 1866, c. 299, s. 12, v. 14, p. 334.

Judge-advocates.

28 July, 1866, c. 299, s. 12, v. 14, p. 334.

Duties of judge-advocates.

28 July, 1866, c. 299, s. 12, v. 14, p. 334.

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.

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.

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.

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.

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.

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.

SEC. 1197. Enlisted men detailed for signal-duty shall, when it is deemed necessary, be mounted on horses provided by the Government.

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.

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.

SEC. 1200. There shall be eight judge-advocates of the Army, with the rank of major of cavalry.

25 Feb., 1867, c. 79, s. 1, v. 14, p. 410. 17 July, 1862, c. 201, s. 6, v. 12, p. 598. 10 April, 1869, c. 20, v. 16, p. 44.

SEC. 1201. Judge-advocates shall perform their duties under the direction of the Judge-Advocate-General.

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 March, 1863, c. 79, s. 25, v. 12, p. 754. Reporter.

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.

3 March, 1863, c. 75, s. 28, v. 12, p. 736.

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 March, 1814, c. 37, s. 12, v. 3, p. 114. 3 March, 1851, c. 33, s. 1, v. 9, p. 618.

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.

In case of transfers from the line.

3 March, 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.

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.

In Engineer Corps.

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

SEC. 1207. When any lieutenant of the Corps of Engineers 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.

After fourteen years' service.

3 March, 1853, c. 98, s. 9, v. 10, p. 219. 3 March, 1863, c. 78, ss. 3, 4, v. 12, p. 743.

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.

In Ordnance Corps.

3 March, 1863, c. 78, s. 4, v. 12, p. 743. 3 March, 1869, c. 124, s. 6, v. 15, p. 318.

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.

Brevets.

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

Date of brevet commission.

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

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.

Assignment to duty according to brevet rank.

16 April, 1818, c. 64, s. 1, v. 3, p. 427. 3 March, 1869, c. 124, s. 7, v. 15, p. 318.

Uniform and title.

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

Cadets to be attached by brevet rank.

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

Non-commissioned officers to be attached by brevet rank.

4 Aug., 1854, c. 247, s. 5, v. 10, p. 575.

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

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

Number of attachments by brevet rank.

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

Certificates of merit for privates.

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

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

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

GENERAL PROVISIONS OF ORGANIZATION.

Commissions now held not vacated.

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

Persons who served in the rebellion ineligible.

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

Time of actual service considered in fixing rank.

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

Returns of ordnance; damages.

8 Feb., 1815, c. 33, s. 7, v. 3, p. 204.

Returns of clothing and camp-equipage.

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.

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.

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.

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.

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. 18 May, 1826, c. 74, s. 2, v. 4, p. 174.

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 considered as having resigned his place in the Army, and it shall be filled as a vacancy. Accepting or holding diplomatic or consular office. 30 March, 1868, c. 38, s. 2, v. 15, p. 58.

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. [See § 2062.] Civil employment prohibited. 5 July, 1838, c. 162, s. 31, v. 5, p. 260.

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 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 § 1067.] 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.

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. Privileges on account of volunteer service. 28 July, 1866, c. 299, s. 34, v. 14, p. 337.

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

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. Restoration of dismissed officers. 20 July, 1868, c. 185, v. 15, p. 125.

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. 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 March, 1865, c. 79, s. 12, v. 13, p. 489.

Post and garrison schools.

28 July, 1866, c. 299, s. 27, v. 14, p. 336.

Enlisted men not to be used as servants.

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

Company cooks.

3 March, 1863, c. 78, s. 9, v. 12, p. 744.

Superintendence of cooking.

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

Labor detail.

13 July, 1866, c. 176, s. 7, v. 14, p. 93.

Details to special service from forces in the field.

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

Exemption from arrest.

16 March, 1802, c. 9, s. 23, v. 2, p. 136.

12 April, 1808, c. 43, s. 5, v. 2, p. 483. 11 Jan., 1812, c. 14, s. 21, v. 2, p. 674. 3 March, 1815, c. 79, s. 7, v. 3, p. 225.

Female nurses.

3 Aug., 1861, c. 42, s. 6, v. 12, p. 288.

Matrons.

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

Laundresses.

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

Sales of stores.

3 March, 1825, c. 93, ss. 1, 2, v. 4, p. 127.

Arms and accouterments in possession of persons not soldiers.

3 March, 1863, c. 75, s. 23, v. 12, p. 735.

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.

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.

SEC. 1232. No officer shall use an enlisted man as a servant in any case whatever.

SEC. 1233. Cooks shall be detailed, in turn, from the privates of 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.

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

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.

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.

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.

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.

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

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

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.

SEC. 1242. The clothing, arms, military outfits, and accouterments furnished by the United States to any soldiers 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.

CHAPTER TWO.

RETIREMENT.

Sec.	Sec.	
1243. Retirement upon officer's own application.	1252. Disability not by an incident of service.	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.
1244. After forty-five years, or at the age of sixty-two.	1253. Officers entitled to a hearing.	After 45 years, or at the age of 62. 17 July, 1862, c. 200, s. 12, v. 12, p. 596.
1245. For disability.	1254. Retired rank.	For disability. 3 Aug., 1861, c. 42, s. 16, v. 12, p. 289.
1246. Composition of retiring board.	1255. Status of retired officers.	Composition of retiring board. 3 Aug., 1861, c. 42, s. 17, v. 12, p. 289.
1247. Oath of members.	1256. Rights and liabilities.	Oath of members. 3 Aug., 1861, c. 42, s. 17, v. 12, p. 290.
1248. Powers and duties.	1257. Vacancies by retirement.	Powers and duties. 3 Aug., 1861, c. 42, s. 17, v. 12, p. 290.
1249. Findings.	1258. Number on the retired list.	Findings. 3 Aug., 1861, c. 42, s. 17, v. 12, p. 290.
1250. Revision by the President.	1259. Assignment to duty.	Revision by the President. 3 Aug., 1861, c. 42, s. 17, v. 12, p. 290.
1251. Finding of disability by incident of service.	1260. Detail as professor in a college.	

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.