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LAWS

OF THE

UNITED STATES,

Passed at the First Session of the Thirty-Ninth Congress.

AN ACT to increase and fix the military peace establishment of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the military peace establishment of the United States shall hereafter consist of five regiments of artillery, ten regiments of cavalry, forty-five regiments of infantry, the professors and corps of cadets of the United States Military Academy, and such other forces as shall be provided for by this act, to be known as the Army of the United States.

SEC. 2. And be it further enacted, That the five regiments of artillery provided for by this act shall consist of the five regiments now organized and as is now provided by law for artillery regiments, with the addition of one battalion of engineer soldiers, in addition, which one battalion shall be one hundred dollars per month; but the grade of company commissary sergeant shall cease to be filled by selection from the original vacancies in the grade of first and second lieutenant shall be filled by selection from among the officers and soldiers of the regular cavalry and two-thirds of the original vacancies in each of the grades above that of first lieutenant shall be filled by selection from among the officers of volunteer cavalry, and one-third from officers of the regular army, all of whom shall have served two years in the field during the war, and have been distinguished for capacity and good conduct. Any portion of the cavalry force may be armed and drilled as infantry or dismounted cavalry at the discretion of the President, and each cavalry regiment shall hereafter have but one hospital steward, and the additional soldiers authorized by law for such, and the commissaries shall hereafter be extra lieutenants selected from the first or second lieutenants of the regiment.

SEC. 3. And be it further enacted, That the forty-five regiments of infantry provided for by this act shall consist of the present organization of companies each, now in service, of twenty-seven regiments of ten companies each, to be formed by adding **two companies** to each regiment of eight companies each, four regiments of which shall be composed of colored men; and four organized, or to be organized, as hereinafter provided for, to be called the veteran reserve corps, and all the original vacancies in the grades of first and second lieutenant shall be filled by selection from among the officers and soldiers of volunteers, and one-half of the original vacancies in each of the grades above that of first lieutenant shall be filled by selection from among the officers of volunteers, and the remainder from officers of the regular army, all of whom shall have served two years during the war, and have been distinguished for capacity and good conduct in the field. The veteran reserve corps shall be composed by appointment from any officers and soldiers of volunteers or of the regular army who have been wounded in the line of their duty while serving in the army of the United States in the late war, and who may yet be competent for garrison or other duty to which that corps has hereto ore been assigned.

SEC. 4. And be it further enacted, That the appointments to be made from among volunteer officers and soldiers under the provisions of this act shall be distributed among the States, Territories, and District of Columbia, in proportion to the number of troops furnished by them respectively to the service of the United States during the late war, reduced to an average of three years term of service: Provided, That the regulation provided in this section for the apportionment of officers shall not be selected from each State shall not be applied to the States of California, Oregon and Nevada.

SEC. 5. And be it further enacted, That each regiment of infantry provided for by this act shall have one colonel, one lieutenant colonel, one major, one adjutant, one regimental quartermaster, one regimental paymaster, one quartermaster sergeant, one commissary sergeant, one hospital steward, two principal musicians, and ten companies; and the adjutant and quartermaster shall hereafter be extra lieutenants selected from the first or second lieutenants of the regiment. Each company shall have one captain, one first lieutenant and one second lieutenant, one first sergeant, one quartermaster sergeant, four sergeants, eight corporals, two artificers, two buglers, one wagoner, and fifty privates, and the number of privates may be increased at the discretion of the President, not to exceed one hundred, to meet the exigencies of the service require such increase; and the President is hereby authorized to enlist and employ in the Territories and Indian country a force of Indians, not to exceed one hundred, to act as scouts, who shall receive the pay and allowances of cavalry soldiers, and be discharged whenever the necessity for their further employment shall cease, at the discretion of the department commander.

SEC. 6. And be it further enacted, That fifteen bands, including the band at the Military Academy, may be retained or enlisted in the army, with such organization as now provided by law to be assigned to brigades in time of war, and in time of peace to be assembled brigades or to forts or posts at which the largest number of troops shall be ordinarily stationed, and the band at the Military Academy shall be placed on the same footing as other bands; one ordnance sergeant and one hospital steward for each military post, and the same number of post chaplains as at present authorized, who shall be appointed as now provided by law; and the President of the United States is hereby authorized to appoint for each national cemetery now established or that may be established, a superintendent, with the rank, pay, and emoluments of an ordnance sergeant, to be selected from among the enlisted men or discharged men of the regular army and volunteer forces who have received certificates of merit for services during the war.

SEC. 8. And be it further enacted, That all enlistments into the army shall hereafter be for the term of five years for cavalry and artillery, and three years for infantry; and recruits may at all times be collected at the general rendezvous in addition to the number required to fill the companies to the maximum of the army, provided that such recruits shall not exceed in the aggregate three thousand men. It shall be competent to enlist men for the service who have been wounded in the line of their duty while serving in the army of the United States, provided it shall be found on medical inspection by such surgeons as they are not unfitted for efficiency in garrison or other light duty, and such men when enlisted shall be assigned to service exclusively in the regiments of the Veteran Reserve Corps.

SEC. 9. And be it further enacted, That there shall be one general, one lieutenant general, five major generals, and ten brigadier generals, who shall have the same pay and emoluments, and be entitled to the same staff officers in number and grade, as now provided by law.

SEC. 10. And be it further enacted, That the adjutant general's department of the army shall hereafter consist of the officers now authorized by law, viz: One adjutant general, with the rank, pay, and emoluments of a brigadier general; two assistant adjutant generals, with the rank, pay, and emoluments of colonels of cavalry; four assistant adjutants general, with rank, pay, and emoluments of lieutenant colonels of cavalry; and thirteen assistant adjutants general, with the rank, pay, and emoluments of majors of cavalry.

SEC. 11. And be it further enacted, That there shall be four inspectors general of the army, with the rank, pay, and emoluments of colonels of cavalry; three assistant inspectors general, with the rank, pay, and emoluments of lieutenant colonels of cavalry; and two assistant inspectors general, with the rank, pay, and emoluments of majors of cavalry.

SEC. 12. And be it further enacted, That the Bureau of Military Justice shall hereafter consist of one judge advocate general, with the rank, pay, and emoluments of a brigadier general, and six assistant judge advocate general, with the rank, pay, and emoluments of a colonel of cavalry; and the said judge advocate general shall receive, revise, and have recorded, the proceedings of all courts-martial, courts of inquiry, and military commissions, and shall perform such other duties as he may from time to time be required by the judge advocate general of the army. And of the judge advocates now in office there may be retained a number not exceeding six, to be selected by the Secretary of War, who shall perform their duties under the direction of the judge advocate general, until otherwise provided by law, or until the Secretary of War shall decide that their services can be dispensed with.

SEC. 13. And be it further enacted, That the quartermaster's department of the army shall hereafter consist of one quartermaster general, with the rank, pay, and emoluments of a brigadier general; six assistant quartermaster general, with the rank, pay, and emoluments of colonels of cavalry; ten deputy quartermasters general, with the rank, pay, and emoluments of lieutenant colonels of cavalry; fifteen quartermasters, with the rank, pay, and emoluments of majors of cavalry; and forty-four assistant quartermasters, with the rank, pay, and emoluments of captains of cavalry; and the vacancies hereby created in the grade of assistant quartermaster shall be filled by selection from among the persons who have rendered meritorious service as assistant quartermasters of volunteers during two years of the war. But after the first selection shall be made under the provisions of this section, as vacancies may occur in the grades of major and captain in this department, the appointments to fill such vacancies shall be made until the number of majors shall be reduced to twelve, and the number of captains to thirty; and the number of officers in each of the grades shall continue to conform as said reduced numbers.

SEC. 14. And be it further enacted, That the number of military storekeepers in the quartermaster's department shall hereafter be as many as shall be required, not exceeding sixteen, who shall have the rank, pay, and emoluments of captains of infantry.

SEC. 15. And be it further enacted, That the provisions of the act for the better organization of the quartermaster's department, approved July fourth, eighteen hundred and sixty-four, shall continue in force for the term of two years, eighteen hundred and sixty-seven, and no longer.

SEC. 16. And be it further enacted, That the subsistence department of the army shall consist of the number of officers now authorized by law, namely: one commissary general of subsistence, with the rank, pay, and emoluments of a brigadier general; two assistant commissaries general of subsistence, with the rank, pay, and emoluments of colonels of cavalry; eight commissaries of subsistence, with the rank, pay, and emoluments of lieutenant colonels of cavalry; eight commissaries of subsistence, with the rank, pay, and emoluments of majors of cavalry; and sixteen commissaries of subsistence, with the rank, pay, and emoluments of captains of cavalry.

SEC. 17. And be it further enacted, That the medical department of the army shall hereafter consist of one surgeon general, with the rank, pay, and emoluments of a brigadier general; one assistant surgeon general, with the rank, pay, and emoluments of lieutenant colonels of cavalry; one medical storekeeper, who shall have the same pay and emoluments as the assistant surgeons; and the adjutant and quartermaster shall hereafter be extra lieutenants selected from the first or second lieutenants of the regiment. Each company shall have one captain, one first lieutenant and one second lieutenant, one first sergeant, one quartermaster sergeant, four sergeants, eight corporals, two artificers, two buglers, one wagoner, and fifty privates, and the number of privates may be increased at the discretion of the President, not to exceed one hundred, to meet the exigencies of the service require such increase; and the President is hereby authorized to enlist and employ in the Territories and Indian country a force of Indians, not to exceed one hundred, to act as scouts, who shall receive the pay and allowances of cavalry soldiers, and be discharged whenever the necessity for their further employment shall cease, at the discretion of the department commander.

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