

July 28, 1866. CHAP. CCXCIX. — *An Act to increase and fix the Military Peace Establishment or the United States.*

See 1867, ch. 159.
Post, p. 434.

Military peace establishment to consist of what.

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.

Artillery.

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 the first, second, third, and fourth regiments of artillery shall have the same organization as is now prescribed by law for the fifth regiment of artillery; but the regimental adjutants, quartermasters, and commissaries shall hereafter be extra lieutenants selected from the first or second lieutenants of the regiment.

Cavalry.

SEC. 3. *And be it further enacted,* That to the six regiments of cavalry now in service there shall be added four regiments, two of which shall be composed of colored men, having the same organization as is now provided by law for cavalry regiments, with the addition of one veterinary surgeon to each regiment, whose compensation shall be one hundred dollars per month; but the grade of company commissary sergeant of cavalry is hereby abolished. The original vacancies in the grade of first and second lieutenant shall be filled by selection from among the officers and soldiers of volunteer cavalry, and two thirds of the original vacancies in each of the grades above that of first lieutenant shall be filled by selections 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 regimental adjutants, quartermasters, and commissaries shall hereafter be extra lieutenants selected from the first or second lieutenants of the regiment.

Infantry.

SEC. 4. *And, be it further enacted,* That the forty-five regiments of infantry provided for by this act shall consist of the first ten regiments, of ten companies each, now in service; of twenty-seven regiments, of ten companies each, to be formed by adding two companies to each battalion of the remaining nine regiments; and of eight new regiments, of ten companies each, four regiments of which shall be composed of colored men and four regiments of ten companies each to be raised and officered 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 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 officered by appointments 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 heretofore been assigned.

Appointments from volunteer officers and soldiers, how distributed.

SEC. 5. *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 governing the proportion of officers to be selected from each State, shall not be applied to the States of California, Oregon, and Nevada.

Proviso.

SEC. 6. *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 sergeant-major, 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 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; and the President is hereby authorized to enlist and employ in the Territories and Indian country a force of Indians, not to exceed one thousand, to act as scouts, who shall receive the pay and allowances of cavalry soldiers, and be discharged whenever the necessity for their further employment is abated, or at the discretion of the department commander.

Each regiment of infantry to have what officers and men.

Indian scouts.

SEC. 7. *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 is now provided by law, to be assigned to brigades in time of war, and in time of peace to 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 non-commissioned officers of the regular army and volunteer forces who have received certificates of merit for services during the war.

Military bands.

Ordnance sergeant, hospital steward, and post chaplain.

Superintendent to each national cemetery.

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 three years for artillery and infantry, and recruits may at all times be collected at the general rendezvous in addition to the number required to fill to the minimum all the regiments 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, that by such wounds 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.

Enlistments hereafter to be for what term. Recruits at general rendezvous.

When men who have been wounded may be enlisted;

to what regiments to be assigned.

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.

General, lieutenant-general, major-generals, brigadier-generals.

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 adjutants-general, with the rank, pay and emoluments of colonels of cavalry; four assistant adjutants-general, with the rank, pay, and emoluments of lieutenant-colonels of cavalry; and thir-

Adjutant-general's department.

teen assistant adjutants-general, with the rank, pay, and emoluments of majors of cavalry.

Inspectors-general and assistant inspectors-general.

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.

Bureau of military justice.

Judge-advocate-general, &c.

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 one 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 have been heretofore performed by the judge-advocate-general of the army. And of the judge-advocates now in office there may be retained a number not exceeding ten, to be selected by the Secretary of the 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.

1867, ch. 79.
Post, p. 410.

Quartermaster's department.

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 quartermasters-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 services as assistant quartermasters of volunteers during two years of the war; but after the first appointments made under the provisions of this section, as vacancies may occur in the grades of major and captain in this department, no appointments to fill the same shall be made until the number of majors shall be reduced to twelve, and the number of captains to thirty, and thereafter the number of officers in each of said grades shall continue to conform to said reduced numbers.

Vacancies, how filled.

Military store-keeper.

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.

Provisions of 1864, ch. 253. Vol. xiii. p. 394. extended.

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 until the first day of January, eighteen hundred and sixty-seven, and no longer.

Subsistence department.

SEC. 16. *And be it further enacted*, That the subsistence department of the army shall hereafter consist of the number of officers now authorized by law, viz: 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; two assistant commissaries-general 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.

Medical department.

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 a colonel of cavalry; one

chief medical purveyor and four assistant medical purveyors, with the rank, pay, and emoluments of lieutenant-colonels of cavalry, who shall give the same bonds which are or may be required of assistant paymaster-generals of like grade, and shall, when not acting as purveyors, be assignable to duty as surgeons by the President; sixty surgeons, with the rank, pay, and emoluments of majors of cavalry; one hundred and fifty assistant surgeons, with the rank, pay, and emoluments of lieutenants of cavalry for the first three years' service, and with the rank, pay, and emoluments of captains of cavalry after three years' service; and five medical storekeepers, with the same compensation as is now provided by law; and 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 two years during the late war; and persons who have served as assistant surgeons three years in the volunteer service shall be eligible for promotion to the grade of captain; and the Secretary of War is hereby authorized to 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 department, under such regulations as the Secretary of War may prescribe.

Medical department.

Vacancies.

1867, ch. 145, § 5. Post, p. 423.

Hospital stewards.

SEC. 18. *And be it further enacted,* That the pay department of the army shall hereafter consist of one paymaster-general, with the rank, pay, and emoluments of a brigadier-general; two assistant paymasters-general, with the rank, pay, and emoluments of colonels of cavalry; two deputy paymasters-general, with the rank, pay, and emoluments of lieutenant-colonels of cavalry; and sixty paymasters, with the rank, pay, and emoluments of majors of cavalry, to be selected from persons who have served as additional paymasters.

Pay department.

SEC. 19. *And be it further enacted,* That the corps of engineers shall consist of one chief of engineers, with the rank, pay, and emoluments of a brigadier-general; six colonels, twelve lieutenant-colonels, twenty-four majors, thirty captains, and twenty-six first and ten second lieutenants, who shall have the pay and emoluments now provided by law for officers of the engineer corps.

Corps of engineers.

SEC. 20. *And be it further enacted,* That the five companies of engineer soldiers, and the sergeant-major and quartermaster-sergeant heretofore prescribed by law shall constitute a battalion of engineers, to be officered by officers of suitable rank detailed from the corps of engineers; and the officers of engineers, acting respectively as adjutant and quartermaster of this battalion, shall be entitled to the pay and emoluments of adjutants and quartermasters of cavalry.

Engineer soldiers.

SEC. 21. *And be it further enacted,* That the ordnance department of the army shall consist of the same number of officers and enlisted men as now authorized by law, and the officers shall be of the following grades, viz: one brigadier-general, three colonels, four lieutenant-colonels, ten majors, twenty captains, sixteen first lieutenants, and ten second lieutenants, with the same pay and emoluments as now provided by law; and thirteen ordnance storekeepers, of whom a number not exceeding six may be appointed and authorized to act as paymasters at armories and arsenals. The ordnance storekeeper and paymaster at the national armory at Springfield shall have the rank, pay, and emoluments of a major of cavalry, and all other ordnance storekeepers shall have the rank, pay, and emoluments of captains of cavalry, and two thirds of the military storekeepers and ordnance storekeepers to be appointed under this and the fourteenth section of this act, shall be selected from volunteer officers or soldiers who have performed meritorious service in the army of the United States during the late rebellion.

Ordnance department.

Storekeeper and paymaster at Springfield.

SEC. 22. *And be it further enacted,* That there shall be one chief signal officer of the army, who shall have the rank, pay, and emoluments of

Chief signal officer.

- Signal duty.** a colonel of cavalry; and the Secretary of War shall have power to detail six officers, and not to exceed one hundred non-commissioned officers and privates, 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, to be convened by the Secretary of War for that purpose; and enlisted men, while so detailed, shall, when deemed necessary, be mounted upon horses provided by the government.
- Appointment of adjutant-general and heads of departments.** SEC. 23. *And be it further enacted,* That the adjutant-general, quartermaster-general, commissary-general of subsistence, surgeon-general, paymaster-general, chief of engineers, and chief of ordnance, shall hereafter be appointed by selection from the corps to which they belong, and no person shall be appointed to any vacancy created by this act in the pay, medical, or quartermaster's departments, until he shall have passed the examination now required by law.
- Persons not to be commissioned as officers until after examination.** SEC. 24. *And be it further enacted,* That no person[s] shall be commissioned in any of the regiments authorized by this act until they shall have passed a satisfactory examination before a board, to be composed of officers of that arm of the service in which the applicant is to serve, to be convened under the direction of the Secretary of War, which shall inquire into the services rendered during the war, capacity and qualifications of the applicants; and such appointments, when made, shall be without regard to previous rank, but with sole regard to qualifications and meritorious services; and persons applying for commissions in any of the regiments authorized by this act shall be entitled in case of passing the examination, and being appointed or commissioned, to receive mileage from the place of his residence to the place of examination, or such portion of that distance as he may actually travel, the same as is paid to officers travelling under orders, but there shall be paid no other compensation.
- Appointments to be made from qualifications and services.** SEC. 25. *And be it further enacted,* That the office of sutler in the army and at military posts is hereby abolished, and the subsistence department is hereby authorized and required to furnish such articles as may from time to time be designated by the inspectors-general of the army, the same to be sold to officers and enlisted men at cost prices, and if not paid for when purchased, a true account thereof shall be kept, and the amount due the government shall be deducted by the paymaster at the payment next following such purchase: *Provided,* That this section shall not go into effect until the first day of July, eighteen hundred and sixty-seven.
- Mileage.** SEC. 26. *And be it further enacted,* That for the purpose of promoting knowledge of military science among the young men of the United States, the President may, upon the application of an established college or university within the United States, with sufficient capacity to educate at one time not less than one hundred and fifty male students, detail an officer of the army to act as president, superintendent, or professor of such college or university; that the number of officers so detailed shall not exceed twenty at any time, and shall be apportioned through the United States as nearly as practicable according to population, and shall be governed by general rules, to be prescribed from time to time by the President.
- Office of sutler abolished.** SEC. 27. *And be it further enacted,* That whenever troops are serving at any post, garrison, or permanent camp, there shall be established a school where all enlisted men may be provided with instruction in the common English branches of education, and especially in the history of the United States, and the Secretary of War is authorized to detail such commissioned officers and enlisted men as may be necessary to carry out the provisions of this section; and it shall be the duty of the post or garrison commander to cause to be set apart a suitable room or building for school and religious purposes.
- Articles, how to be furnished.** SEC. 28. *And be it further enacted,* That nothing in this act shall be
- When this section takes effect.**
- The President, upon application, may detail army officers to act as presidents, &c. of certain colleges.**
- Schools for enlisted men at posts, garrisons, or permanent camps.**
- What to be taught.**
- Building for school and religious purposes.**

construed to authorize or permit the appointment to any position or office in the army of the United States of any 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; but any such appointment shall be illegal and void.

Who not to be appointed to office in the army.

SEC. 29. *And be it further enacted*, That, in construing this act, officers who have heretofore been appointed or commissioned to serve with United States colored troops shall be deemed and held to be officers of volunteers, and officers of the regular army who have also held commissions as officers of volunteers or have commanded volunteers shall not on that account be held to be volunteers under the provisions of this act.

Officers of colored troops to be deemed officers of volunteers.

SEC. 30. *And be it further enacted*, That nothing herein contained shall be construed as affecting existing laws respecting the rank, pay, and allowances of chaplains of the army, but the same shall remain as now established by the act entitled "An act to amend section nine of the act approved July seventeen, eighteen hundred and sixty-two, entitled 'An act to define the pay and emoluments of certain officers of the army, and for other purposes,'" approved April nine, eighteen hundred and sixty-four; one chaplain may be appointed by the President, by and with the advice and consent of the Senate, for each regiment of colored troops, whose duty shall include the instruction of the enlisted men in the common English branches of education; and chaplains, when ordered from one field of duty to another, shall be entitled to transportation at the same rate as other officers.

Rank, pay, &c. of chaplains. 1864, ch. 53. Vol. xii. p. 46.

Chaplain for colored troops.

Transportation.

SEC. 31. *And be it further enacted*, That nothing in this act shall be so construed as to vacate the commission of any officer now properly in service, or whose name may be borne on the army register as partially retired, according to law.

Commissions of certain officers not vacated by this act.

SEC. 32. *And be it further enacted*, That officers of the regular army, entitled to be retired on account of disability occasioned by wounds received in battle, may be retired upon the full rank of the command held by them, whether in the regular or volunteer service at the time such wounds were received.

Officers of the regular army, who and how may be retired.

SEC. 33. *And be it further enacted*, That the provost-marshal-general's office and bureau shall be continued only so long as the Secretary of War shall deem necessary, not exceeding thirty days after the passage of this act.

Provost-marshal-general's office and bureau.

SEC. 34. *And be it further enacted*, That all officers who have served during the rebellion as volunteers in the armies of the United States, and who have been or may hereafter be 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. In case of officers of the regular army, the volunteer rank shall be entered upon the official army register; *Provided*, That these privileges shall not entitle any officer to command, pay, or emoluments.

Officers of volunteers to bear their titles and wear their uniforms.

Volunteer rank of regular officers to be entered upon army register. Proviso.

SEC. 35. *And be it further enacted*, That the third section of the act entitled "An act making appropriations for the support of the army for the year ending thirtieth of June, eighteen hundred and sixty-six," shall continue in force for one year from the passage of this act: *Provided*, That no officer who is furnished with quarters in kind shall be entitled to receive the increased commutation of rations hereby authorized.

Provisions as to commutation of officers' subsistence to be continued one year. 1865, ch. 81, § 3. Vol. xiii. p. 497. Proviso.

SEC. 36. *And be it further enacted*, That section three of the act approved February twenty, eighteen hundred and sixty-three, authorizing the appointment of a solicitor of the War Department, be, and the same is hereby, repealed.

Authority for solicitor of war department repealed.

1863, ch. 44, § 3. Vol. xii. p. 656.

SEC. 37. *And be it further enacted*, That the Secretary of War be, and

Code of regulations for the army and militia in actual service, and courts-martial.

he is hereby, directed to have prepared, and to report to Congress, at its next session, a code of regulations for the government of the army, and of the militia in actual service, which shall embrace all necessary orders and forms of a general character for the performance of all duties incumbent on officers and men in the military service, including rules for the government of courts-martial. The existing regulations to remain in force until Congress shall have acted on said report.

Repealing clause.

SEC. 38. *And be it further enacted*, That all laws and parts of laws inconsistent with the provisions of this act be, and the same are hereby, repealed.

APPROVED, July 28, 1866.

July 28, 1866.
1853, ch. 59.
Vol. x. p. 155.

CHAP. CCC. — *An Act to revive and extend the Provisions of "An act granting the Right of Way and making a Grant of Land to the States of Arkansas and Missouri, to aid in the Construction of a Railroad from a Point upon the Mississippi opposite the Mouth of the Ohio River, via Little Rock, to the Texas Boundary, near Fulton, in Arkansas, with Branches to Fort Smith and the Mississippi River," approved February 9, 1853, and for other Purposes.*

The act granting right of way and lands to Arkansas and Missouri for railroad revived and extended for ten years.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the "Act granting the right of way and making a grant of land to the States of Arkansas and Missouri to aid in the construction of a railroad from a point upon the Mississippi opposite the mouth of the Ohio River, via Little Rock, to the Texas boundary, near Fulton, in Arkansas, with branches to Fort Smith and the Mississippi River," approved February nine, eighteen hundred and fifty-three, with all the provisions therein made, be, and the same is hereby, revived and extended for the term of ten years from the passage of this act; and all the lands therein granted, which reverted to the United States under the provisions of said act, be, and the same are hereby, restored to the same custody, control, and condition, and made subject to the uses and trusts in all respects as they were before and at the time such reversion took effect: *Provided*, That all mineral lands within the limits of this grant and the grant made in section two of this act are hereby reserved to the United States: *And provided further*, That all property and troops of the United States shall at all times be transported over said railroad and branches at the cost, charge, and expense of the company or corporation owning or operating said road and branches respectively, when so required by the government of the United States.

Lands heretofore granted and reverted to be restored to same custody and condition as at time reversion took place.

Mineral lands reserved.

Property and troops of the United States to be transported free of cost.

Additions to former grant for same uses and trusts.

SEC. 2. *And be it further enacted*, That there is hereby granted, added to, and made part of the donation of lands hereby renewed and made, subject to the same uses and trusts, and under the same custody, control, and conditions, and to be held and disposed of in the same manner as if included in the original grant, all the alternate sections and parts of sections, designated by odd numbers, lying along the outer line of lands heretofore granted, and within five miles on each side thereof, excepting lands reserved or otherwise appropriated by law, or to which the right of pre-emption or homestead settlement has attached: *Provided*, That the additional quantity of lands hereby granted, when added to the lands specified in section one hereof, shall not exceed, in the aggregate quantity of lands by this act granted, sufficient to amount to ten sections for each mile of railroad: *And provided further*, That the lands embraced in this grant and the grant revived by section one of this act shall be disposed of only as follows: Whenever proof shall be furnished, satisfactory to the Secretary of the Interior, that any section of ten consecutive miles of said road and branches is completed in a good, substantial, and workmanlike manner as a first-class railroad, the said Secretary of the Interior shall issue patents for all the lands granted as aforesaid, not exceeding ten sections per mile situate opposite to and within the limits of twenty miles of the section of said road and branches thus completed,

Lands reserved or to which homestead or pre-emption rights have attached, excepted from grant.

Whole grant not to exceed ten sections a mile.

Lands, how only to be disposed of.

Sections of ten consecutive miles.