

CHAPTER 37.

An act to augment the army of the United States, and for other purposes.*

Organization of
regiments of in-
fantry.

Additional sur-
geon's mates may
be appointed.

President autho-
rized to raise 12
additional regi-
ments of infan-
try and six troops
of light dragoons,
during existing
differences, &c.

The six troops,
&c. to be formed
into a regiment,
&c.

Major-generals,
and staff.

Pay and subsist-
ence of major-
generals, &c.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That from and after the passing of this act, each regiment of infantry in the army of the United States, shall consist of one lieutenant-colonel commandant, two majors, one adjutant, one paymaster, one quartermaster, one surgeon, two surgeon's mates, ten captains, ten lieutenants, ten ensigns, one sergeant-major, one quartermaster-sergeant, two senior musicians, forty sergeants, forty corporals, twenty musicians, and six hundred privates; and that the several regiments of infantry now in the service of the United States, be augmented accordingly: *Provided always,* That the President of the United States may, in his discretion, appoint and distribute such additional number of surgeon's mates, and for such length of time, as the exigencies of the service may require.

SEC. 2. *And be it further enacted,* That the President of the United States be, and he hereby is, authorized to raise, in addition to the present military establishment, twelve regiments of infantry, and six troops of light dragoons, to be enlisted for and during the continuance of the existing differences between the United States and the French republic, unless sooner discharged; and the said six troops, together with the two troops of dragoons now in service, shall be formed into a regiment, and there shall be appointed thereto one lieutenant-colonel commandant, two majors, one adjutant, one paymaster, one quartermaster, one sergeant-major, and one quartermaster-sergeant, whose pay and emoluments, as well as those of the cornets, respectively, shall be the same as are by law allowed to officers of the same grades in the infantry.

SEC. 3. *And be it further enacted,* That there shall be two major-generals, with two aids-de-camp each; one inspector-general, with the rank, pay, and emoluments of a major-general, and two aids-de-camp; three brigadier-generals, in addition to the present establishment; two assistant-inspectors, (who shall be taken from the line of the army,) one adjutant-general, with one or more assistant or assistants, (to be taken from the line of the army,) and four chaplains.

SEC. 4. *And be it further enacted,* That the major-generals, respectively, shall be entitled to one hundred and sixty-six dollars monthly pay, with twenty dollars allowance for forage monthly, and for daily subsistence fifteen rations, or money in lieu thereof, at the contract price; the adjutant-general shall be entitled to the rank, pay, and emoluments, of a brigadier-general; each chaplain to the pay and emoluments of a major; the aids-de-camp and assistant inspectors shall each be entitled

*Repealed by act of 16th March, 1802—See chapter 49.

to twenty-four dollars monthly, in addition to their pay in the line, and to four rations of provisions, each, for their daily subsistence; and, whenever forage shall not be furnished by the public, to ten dollars per month in lieu thereof.

SEC. 5. *And be it further enacted,* That each non-commissioned officer, private, and musician, who shall hereafter be enlisted for the army of the United States, shall be able bodied, and of a size and age suitable for the public service, according to the directions which the President of the United States shall and may establish, and shall be entitled to a bounty of twelve dollars, but the payment of four dollars thereof shall be deferred until he shall have joined the army; and each commissioned officer who shall be employed in the recruiting service, shall be entitled to receive, for each such non-commissioned officer and private, and for each sufficient musician, duly enlisted and mustered, the sum of two dollars.

SEC. 6. *And be it further enacted,* That the monthly pay of the non-commissioned officers, musicians, and privates, in the army of the United States, from and after the first day of August next, shall be as follows: cadets, ten dollars, and two rations per day; sergeant-majors, and quartermaster-sergeants, ten dollars; senior musicians, eight dollars; sergeants, eight dollars; corporals, seven dollars; musicians, six dollars; privates, five dollars; artificers to the infantry and artillery, and farriers and saddlers to the dragoons, shall be allowed, each, the monthly pay of ten dollars. That every non-commissioned officer, private, and musician, shall receive, daily, the following rations of provisions, to wit: one pound and a quarter of beef, or three quarters of a pound of pork; eighteen ounces of bread, or flour; a gill of rum, brandy, or whiskey; and at the rate of two quarts of salt, four quarts of vinegar, four pounds of soap, and one pound and a half of candles, to every hundred rations.

SEC. 7. *And be it further enacted,* That the President of the United States be, and he hereby is, authorized to appoint a number, not exceeding four, teachers of the arts and sciences, necessary for the instruction of the artillerists and engineers, who shall be entitled to the monthly pay of fifty dollars, and two rations per day.

SEC. 8. *And be it further enacted,* That the officers, non-commissioned officers, musicians, and privates, raised by virtue of this act, shall take and subscribe the oath or affirmation prescribed by the law, entitled "An act to ascertain and fix the military establishment of the United States,"* and they shall be governed by the rules and articles of war which have been, or may be, established by law, and shall be entitled to the legal emoluments in case of wounds or disabilities, received while in actual service, and in the line of duty. And in recess of Senate, the President of the United States is hereby authorized

* See chapter 26.

may make appointments in the recess of the Senate.

Inspector of artillery to be appointed, &c.

to appoint all the regimental officers proper to be appointed under this act, and likewise to make appointments to fill any vacancies in the army, which may have happened during the present session of the Senate.

SEC. 9. *And be it further enacted.* That there shall be appointed an inspector of the artillery, taken from the line of artillerists and engineers, who shall be allowed thirty dollars per month, in addition to his pay in the line, and four rations of provisions for his daily subsistence; and, whenever forage shall not be furnished by the public, he shall be allowed ten dollars per month instead thereof.

[Approved, July 16, 1798.]

CHAPTER 38.

An act to alter and amend the several acts for the establishment and regulation of the Treasury, War, and Navy Departments.

[EXTRACT.]

Purchases and contracts to be made by the secretaries of war, and navy departments, and the accounts to be settled with the accountants thereof.

SEC. 3. *And be it further enacted,* That all purchases, and contracts for supplies or services for the military and naval service of the United States, shall be made by or under the direction of the chief officers of the departments of war and the navy, respectively, and all agents or contractors for supplies or services as aforesaid, shall render their accounts for settlement to the accountant of the proper department for which such supplies or services are required; subject, nevertheless, to the inspection and revision of the officers of the treasury in manner before prescribed.

Purveyor of public supplies to execute orders from the secretaries of war or navy, &c.

SEC. 4. *And be it further enacted,* That it shall be the duty of the purveyor of public supplies,* to execute all such orders as he may, from time to time, receive from the secretary of war or secretary of the navy, relative to the procuring and providing of all kinds of stores and supplies; and shall render his accounts relative thereto, to the accountants of the proper departments, which accounts shall be subject to the inspection and revision of the officers of the treasury as aforesaid.

Provision of the acts mentioned, repealed, so far, &c.

SEC. 5. *And be it further enacted,* That the provisions of the act, passed on the eighth day of May, one thousand seven hundred and ninety-two, entitled "An act making alterations in the treasury and war departments,"† and the act passed on the twenty-third day of February, one thousand seven hundred and ninety-five, entitled "An act to establish the office of purveyor of public supplies,"‡ so far as the same are repugnant to the provisions of this act, be, and the same are hereby, repealed.

Contracts under

SEC. 6. *And be it further enacted,* That all contracts to be

* The office of purveyor abolished, by act of 28th March, 1812—See chap. 68, sec. 9.

† See chap. 16.

‡ See chap. 23.

made by virtue of this act, or of any law of the United States, this act, &c. such as require an advance of money, connected with the settlement of public accounts, shall be deposited in the office of the comptroller of the treasury of the United States, within ninety days after their dates, respectively.

[Approved, July 16, 1798.]

CHAPTER 39.

An act to regulate the Medical Establishment.*

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That in the medical establishment of the United States, there shall be the following officers; A physician general, who shall be charged with the superintendence and direction of all military hospitals, and, generally, of all medical and chirurgical practice or service concerning the army or navy of the United States, and of all persons who shall be employed in and about the same, in camps, garrisons, and hospitals. An apothecary-general, and one or more deputies, who shall be charged with the safe keeping and delivery of all medicines, instruments, dressings, and other articles, for the use of the hospital and army. A purveyor, who shall be charged with providing medicines, stores, and whatsoever else may be necessary in relation to the said practice or service. A competent number of hospital surgeons, who shall be liable to serve in the field, and who shall have the immediate charge and direction of such military hospitals as may be committed to their care, respectively. A suitable number of hospital mates, who are to observe the directions of the hospital surgeons, and shall diligently perform all reasonable duties required of them for the recovery of the sick and wounded.

Officers in the medical establishment of the United States.

SEC. 2. *And be it further enacted,* That each military hospital shall have a steward, with a competent number of nurses, and other attendants; which steward shall be charged with the procuring of such supplies as may not otherwise be furnished, and with the safe keeping and issuing of all supplies.

Each military hospital to have a steward, &c.

SEC. 3. *And be it further enacted,* That the said physician-general, hospital-surgeons, purveyor, and apothecary and apothecaries, deputy or deputies, shall be appointed as other officers of the United States: that the said mates and stewards shall be appointed by the authority, and at the direction, of the said physician-general, subject to the eventual approbation and control of the President of the United States, and shall be re-

Physician-general, &c. to be appointed as other officers, &c.

Mates, and stewards to be appointed by the physician-general, &c.

* Repealed and supplied by act of 16th March, 1802—see chapter 49 sections 3 and 29.

Hospital surgeons to appoint nurses, &c.

Regimental surgeons, &c. with the consent of the general, to attend in the hospitals, &c.

The physician general, &c. to frame directions relative to the admission of patients into hospitals, &c.

Proviso; the directions being sanctioned, &c. to be operative, unless, &c.

Compensation & allowance for forage, &c. to the several officers mentioned.

movable by the authority of the said physician-general; and that the surgeon of each hospital shall appoint, employ, and fix the compensations of, the nurses and other attendants of such hospital, subject to the control of the said physician-general, or the hospital-surgeon, of senior appointment, with a separate army, or in a separate district.

SEC. 4. *And be it further enacted*, That as often as the regimental sick will not suffer by the employing of the regimental surgeons or mates in the temporary or other hospitals of the United States, the physician-general, or the hospital-surgeon, of senior appointment, with a separate army, or in a separate district, with the consent of the general and commander-in-chief, or the officer commanding a separate army, may require the attendance of such surgeons, or surgeon's mates, as, in his opinion, can be with safety so withdrawn from their regiments.

SEC. 5. *And be it further enacted*, That it shall be the duty of the physician-general, with two or more hospital surgeons, to frame a system of directions relative to the description of patients to be admitted into the hospitals; to the means of promoting cleanliness in the hospitals; to the prevention of idleness, skulking, and gambling, in the hospitals; to the prevention of the spread of infectious distempers in the camps and hospitals, and the government of nurses, and all others charged with the care of the sick in camps or hospitals, subject, in the first instance, to the approbation and revision of the commander-in-chief, the commander of a separate army, or in a separate district, as the case may be, and, eventually, to the approbation and control of the President of the United States: *Provided always*, That the said directions, having received the sanction of the commander-in-chief, or the commander of a separate army, shall be operative, and remain in full force, unless altered or annulled by the President of the United States.

SEC. 6. *And be it further enacted*, That the compensations of the said several officers shall be as follows: of the physician-general, one hundred dollars pay per month, and fifty dollars per month, which shall be in full compensation for forage, rations, and travelling expenses: of the purveyor, one hundred dollars pay per month, in full compensation for his services, and all expenses: of the apothecary-general, eighty dollars pay per month, and thirty dollars per month, in full compensation for forage, rations, and all expenses: of each of his deputies, fifty dollars pay per month, and sixteen dollars per month, in full compensation for forage, rations, and all expenses: of each hospital surgeon, eighty dollars pay per month, and forty dollars per month, in full compensation for forage, rations, and all expenses: of each mate, thirty dollars pay per month, and twenty dollars per month, in full compensation for forage, rations, and all expenses: of each steward, twenty-five dollars pay per month, and eight dollars per month, in full compensa-

tion for forage, rations, and all expenses: *Provided*, That none of the officers aforesaid, shall be entitled to any part of the pay or emoluments aforesaid, until they shall, respectively, be called into actual service. Proviso; none of the officers entitled to pay, &c. until called into actual service.

SEC. 7. *And be it further enacted*, That, for the accommodation of the sick of the army and navy of the United States, the physician-general, and hospital surgeon of senior appointment, with the approbation of the general commanding the army within the district where he shall be, shall have power to provide temporary hospitals; and the physician-general, with the approbation of the President of the United States, shall have power to provide and establish permanent hospitals. Temporary and permanent hospitals may be provided, &c.

SEC. 8. *And be it further enacted*, That all the said officers, and others, shall, as touching their several offices and duties, be liable to the rules and regulations for the government and discipline of the army; and shall be bound to obey, in conformity with law and the usages and customs of armies, the orders and directions of the chief military officers of the respective armies, and within the respective districts in which they shall respectively serve and be. The officers of the medical establishment to be liable to the rules and regulations for the government and discipline of the army, &c.

SEC. 9. *And be it further enacted*, That the physician-general, or, in his absence, the senior medical officer, with the approbation of the commander-in-chief, or commanding officer of a separate army, be, and hereby is, authorized and empowered, as often as may be judged necessary, to call a medical board, which shall consist of the three senior medical officers, then present, whose duty it shall be to examine all candidates for employment or promotion in the hospital department, and certify to the secretary of war the qualifications of each. The physician general, &c. may call a medical board, &c.

[Approved, March 2, 1799.]

CHAPTER 40.

An act giving eventual authority to the President of the United States to augment the army.*

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That it shall be lawful for the President of the United States, in case war shall break out between the United States and a foreign European power, or in case imminent danger of invasion of their territory by any such power, shall, in his opinion, be discovered to exist, to organize and cause to be raised, in addition to the other military force of the United States, twenty-four regiments of infantry, a regiment and a battalion of riflemen, a battalion of artillerists and engineers, and three regiments of cavalry, or such part thereof as he shall judge In case of war, or danger of invasion, an additional military force may be raised.

* The 1st and 2d sections of this act expired by the operation of the 11th section; the powers thereby conferred, not having been continued for a longer time.

necessary; the non-commissioned officers and privates of which to be enlisted for a term not exceeding three years, and to be entitled each to a bounty of ten dollars; one half to be paid at the time of enlistment, and the remainder at the time of joining the regiment to which they may belong.

The President, with the advice of the Senate, or alone, authorized to appoint and commission officers, &c.

Proviso; general and field officers to be submitted to the Senate at the next meeting, &c.

The officers, non-commissioned officers, privates, &c. entitled to the same pay, clothing, rations, &c. as other troops, &c. subject to the rules and articles of war, &c.

Proviso; none but recruiting officers entitled to pay, until called into actual service.

The laws of the United States respecting the military establishment applicable to the troops, &c. to be raised by this act; except, &c.

The President may discharge the whole, or any part, of the troops raised under this act at discretion.

SEC. 2. *And be it further enacted*, That the President of the United States be authorized, whenever it shall appear to him expedient, if during the session of the Senate, with their advice and consent, if in their recess, alone, to appoint and commission all officers for the said troops, agreeably to the rules and regulations prescribed by law for the military establishment: *Provided*, That the general and field officers who may be appointed in the recess of the Senate, shall, at the next meeting thereof, be nominated and submitted to them for their advice and consent.

SEC. 3. *And be it further enacted*, That the officers, non-commissioned officers, and privates, of the troops, which may be organized and raised pursuant to this act, shall be entitled to the like pay, clothing, rations, forage, and other emoluments, and to the like compensation in case of disability by wounds, or otherwise, incurred in the service, as the officers, non-commissioned officers, and privates, of other troops of correspondent denominations, composing the army of the United States; and, with them, shall be subject to the rules and articles of war, and to all other regulations for the discipline and government of the army. *Provided*, That no officer, except captains and subalterns who may be employed in the recruiting service, shall be entitled to any pay or other emolument until he shall be called into actual service.

SEC. 4. *And be it further enacted*, That the laws of the United States respecting the regulations and emoluments of recruiting officers, punishment of persons who shall procure or entice a soldier to desert, or shall purchase his arms, uniform, clothing, or any part thereof, and the punishment of every commanding officer of every ship or vessel, who shall receive on board his ship or vessel, as one of his crew, knowing him to have deserted, or otherwise carry away any soldier, or refuse to deliver him up to the orders of his commanding officer; and the law respecting the oath or affirmation to be taken, by officers, non-commissioned officers, musicians, and privates; and respecting the inserting of conditions in the enlistments; and all other laws respecting the military establishment of the United States, excepting in such cases where different and specific regulations are made by this act, shall be in force, and apply to all persons, matters, and things, within the intent and meaning of this act, in the same manner as they would were they inserted at large in the same.

SEC. 5. *And be it further enacted*, That it shall be lawful for the President of the United States, at his discretion, to discharge the whole or any part, of the troops which may be raised by virtue of this act, whensoever he shall think fit.

SEC. 6. *And be it further enacted*, That the President of the United States be authorized to organize all such companies of volunteers, as have been, or shall be, accepted by him pursuant to the act, entitled "An act authorizing the President of the United States to raise a provisional army,"* into regiments, brigades, and divisions, and to appoint all officers thereof, agreeably to the organization prescribed by law for the army of the United States: And the said volunteers shall not be compelled to serve out of the state in which they reside, a longer time than three months after their arrival at the place of rendezvous.

The President authorized to organize volunteers, &c.

Volunteers not compelled to serve longer than three months, &c. out of their state.

SEC. 7. *And be it further enacted*, That it shall be lawful for the President of the United States to call forth and employ the said volunteers in all the cases, and to effect all the purposes, for which he is authorized to call forth and employ the militia, by the act, entitled "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions, and to repeal the act now in force for these purposes."†

The volunteers may be called forth, &c. for all the purposes stated in the act mentioned, &c.

SEC. 8. *And be it further enacted*, That it shall not be lawful for the President of the United States to accept a greater number of the said volunteers, in any of the states or territories of the United States, than is hereinafter apportioned to them, respectively; that is to say: To New Hampshire, three thousand; to Massachusetts, ten thousand; to Rhode Island, one thousand; to Vermont, two thousand; to Connecticut, five thousand; to New York, seven thousand; to New Jersey, five thousand; to Pennsylvania, ten thousand; to Delaware, one thousand; to Maryland, five thousand; to Virginia, ten thousand; to Kentucky, one thousand; to North Carolina, seven thousand; to Tennessee, one thousand; to South Carolina, four thousand; to Georgia, fifteen hundred; to North Western Territory, one thousand; and to Mississippi Territory, five hundred.

The President not to accept a greater number of volunteers in any of the states, &c. than is here apportioned, &c.

SEC. 9. *And be it further enacted*, That for the execution of this act, if it shall be found necessary to carry it, or any part of it, into effect, there be appropriated the sum of two millions of dollars; and that the President be authorized to borrow, on behalf of the United States, the said sum, or so much thereof as he shall deem necessary, (which the bank of the United States is hereby empowered to lend) and upon such terms and conditions, as he shall judge most advantageous to the United States: *Provided*, That such terms and conditions, shall not restrain the United States from paying off the sum which may be borrowed, after the expiration of fifteen years.

\$2,000,000 appropriated for the execution of this act.

The President authorized to borrow money, &c.

Proviso; the U. States may repay the sum borrowed after 15 years.

SEC. 10. *And be it further enacted*, That so much as may be necessary of the surplus of the duties on imports and tonnage, beyond the permanent appropriations heretofore charged upon them by law, shall be, and hereby is, pledged and appropriated for paying the interest of all such moneys as may be

Surplus of duties pledged for paying the interest and principal of the loan, &c.

* See chapter 34.

† See Appendix, chapter 3.

borrowed pursuant to this act, according to the terms and conditions on which the loan, or loans, respectively, may be effected; and also for paying, by discharging, the principal sum or sums of any such loan or loans, according to the terms and conditions to be fixed as aforesaid.

The powers vested in the President by the 1st and 2d sections of this act, to cease, &c. unless continued by law.

SEC. 11. *And be it further enacted*, That the powers, by the first and second sections of this act vested in the President of the United States, shall cease at the expiration of the session of Congress next ensuing the present, unless they shall be, by some future law, continued in force for a longer time.

[Approved, March 2, 1799.]

CHAPTER 41.

An act authorizing an augmentation of the Marine corps.*

The President authorized to augment the marine corps by the appointments and enlistment mentioned, &c.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the President of the United States shall be, and he is hereby, authorized to cause the marine corps in the service of the United States to be augmented, by the appointment and enlistment of not exceeding two first lieutenants, six second lieutenants, eight surgeons, one hundred and seventy privates, and eighteen drums and fifes, who shall be respectively, allowed the same pay, bounty, clothing, and rations, and shall be employed under the same rules and regulations, to which the said marine corps are or shall be entitled and subject.

[Approved, March 2, 1799.]

CHAPTER 42.

An act authorizing the President of the United States to fill certain vacancies in the army and navy.

The President authorized to make appointments, to fill certain vacancies in the army and navy.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the President of the United States shall be, and he is hereby, authorized to make appointments to fill any vacancies in the army and navy, which may have happened during the present session of the Senate.

[Approved, March 3, 1799.]

* See chapter 36.

CHAPTER 43.

An act for the better organizing of the troops of the United States, and for other purposes.*

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the troops heretofore authorized, and which hereafter may be authorized, to be raised, shall be composed and organized as follows, to wit: A regiment of infantry shall consist

Organization of the troops,

A regiment of infantry.

of one lieutenant-colonel commandant, two majors, first and second, one adjutant, one quartermaster, and one paymaster, each being a lieutenant, one surgeon, and two surgeon's mates, ten captains, ten first and ten second lieutenants, besides the three lieutenants before mentioned, ten cadets, two sergeant-majors, two quartermaster-sergeants, two chief musicians, first and second, twenty other musicians, forty sergeants, forty corporals, and nine hundred and twenty privates, which, together, shall form two battalions, each battalion of five companies:

A regiment of cavalry shall consist of one lieutenant-colonel commandant, two majors, a first and second, one adjutant, one

A regiment of cavalry.

quartermaster, and one paymaster, each being a lieutenant; one surgeon, and two surgeon's mates, ten captains, ten first and ten second lieutenants, besides the three lieutenants before mentioned, ten cadets, two sergeant-majors, two quartermaster-sergeants, two chief musicians, first and second, ten other musicians, forty sergeants, forty corporals, and nine hundred and twenty privates, including ten saddlers, ten blacksmiths, and ten boot makers; which, together, shall form five squadrons, each squadron of two companies: A regiment of

A regiment of artillery.

artillery shall consist of one lieutenant-colonel commandant, four majors, one adjutant, one quartermaster, and one paymaster, each being a lieutenant; one surgeon, and two surgeon's mates, sixteen captains, thirty-two lieutenants, besides the three lieutenants before mentioned, thirty-two cadets, four sergeant-majors, four quartermaster-sergeants, sixty-four sergeants, sixty-four corporals, one chief musician, ten other musicians, eight hundred and ninety-six privates, including one hundred and twenty-eight artificers, which, together, shall form four battalions, each battalion of four companies: *Provided*,

always, That the number of privates raised, and to be raised, for the regiment of cavalry, and the regiments of infantry heretofore authorized, shall not exceed the number, respectively,

Proviso; the number of privates for cavalry, &c. not to exceed, &c.

for which provision hath been made by law; nor shall the battalion of riflemen, nor the two additional troops of cavalry authorized by this act, be raised, until further provision shall be so made, unless war shall break out between the United States and some European prince, potentate, or state, in which

The battalion of riflemen, &c. not to be raised, unless, war shall break out, &c.

* Repealed and supplied by act of 16th March, 1802, chapter 49, so far as it conflicts with the provisions of that act. Sections 8, 22, 23, and 24, do not appear to come within the operation of the repealing clause.

