

puties, &c. to be concerned, for commercial purposes, in the purchase or sale of any article intended for their respective departments, &c. except, &c.

sary-general, nor any or either of their deputies or assistant deputies, shall be concerned, directly or indirectly, in the purchase or sale, for commercial purposes, of any article intended for, making a part of, or appertaining to, their respective departments, except for, and on account of, the United States; nor shall they, or either of them, take or apply to his or their own use, any gain or emolument for negotiating or transacting any business in their respective departments, other than what is or may be allowed by law.

SEC. 2. And be it further enacted, That the quartermaster-general be, and he is hereby, empowered to appoint, one principal barrack-master, and as many deputy barrack-masters as may, from time to time, be necessary, not exceeding one to each separate barrack or cantonment; which said principal barrack-master shall be entitled to receive the same pay, rations, and emoluments as the principal forage-master; and each of his deputies, the same pay, rations, and emoluments, as is by law allowed to a deputy forage-master.

SEC. 3. And be it further enacted, That, in addition to the allowance made to the quartermaster-general and commissary-general, respectively, in and by the act hereby amended, it shall and may be lawful for the secretary for the department of war for the time being, to allow to them, respectively, such sums as, in his opinion, shall have been actually and necessarily expended in their several departments for office rent, fuel, candles, and extra clerk hire.

SEC. 4. And be it further enacted, That the quartermaster-general, the deputy quartermasters, and the assistant deputy quartermasters, shall, before they, or either of them, enter upon the duties of their appointment, respectively enter into bond, with sufficient security, to be approved of by the secretary of war, conditioned for the faithful expenditure of all public moneys, and accounting for all public property, which may come to their hands, respectively; and the quartermaster-general shall not be liable for any money or property that may come into the hands of the subordinate officers of his department.

SEC. 5. And be it further enacted, That the sixth section of the act hereby amended, be, and the same is hereby, repealed. [Approved, May 22, 1812.]

CHAPTER 76.

An act for the more perfect organization of the army of the United States.*

SEC. 1. Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the infantry of the army of the United States shall consist of 25 regiments.

* This act, with the exception of that part of section 5 which relates to the rule of promotions, is superseded by act of 3d March, 1815, chapter 100.

sist of twenty-five regiments, and that a regiment shall consist of one colonel, one lieutenant-colonel, one major, one adjutant, one paymaster, one quartermaster, one surgeon, two surgeon's mates, one sergeant-major, one quartermaster-sergeant, two principal musicians, and ten companies.

SEC. 2. And be it further enacted, That each company shall consist of one captain, one first lieutenant, one second lieutenant, one ensign, four sergeants, six corporals, two musicians, and ninety privates.

SEC. 3. And be it further enacted, That, to the regiment of cavalry, authorized by the act, passed January eleventh, one thousand eight hundred and twelve, entitled "An act to raise an additional military force,"* there shall be added one riding-master; and to the regiment of light dragoons authorized by the act, passed April twelfth, one thousand eight hundred and eight, entitled "An act to raise for a limited time, an additional military force,"† one surgeon's mate.

SEC. 4. And be it further enacted, That each troop of cavalry, or light dragoons, shall consist of one captain, one first lieutenant, one second lieutenant, one cornet, four sergeants, six corporals, two musicians, one master of the sword, one saddler, one farrier, one blacksmith, and sixty-four privates; and the pay and emolument of a master of the sword shall be the same as those of a riding-master, and the pay and emolument of a blacksmith shall be the same as those of a farrier.

SEC. 5. And be it further enacted, That the military establishment authorized by law previous to the twelfth day of April, one thousand eight hundred and eight, and the additional military force raised by virtue of the act of the twelfth of April, one thousand eight hundred and eight, be, and the same are hereby, incorporated; and that, from and after the passing of this act, the promotions shall be made through the lines of artillery, light artillery, dragoons, riflemen, and infantry, respectively, according to established rule.

[Approved, June 26, 1812.]

CHAPTER 77.

An act respecting the pay of the army of the United States.†

SEC. 1. Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the officers, non-commissioned officers, musicians, and privates, of the army of the United States, shall receive the same pay, forage, rations, clothing, and other emoluments, as soldiers

* Chapter 65.

† Chapter 57.

† Superseded by act of 3d March, 1815, which refers to and adopts the provisions of the same act in respect to pay, &c.

are entitled to by the officers of the same grade and corps, non-commissioned of-
 the act to raise, ficers, musicians, and privates, are entitled to by the act, entitled
 for a limited time, "An act to raise, for a limited time, an additional military
 an additional force,"* passed April twelfth, one thousand eight hundred and
 military force, eight; and to the aid-de-camp of a brigadier, to a brigade-
 &c. quartermaster, brigade-inspector, and adjutant, there shall be
 allowed forage for one horse only, or, in lieu thereof, ten dollars
 per month; and to the brigade-majors, under the act passed
 January the eleventh, one thousand eight hundred and twelve,
 there shall be allowed forage for one horse, or, in lieu thereof,
 ten dollars per month; and the pay of a quartermaster-ser-
 geant shall be nine dollars per month.

[Approved, July 6, 1812.]

CHAPTER 78.

An act making further provisions for the army of the United States, and for
 other purposes.†

Two additional brigadier-generals may be appointed by the President and senate, &c.
 The brigadier-generals, aids, &c. to receive the same pay, &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 be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint two brigadier-generals, in addition to those already authorized by law, who shall each be entitled to the same number of aids and brigade-majors, as are allowed to a brigadier-general under the act of Congress, passed the eleventh of January, one thousand eight hundred and twelve. And the said brigadier-generals, aids, and brigade-majors, shall be entitled to receive the same pay and emoluments as are by law allowed to officers of the same grade.

The President may appoint a deputy adjutant-general, &c. to any army, other than that in which the adjutant-general, &c. serves, &c. to be taken from the line of the army, pay, &c.
 Not exceeding three assistant deputies to each department, as
 SEC. 2. *And be it further enacted,* That to any army of the United States, other than that in which the adjutant-general, inspector-general, quartermaster-general, and paymaster of the army, shall serve, it shall be lawful for the President to appoint one deputy adjutant-general, one deputy inspector-general, one deputy quartermaster-general, and one deputy paymaster-general, who shall be taken from the line of the army, and who shall, each, in addition to his pay and other emoluments, be entitled to fifty dollars per month, which shall be in full compensation for his extra services. And that there shall be, to each of the foregoing deputies, such number of assistant deputies (not exceeding three to each department) as the public service

* See chapter 57, section 4.

† The first and second sections of this act, relating to organization and pay, are superseded by the provisions of the act of March 3d, 1815, chapter 100. The residue, from their nature and general import, are not liable to be incidentally repealed.

may require, who shall, in like manner, be taken from the line, the service may
 and who shall, each, be entitled to thirty dollars per month, in require, to be taken
 addition to his pay and other emoluments, which shall be in from the
 full compensation for his extra services: *And provided also,* the President may
 That the President of the United States be, and he is hereby, Proviso; the
 authorized to appoint any of the officers named in this act President author-
 during the recess of the Senate, to be submitted to the Senate, ized to appoint
 at their next meeting, for their advice and consent. any of the offi-
 cers named, in
 the recess, to be
 submitted, &c.

SEC. 3. *And be it further enacted,* That all letters and Letters, &c. to
 packages to and from the adjutant-general and inspector-gene- and from the ad-
 ral, shall be free from postage. jutant and in-
 spector-generals
 to be free, &c.

SEC. 4. *And be it further enacted,* That the President The President
 is hereby authorized to confer brevet rank on such officers of authorized to
 the army as shall distinguish themselves by gallant actions, or confer brevet
 meritorious conduct, or who shall have served ten years in any rank on officers
 one grade.* *Provided,* That nothing herein contained shall who distinguish
 be so construed as to entitle officers so brevetted to any addi- themselves, &c.
 tional pay or emoluments, except when commanding separate or who have
 posts, districts, or detachments, when they shall be entitled to, served ten years,
 and receive, the same pay and emoluments to which officers &c.
 of the same grades are now, or hereafter may be, allowed by Proviso; nothing
 law. herein to entitle
 officers brevetted
 to additional pay,
 &c. except when
 commanding se-
 parate posts, &c.

SEC. 5. *And be it further enacted,* That the officers who Officers who do
 shall not take waiters from the line of the army, shall receive not take waiter
 the pay, clothing, and subsistence allowed to a private soldier, from the line, to
 for as many waiters as they may actually keep, not exceeding receive the pay,
 the number allowed by existing regulations. &c. of a private
 soldier, for as
 many waiters,
 &c.

[Approved, July 6, 1812.]

CHAPTER 79.

An act increasing the pay of the non-commissioned officers, musicians, pri-
 vates, and others, of the army, 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, from and after the thirty-first day of December, eighteen hundred and twelve, the monthly pay of the non-commissioned officers, musicians, privates, drivers, bombardiers, matrosses, sappers, miners, artificers, saddlers, farriers, and blacksmiths, who have enlisted, or shall hereafter enlist, in the service of the United States, shall, during the continuance of the war between the United States of America, and their territories, and the

* So much of this act as authorizes brevet rank to be conferred for ten years service in one grade, is repealed by act of 30th June, 1834, chapter 165—See also chapter 116.

† Rendered obsolete by the termination of the war. For pay, subsequently, see provisions of the act of 3d March, 1815, chapter 100.

After the 31st of Dec. 1812; the monthly pay of the non-commissioned officers, privates, etc. to be as specified.

Specification of monthly pay. United Kingdom of Great Britain and Ireland, and the dependencies thereof, be as follows, to wit: To each sergeant-major and quartermaster-sergeant, twelve dollars; to each sergeant and principal musician, eleven dollars; to each corporal, ten dollars; to each musician nine dollars; to each private, driver, bombardier, matross, sapper, and miner, eight dollars; to each artificer, saddler, farrier, and blacksmith, not attached to the quastermaster-general's and ordnance department, thirteen dollars,

During the continuance of the war with Great Britain, no non-commissioned officer, private, driver, bombardier, matross, sapper, miner, artificer, saddler, farrier, or blacksmith, enlisted in the service of the United States, during his continuance in service, shall be arrested, or subject to arrest, or to be taken in execution, for any debt before or after enlistment.

Non-commissioned officers, privates, etc. recruited after the promulgation of this act, may enlist to serve during the war, or for five years, at option, etc. SEC. 3. *And be it further enacted*, That every non-commissioned officer, musician, and private, who shall, after the promulgation of this act, be recruited in the regular army of the United States, may, at his option, to be made at the time of enlistment, engage to serve during the present war with Great Britain, instead of the term of five years; and shall, in case he makes such option, be entitled to the same bounty in money and land, and to all other allowances, and be subject to the same rules and regulations, as if he had enlisted for the term of five years.

[Approved, December 12, 1812.]

CHAPTER 80.

An act supplementary to the act, entitled "An act for the more perfect organization of the army of the United States."*

The President authorized to appoint one additional major to the 1st regiment mentioned. 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 be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint one additional major to the first regiment of light dragoons, the regiment of light artillery, each regiment of infantry, and the rifle regiment, in the army of the United States, who shall receive the like pay, rations, forage, and other emoluments, as officers of the same grade and corps of the present establishment.

A third lieutenant to be appointed to each company in the army of the United States, who, if of cavalry or

*This act is superseded by that of 3d March, 1815, fixing the peace establishment of the United States—See chapter 100.

light dragoons shall receive the monthly pay of thirty dollars, company in the and of other corps, twenty-three dollars, and be allowed the army, etc. same forage, rations, and other emoluments, as second lieutenants of the same corps to which they belong.

SEC. 3. *And be it further enacted*, That there be allowed to each troop or company in the army of the United States, one additional sergeant, who shall receive the like pay, clothing, rations, and other emoluments, as sergeants of the present military establishment.

SEC. 4. *And be it further enacted*, That, in order to complete the present military establishment to the full number authorized by law, with the greatest possible despatch, there shall be paid to each effective, able bodied man, who shall be duly enlisted into the service of the United States, after the first day of February next, to serve for the term of five years, or during the war, an advance, of twenty-four dollars, on account of his pay, in addition to the existing bounty, one half of such advance to be paid at the enlistment of the recruit, and the other half when he shall be mustered, and have joined some military corps of the United States, for service; and a bounty of one hundred and sixty acres of land, as heretofore established by law.*

SEC. 5. *And be it further enacted*, That the commissioned officers who shall be employed in the recruiting service, shall be entitled to receive for every effective able bodied man, who shall be duly enlisted after the first day of February next, by them, for the term of five years or during the war, and mustered, and between the ages of eighteen and forty-five years, the sum of four dollars: *Provided, nevertheless*, That this regulation, so far as respects the age of the recruit, shall not extend to musicians, or to those soldiers who may re-enlist into the service: *And provided also*, That no person under the age of twenty-one years shall be enlisted by any officer, or held in the service of the United States, without the consent, in writing, of his parent, guardian, or master, first had and obtained, if any he have; and if any officer shall enlist any person contrary to the true intent and meaning of this act, for every such offence he shall forfeit and pay the amount of the bounty and clothing which the person so recruited may have received from the public, to be deducted out of the pay and emoluments of such officer.

SEC. 6. *And be it further enacted*, That it shall be lawful for any person, during the time he may be performing a tour of militia duty, to enlist in the regular army of the United States, and the recruiting officers are hereby authorized to enlist any such person, in the same manner, and under the same regulations, as if he were not performing such militia duty; and every person who shall enlist, while performing a tour of militia duty

*So much of this section as relates to an advance of pay to recruits, is specially repealed by chapter 90, section 1.

as aforesaid, shall be thereby exonerated from serving the remainder of said tour; and the state to which he may belong shall not be required to furnish any other person to serve in his stead.

[Approved, January 20, 1813.]

CHAPTER 81.

An act in addition to the act, entitled "An act to raise an additional military force," and for other purposes.*

Not exceeding 20 regiments of infantry to be enlisted for one year, etc.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, in addition to the present military establishment of the United States, there be raised such number of regiments of infantry, not exceeding twenty, as, in the opinion of the President, may be necessary for the public service, to be enlisted for the term of one year, unless sooner discharged.

Organization of each regiment.

SEC. 2. *And be it further enacted,* That each of the said regiments shall consist of one colonel, one lieutenant-colonel, two majors, one adjutant, one paymaster, one quartermaster, one surgeon, two surgeon's mates, one sergeant-major, one quartermaster-sergeant, two principal musicians, and ten companies.

Organization of each company.

SEC. 3. *And be it further enacted,* That each company shall consist of one captain, one first lieutenant, one second lieutenant, one third lieutenant, one ensign, five sergeants, six corporals, two musicians, and ninety privates.

The President may appoint officers during the recess, to be submitted, etc.

SEC. 4. *And be it further enacted,* That it shall be lawful for the President of the United States, in the recess of the Senate, to appoint such of the officers authorized by this act, as may not be appointed during the present session; which appointments shall be submitted to the Senate at their next session, for their advice and consent.

Officers and soldiers to receive the same pay, etc. as the officers, etc. of the present military establishment; except, etc.

SEC. 5. *And be it further enacted,* That all the officers, non-commissioned officers, musicians, and privates, authorized by this act, shall receive the like pay, forage, rations, clothing, and other emoluments, (the land and bounty excepted,) as the officers of the same grade and corps, non-commissioned officers, musicians, and privates, of the present military establishment.

The officers, and soldiers, to be governed by the rules and articles of war.

SEC. 6. *And be it further enacted,* That the officers, non-commissioned officers, musicians, and privates, of the regiments hereby authorized to be raised, shall be governed by the rules and articles of war, which have been established by the United States in Congress assembled, or by such rules and articles as may be hereafter by law established.

* Superseded by the provisions of the act of 3d March, 1815, fixing the peace establishment—See chapter 100.

SEC. 7. *And be it further enacted,* That the commissioned officers, who shall be employed in recruiting the force authorized by this act, shall be entitled to receive, for every person enlisted by them into this service, for the term specified, and approved by the commanding officer of the regiment, and between the ages of eighteen and forty-five years, the sum of two dollars: *Provided, nevertheless,* That this regulation, so far as respects the age of the recruit, shall not extend to musicians, or to those soldiers, who may re-enlist into the service: *And provided also,* That no person under the age of twenty-one years shall be enlisted by any officer, or held in the service of the United States, without the consent, in writing, of his parent, guardian, or master, first had and obtained, if any he have; and if any officer shall enlist any person contrary to the true intent and meaning of this act, for every such offence he shall forfeit and pay the amount of the bounty and clothing, which the person so recruited may have received from the public, to be deducted out of the pay and emoluments of such officer.

Commission officers to receive \$2 for every person enlisted, etc.

Proviso; the regulation respecting the age of the recruit, not to extend to musicians, etc.

No person under 21 to be enlisted, without consent of parents, etc.

Any officer enlisting persons contrary to this act, forfeits the amount of bounty and clothing, etc.

SEC. 8. *And be it further enacted,* That there shall be allowed and paid to each man recruited as aforesaid, a bounty of sixteen dollars; but the payment of eight dollars of the said bounty shall be deferred until he shall be mustered, and have joined some military corps of the United States.

\$16 bounty to each man; the payment of \$8 to be deferred, &c.

SEC. 9. *And be it further enacted,* That the said regiments shall be paid in such manner, that the arrears shall, at no time, exceed two months, unless the circumstances of the case shall render it unavoidable.

Arrears of pay never to exceed 2 months, unless, &c.

SEC. 10. *And be it further enacted,* That if any officer, non-commissioned officer, musician, or private, shall be disabled, by wounds or otherwise, while in the line of his duty in public service, he shall be placed on the list of invalids of the United States, at such rate of pension and under such regulations as are or may be directed by law: *Provided always,* That the compensation to be allowed for such wounds or disabilities, to a commissioned officer, shall not exceed, for the highest rate of disability, half the monthly pay of such officer, at the time of his being disabled or wounded; and that no officer shall receive more than the half pay of a lieutenant-colonel; and that the rate of compensation to non-commissioned officers, musicians, and privates, shall not exceed five dollars per month: *And provided also,* That all inferior disabilities shall entitle the person so disabled to receive an allowance proportionate to the highest disability.

Disabled officers and soldiers to be placed on the list of invalids, &c.

Proviso; the compensation for wounds, &c. to a commissioned officer, not to exceed half his monthly pay, &c.

No officer to receive more than half the monthly pay of lieutenant-col.

Proviso; inferior disabilities to be allowed in proportion.

SEC. 11. *And be it further enacted,* That if any commissioned officer shall, while in the service of the United States, die, by reason of any wound received in actual service of the United States, and leave a widow, or, if no widow, a child or children, under sixteen years of age, such widow, or, if no widow, such child or children, shall be entitled to and receive half the monthly pay to which the deceased was entitled at the time of his death,

Widows or children of commissioned officers dying from wounds received in actual service, entitled to half the monthly pay for five years.

In case the widow dies or marries, before, &c. the half pay to go to the children, &c.

for and during the term of five years: but, in case of the death or intermarriage of such widow, before the expiration of the said term of five years, the half pay for the remainder of the time shall go to the child or children of such deceased officer: *Provided always*, That such half pay shall cease on the decease of such child or children.

Non-commissioned officers, musicians, or privates, deserting the service, to make good the time of enlistment, &c.

SEC. 12. *And be it further enacted*, That if any non-commissioned officer, musician, or private, shall desert the service of the United States, he shall, in addition to the penalties mentioned in the rules and articles of war, be liable to serve for and during such a period as shall, with the time he may have served previous to his desertion, amount to the full term of his enlistment; and such soldier shall and may be tried by a court-martial, and punished, although the term of his enlistment may have elapsed previous to his being apprehended or tried.

Officers, soldiers, &c. to take an oath, &c.

Form of the oath.

SEC. 13. *And be it further enacted*, That every officer, non-commissioned officer, musician, and private, shall take and subscribe the following oath or affirmation, to wit: "I, A B, do solemnly swear or affirm, (as the case may be) that I will bear true faith and allegiance to the United States of America; and that I will serve them, honestly and faithfully against their enemies or opposers whomsoever; and that I will observe and obey the orders of the President of the United States, and the orders of the officers appointed over me, according to the rules and articles of war."

Extra expenses incurred by commissioned officers in travelling and sitting on general courts-martial to be allowed, &c.

SEC. 14. *And be it further enacted*, That where any commissioned officer shall be obliged to incur any extra expense, in travelling and sitting on general courts-martial, he shall be allowed a reasonable compensation for such extra expense actually incurred, not exceeding one dollar and twenty-five cents per day to officers who are not entitled to forage, and not exceeding one dollar per day to such as shall be entitled to forage.

Officers and soldiers discharged from service to be allowed pay and rations to travel to their places of residence, &c.

SEC. 15. *And be it further enacted*, That whenever any officer or soldier shall be discharged from the service, except by way of punishment for an offence, he shall be allowed his pay and rations, or an equivalent in money, for such term of time as shall be sufficient for him to travel from the place of discharge to the place of his residence, computing at the rate of twenty miles to a day.

A chaplain to be appointed to each brigade, &c.

SEC. 16. *And be it further enacted*, That there shall be appointed to each brigade one chaplain, who shall be entitled to the same pay and emoluments as a major in the infantry.

No field or staff officer, &c. entitled to receive pay or emolument, till called into actual service, &c.

SEC. 17. *And be it further enacted*, That no field or staff officer, who may be appointed by virtue of this act, shall be entitled to receive any pay or emoluments until he shall be called into actual service, nor for any longer time than he shall continue therein.

Acts concerning volunteer military corps, repealed.

SEC. 18. *And be it further enacted*, That the act entitled "An act authorizing the President of the United States to accept and organize certain volunteer military corps," and the act, entitled "An act supplementary to the act, entitled "An

act authorizing the President of the United States to accept and organize certain volunteer military corps," be, and the same are hereby, repealed, from and after the first day of February next: *Provided*, That nothing herein contained shall be so construed as to deprive the officers and men who may have entered the service as volunteers, under the said acts, of any rights, immunities, or privileges, therein secured, or the United States of the services of such volunteers, agreeably to the provisions of said acts.

Proviso; nothing herein to deprive volunteer officers and men, &c. of any rights, &c.

[Approved, January 29, 1813.]

CHAPTER 82.

An act making provision for an additional number of general officers.*

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the President be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint six major-generals in addition to those already authorized by law; each of whom shall be allowed two aids-de-camp, to be taken from the officers of the line; and six brigadier-generals, who shall be allowed a brigade-major, and one aid-de-camp each, to be taken also from the officers of the line.

Six major-generals to be appointed in addition, &c.

Two aids-de-camp allowed to each.

Six brigadier-generals; brigade majors, &c.

SEC. 2. *And be it further enacted*, That the officers authorized by this act shall receive the same pay, forage, rations, and other emoluments, as the officers of the same grade of the present military establishment.

The officers authorized by this act, to receive the same pay, &c. as those of the same grade in the present military establishment.

[Approved, February 24, 1813.]

CHAPTER 83.

An act the better to provide for the supplies of the army of the United States, and for the accountability of persons entrusted with the same.†

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the third section of the act, entitled "An act to provide for the erecting and repairing of arsenals and magazines, and

The 3d section of the act to provide for erecting and repairing arsenals, &c. re-

*Superseded by the provisions of the act of 3d March, 1815, fixing the peace establishment, chapter 100.

†The 8th and 9th sections of this act were superseded by act of 3d March, 1815, chapter 100. The residue, with the exception of section 5, was repealed by act of 3d March, 1817, chapter 109. Section 5 confers general powers, without limitation as to time, and does not appear liable to be repealed incidentally.