

**APPENDIX TO THE
MILITARY LAWS OF
THE UNITED STATES**

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Appendix to the Military Laws of the United States by Various

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VARIOUS

**APPENDIX TO THE
MILITARY LAWS OF
THE UNITED STATES**

APPENDIX

TO THE

MILITARY LAWS OF THE UNITED STATES.

CONTAINING THE LEGISLATION AFFECTING THE MILITARY
ESTABLISHMENT ENACTED SUBSEQUENT TO MARCH
4, 1897, AND INCLUDING MAY 18, 1898.



WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1898.

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1897a

PREFATORY NOTE.

The "Military Laws of the United States," published by the War Department in 1897, contains the laws affecting the military establishment enacted prior to March 4, 1897. This pamphlet contains such legislation affecting the military establishment as has been subsequently enacted, to include May 18, 1898.

WAR DEPARTMENT, 72675-
Washington, D. C., May 18, 1898.



CHAPTER II.

PROVISIONS APPLICABLE TO THE SEVERAL EXECUTIVE DEPARTMENTS.

HOURS OF LABOR IN THE EXECUTIVE DEPARTMENTS.

19.¹ Hereafter it shall be the duty of the heads of the several Executive Departments, in the interest of the public service, to require of all clerks and other employees, of whatever grade or class, in their respective Departments, not less than seven hours of labor each day, except Sundays and days declared public holidays by law or Executive order: *Provided*, That the heads of the Departments may, by special order, stating the reason, further extend the hours of any clerk or employee in their Departments, respectively; but in case of an extension it shall be without additional compensation: *Provided further*, That the head of any Department may grant thirty days' annual leave with pay in any one year to each clerk or employee: *And provided further*, That where some member of the immediate family of a clerk or employee is afflicted with a contagious disease and requires the care and attendance of such employee, or where his or her presence in the Department would jeopardize the health of fellow-clerks, and in exceptional and meritorious cases, where a clerk or employee is personally ill, and where to limit the annual leave to thirty days in any one calendar year would work peculiar hardship, it may be extended, in the discretion of the head of the Department, with pay, not exceeding thirty days in any one case or in any one calendar year.

This section shall not be construed to mean that so long as a clerk or employee is borne upon the rolls of the Department in excess of the time herein provided for or granted that he or she shall be entitled to pay during the period of such excessive absence, but that the pay shall stop upon the expiration of the granted leave.

Hereafter it shall be the duty of the head of each Executive Department to require monthly reports to be made to him as to the condition of the public business in the several bureaus or offices of his Department at Washington; and in each case where such reports disclose that the public business is in arrears, the head of the Department in which such arrears exist shall require, as provided herein, an extension of the hours of service to such clerks or employees as may be necessary to bring up such arrears of public business.

¹The numbers relate to the corresponding paragraphs in the "Military Laws of the United States."

Hereafter it shall be the duty of the head of each Executive Department, or other Government establishment at the seat of government, not under an Executive Department, to make at the expiration of each quarter of the fiscal year a written report to the President as to the condition of the public business in his Executive Department or Government establishment, and whether any branch thereof is in arrears.—(Section 7, act of March 15, 1898.)

CONTINGENT FUNDS.

46. Hereafter law books, books of reference, and periodicals for use of any Executive Department, or other Government establishment not under an Executive Department, at the seat of Government, shall not be purchased or paid for from any appropriation made for contingent expenses or for any specific or general purpose unless such purchase is authorized and payment therefor specifically provided in the law granting the appropriation.—(Section 3, act of March 15, 1898.)

CHAPTER V.

THE DEPARTMENT OF THE TREASURY: THE ACCOUNTING OFFICERS.¹

161. All books, papers, and other matters relating to the office or accounts of disbursing officers of the Executive Departments, and commissions, boards, and establishments of the Government in the District of Columbia shall at all times be subject to inspection and examination by the Comptroller of the Treasury and the Auditor of the Treasury authorized to settle such accounts, or by the duly authorized agents of either of said officials.—(Act of February 19, 1897, 29 Stat. L., 550.)

¹Under the authority conferred by the acts of July 31, 1894 (28 Stat. L., 209), and March 2, 1895 (28 *ibid.*, 817), the Secretary of the Treasury has issued instructions extending the time within which monthly accounts may be rendered to twenty days and quarterly accounts to forty days after the period to which they relate.—*Treasury Instructions of May 4, 1898; G. O. 36, A. G. O., 1898.*

CHAPTER XI.

THE MILITARY ESTABLISHMENT.

THE MILITARY FORCES OF THE UNITED STATES.

COMPOSITION.

THE REGULAR ARMY—THE VOLUNTEER ARMY—THE MILITIA.

436. All able-bodied male citizens of the United States, and persons of foreign birth who shall have declared their intention to become citizens of the United States under and in pursuance of the laws thereof, between the ages of eighteen and forty-five years, are hereby declared to constitute the national forces, and, with such exceptions and under such conditions as may be prescribed by law, shall be liable to perform military duty in the service of the United States.—(*Act of April 22, 1898.*)

The organized and active land forces of the United States shall consist of the Army of the United States and of the militia of the several States when called into the service of the United States: *Provided*, That in time of war the Army shall consist of two branches which shall be designated, respectively, as the Regular Army and the Volunteer Army of the United States.—(*Section 2, ibid.*)

The Regular Army is the permanent military establishment, which is maintained both in peace and war according to law.—(*Section 3, ibid.*)

The Volunteer Army shall be maintained only during the existence of war, or while war is imminent, and shall be raised and organized, as in this Act provided, only after Congress has or shall have authorized the President to raise such a force or to call into the actual service of the United States the militia of the several States: *Provided*, That all enlistments for the Volunteer Army shall be for a term of two years, unless sooner terminated, and that all officers and men composing said army shall be discharged from the service of the United States when the purposes for which they were called into service shall have been accomplished, or on the conclusion of hostilities.—(*Section 4, ibid.*)



THE PERMANENT ESTABLISHMENT.

THE REGULAR ARMY.

437. The Regular Army is the permanent military establishment, which is maintained both in peace and war according to law.—*Section 3, act of April 22, 1898.*)

ARTILLERY.

The artillery of the Army shall consist of seven regiments, and that the total number of enlisted men in the Army of the United States, including Indian scouts and the Hospital Corps, shall be increased one thousand six hundred and ten, the increase to be exclusively for the artillery arm.—(*Act of March 8, 1898.*)

Each regiment of artillery shall consist of one colonel, one lieutenant-colonel, three majors, twelve captains, fourteen first lieutenants, twelve second lieutenants, one sergeant-major, one quartermaster-sergeant, one chief musician, two principal musicians, and twelve batteries: *Provided*, That two batteries of each regiment may, in the discretion of the President, be organized as field artillery, and each battery that may be so organized shall have, in addition to the battery organization now authorized by law, four corporals, two farriers, and one saddler: *And provided further*, That each of the remaining batteries that are not organized as field artillery may, in the discretion of the President, have two additional sergeants.—(*Section 2, ibid.*)

All vacancies created or caused by this Act shall be filled by promotion, according to seniority, from the next lower grade in the arm; and the existing provisions of law governing examinations for promotion shall apply to appointments made under this Act.—(*Section 3, ibid.*)

INFANTRY.

Hereafter the peace organization of each regiment of infantry now in service shall embrace one colonel, one lieutenant-colonel, two majors, ten captains, twelve first lieutenants, ten second lieutenants, one sergeant-major, one quartermaster-sergeant, one chief musician, two principal musicians, two battalions of four companies each, and two skeleton or unmanned companies; the organized companies to be constituted as now authorized by law: *Provided*, That nothing herein contained shall be construed as abolishing the office of chaplain in each regiment of colored troops: *And provided further*, That the vacancies in the grade of major created by this section shall be filled by promotion according to seniority in the infantry arm.—(*Section 1, act of April 26, 1898.*)

THE WAR ESTABLISHMENT.

THE REGULAR ARMY—THE VOLUNTEER ARMY—THE MILITIA.

THE REGULAR ARMY.

441. Upon a declaration of war by Congress,¹ or a declaration by Congress that war exists the President, in his discretion, may establish a third battalion for each infantry regiment, consisting of four companies, to be supplied by manning the two skeleton companies and by organizing two additional companies. The vacancies of commissioned officers in the additional companies shall be filled by promotions by seniority in the infantry arm, and by appointments in accordance with existing law; and hereafter all vacancies occurring in the cavalry, artillery, and infantry above the grade of second lieutenant shall, subject to the examination now required by law, be filled by promotion according to seniority from the next lower grade in each arm.²—(*Section 2, act of April 26, 1898.*)

Upon a declaration of war by Congress, or a declaration of Congress that war exists, the enlisted strength of a company, troop, and battery, respectively, may, in the discretion of the President, be increased to comprise not exceeding:³

For each company of infantry: One first sergeant, one quartermaster-sergeant, four sergeants, twelve corporals, two musicians, one artificer, one wagoner, and eighty-four privates; total enlisted, one hundred and six.

For each troop of cavalry: One first sergeant, one quartermaster-sergeant, six sergeants, eight corporals, two farriers and blacksmiths, two trumpeters, one saddler, one wagoner, seventy-eight privates; total enlisted, one hundred.

For each battery of heavy artillery: One first sergeant, twenty-two sergeants, ten corporals, two musicians, two artificers, one wagoner, one hundred and sixty-two privates; total enlisted, two hundred.

¹By the act of April 25, 1898, war was formally declared to exist with the Kingdom of Spain. The following is the text of the declaration: "First. That war be, and the same is hereby, declared to exist, and that war has existed since the twenty-first day of April, anno Domini eighteen hundred and ninety-eight, including said day, between the United States of America and the Kingdom of Spain.

"Second. That the President of the United States be, and he hereby is, directed and empowered to use the entire land and naval forces of the United States, and to call into the actual service of the United States the militia of the several States, to such extent as may be necessary to carry this act into effect."—*Act of April 25, 1898.*

²Under the authority conferred by this statute a third battalion was established by the President in each of the infantry regiments of the Regular Army on April 26, 1898 (General Orders 27 and 32, A. G. O., 1898). The companies of cavalry, artillery, and infantry were ordered to be recruited to the war strength authorized by the act of April 26, 1898, by G. O. 27, A. G. O. of 1898.