

A RECORD

OF THE

COMMISSIONED OFFICERS,

NON-COMMISSIONED OFFICERS AND PRIVATES,

OF THE REGIMENTS WHICH WERE

ORGANIZED IN THE STATE OF NEW YORK

AND CALLED INTO THE SERVICE OF THE UNITED STATES

TO ASSIST IN

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SUPPRESSING THE REBELLION

CAUSED BY THE SECESSION OF SOME OF THE SOUTHERN STATES FROM THE UNION,
A. D. 1861, AS TAKEN FROM THE MUSTER-IN ROLLS ON FILE IN THE
ADJUTANT GENERAL'S OFFICE, S. N. Y.

VOL. II.

ALBANY, N. Y.

COMSTOCK & CASSIDY, PRINTERS,
1864.

HEAD-QUARTERS—STATE OF NEW YORK,

ADJUTANT GENERAL'S OFFICE, }
ALBANY, *January 1st*, 1864. }

I certify that the following names are correctly taken from the Muster Rolls, on file in this Office, of the Volunteer Troops called into the service of the United States, commencing April 15, A. D. 1861, and printed under the act of the Legislature passed April 23d, 1863.

JOHN T. SPRAGUE,
Adjutant General.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA :

A PROCLAMATION.

Whereas existing exigencies demand immediate and adequate measures for the protection of the National Constitution and the preservation of the National Union by the suppression of the insurrectionary combinations now existing in several States for opposing the laws of the Union and obstructing the execution thereof, to which end a military force in addition to that called forth by my proclamation of the fifteenth day of April in the present year, appears to be indispensably necessary :

Now, therefore, I, ABRAHAM LINCOLN, President of the United States, and Commander-in-Chief of the Army and Navy thereof, and of the Militia of the several States when called into actual service, do hereby call into the service of the United States forty-two thousand and thirty-four volunteers, to serve for the period of three years unless sooner discharged, and to be mustered into service as infantry and cavalry. The proportions of each arm and the details of enrollment and organization will be made known through the Department of War.

And I also direct that the regular army of the United States be increased by the addition of eight regiments of infantry, one regiment of cavalry, and one regiment of artillery, making altogether, a maximum aggregate increase of twenty-two thousand seven hundred and fourteen, officers and enlisted men, the details of which increase will also be made known through the Department of War.

And I further direct the enlistment for not less than one or more than three years, of eighteen thousand seamen, in addition to the present force, for the naval service of the United States. The details of the enlistment and organization will be made known through the Department of the Navy.

The call for volunteers, hereby made, and the direction for the increase of the regular army, and for the enlistment of seamen hereby given, together with the plan of organization adopted for the volunteers and for the regular forces hereby authorized will be submitted to Congress as soon as assembled.

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In the meantime I earnestly invoke the co-operation of all good citizens in the measures hereby adopted, for the effectual suppression of unlawful violence, for the impartial enforcement of constitutional laws, and for the speediest possible restoration of peace and order, and, with these, of happiness and prosperity throughout the country.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this third day of May, in the year of our Lord
[L. S.] one thousand eight hundred and sixty-one, and of the Independence of the
United States the eighty-fifth.

ABRAHAM LINCOLN.

By the President :

WILLIAM H. SEWARD, *Secretary of State.*

PROCLAMATION

BY

EDWIN D. MORGAN,

GOVERNOR OF THE STATE OF NEW YORK.

The President of the United States having requested me to furnish additional troops for the prompt suppression of resistance to the Constitution and the Laws, I do hereby call for a volunteer force of twenty-five thousand men, to serve for three years, or during the war. Such force will be raised pursuant to a General Order, which will be issued immediately, and which will prescribe the mode of organization. To the end that every portion of the State may have an opportunity to contribute thereto, the rendezvous will be at New York, Albany and Elmira. The head-quarters at Albany.

In witness whereof, I have hereunto set my hand and affixed the privy seal of
[L. S.] the State, at the city of Albany, this twenty-fifth day of July, in the year of
our Lord, one thousand eight hundred and sixty-one.

EDWIN D. MORGAN.

By the Governor :

LOCKWOOD L. DOTY, *Private Secretary.*

60
324

GENERAL HEAD-QUARTERS—STATE OF NEW YORK,

GENERAL ORDERS, }
No. 78. }ADJUTANT-GENERAL'S OFFICE, }
ALBANY, July 30, 1861. }

The President of the United States having made a requisition on the State of New York for 25,000 additional volunteers to serve for three years or during the war, the following regulations for their organization are hereby published :

1. There will be twenty-five regiments, numbered from forty-three to sixty-seven, both inclusive, one of which will be organized as artillery, with six batteries of four guns each. Detailed instructions for the artillery will be published hereafter.

2. Each infantry regiment will consist of ten companies, and each company will be organized as follows :

One Captain, one First Lieutenant, one Second Lieutenant, one First Sergeant, four Sergeants, eight Corporals, two Musicians, one Wagoner, and not less than sixty-four or more than eighty-two Privates ; maximum aggregate, one hundred and one.

3. Each regiment will be organized as follows :

Minimum.	Maximum.
830 Company officers and enlisted men.	1010 Company officers and enlisted men.
1 Colonel.	1 Colonel.
1 Lieutenant Colonel.	1 Lieutenant-Colonel.
1 Major.	1 Major.
1 Adjutant (a Lieutenant).	1 Adjutant (a Lieutenant).
1 Regimental Quartermaster (a Lieutenant).	1 Regimental Quartermaster (a Lieutenant).
1 Surgeon.	1 Surgeon.
1 Assistant Surgeon.	1 Assistant Surgeon.
1 Chaplain.	1 Chaplain.
1 Sergeant-Major.	1 Sergeant-Major.
1 Regimental Quartermaster-Sergeant.	1 Regimental Quartermaster-Sergeant.
1 Regimental Commissary-Sergeant.	1 Regimental Commissary-Sergeant.
1 Hospital Steward.	1 Hospital Steward.
2 Principal Musicians.	2 Principal Musicians.
24 Musicians for Band.	24 Musicians for Band.
<hr/> 868 Aggregate.	<hr/> 1048 Aggregate.

4. There will be three Depots at which the volunteers will assemble :

One in New York city, to be commanded by Brigadier-General Yates ;
One at Albany, to be commanded by Brigadier-General Rathbone ; and
One at Elmira, to be commanded by Brigadier-General Van Valkenburgh.

5. When thirty-two or more persons shall present their application to the Commandant of a Depot for a company organization, he will appoint an Inspector to make an inspection, and after the above number of able bodied men, between the ages of eighteen and forty-five (minors having exhibited the written consent of their parents or guardians), have been inspected by him, the Inspector will certify the result thereof to such Commandant, by whose order transportation to his Depot will be provided. On their arrival there, they will be examined by the Medical Examiner of the Depot, and quarters and subsistence will be furnished.

6. The above rule will apply to the transportation, &c., of the recruits, who may be enlisted from time to time, to complete the organization of a company.

7. When thirty-two or more men shall have been thus accepted by the Medical Examiner, the Commandant of the Depot will immediately direct them to nominate, by ballot, a Captain and Lieutenant of the company; the remaining officers to be nominated on the completion of the company organization.

8. After an examination as hereinafter provided (paragraph 16) of the persons so nominated as officers, the Commandant of the Depot will transmit the inspection roll, with certificates of inspection, nomination and examination, to the Adjutant-General of the State. If the company thus organized shall be accepted by the Commander-in-Chief, the pay of the officers and men will commence from the date of such acceptance.

9. The company non-commissioned officers, until the company shall be embodied in a regiment, will be appointed by the Captain; afterwards by the Regimental Commander, on the recommendation of the Captain.

10. The field officers for these regiments will be appointed by the Commander-in-Chief, after they shall have passed a satisfactory examination, before a board of officers to be hereinafter named, and will be assigned to the various Depots, to superintend the organization of their regiments under the the orders of Commandants of Depots.

11. If delay should occur in the filling up of any company or regiment to the *minimum* standard to entitle it to be mustered into the United States service, the Commander-in-Chief will disband or consolidate the incomplete organizations, or transfer companies or accept new organizations, as circumstances may require. When companies are consolidated the officers will be assigned according to rank, and when rank is of the same date it will be fixed by lot. Officer rendered supernumerary by disbanding or consolidating incomplete companies or regiments, will be discharged from the service, and their pay, &c., will cease from the date of such discharge.

12. After the acceptance of a regiment, the Colonel will appoint from the company subalterns an Adjutant and a Regimental Quartermaster, who may be reassigned to companies at his pleasure.

13. The Surgeon and Assistant Surgeon will be appointed by the Commander-in-Chief, after they shall have passed an examination by a commission prescribed by the Medical Department.

14. The Non-commissioned Staff will be selected by the Colonel from the non-commissioned officers and privates of the regiment; and vacancies so created will be filled by appointment as is prescribed above.

15. The Regimental Chaplain will be appointed by the Regimental Commander, on the vote of the field officers and company commanders on duty with the regiment at the time the appointment is made. The Chaplain must be a regularly ordained minister of some christian denomination, and will receive the pay and allowances of a Captain of cavalry.

16. The Commander-in-Chief will appoint for each Depot, a Board of Examiners, to examine into the qualifications of persons nominated for company officers.

17. Field officers will be examined in the School of the Company and Battalion; company officers in the School of the Soldier and Company; artillery officers, in addition to the above, will be examined in Artillery Tactics and other branches of that arm of the service. The examiners will also inquire into the moral character and habits of the persons examined, and report for the information of the Commander-in-Chief. When a person designated as an officer shall be found not qualified, another nomination will be made instead. When no nomination shall be made to the Commander-in-Chief, he will fill the vacancy.

18. When regiments are duly organized according to the above regulations, they will be presented for muster into the service of the United States. Care will be taken to send one muster roll to the Adjutant-General of the State.

19. The following extracts from General Orders No. 15, from the War Department, will be deemed a part of this order:

“The officers, non-commissioned officers and privates organized as above set forth, will, in all respects, be placed on the footing, as to pay and allowances, of similar corps of the regular army: *Provided*, that their allowances for clothing shall be \$2.50 per month for infantry.

“Every volunteer non-commissioned officer, private, musician and artificer, who enters the service of the United States under this plan, shall be paid at the rate of fifty cents, and if a cavalry volunteer, twenty-five cents additional, in lieu of forage, for every twenty miles of travel from his home to the place of muster, the distance to be measured by the shortest usually traveled route; and when honorably discharged, an allowance, at the same rate, from the place of his discharge to his home, and in addition thereto the sum of one hundred dollars.

“Any volunteer who may be received into the service of the United States under this plan, and who may be wounded or otherwise disabled in the service, shall be entitled to the benefits which have been or may be conferred on persons disabled in the regular service, and the legal heirs of such as die or may be killed in service, in addition to all arrears of pay and allowances, shall receive the sum of one hundred dollars.

“The Bands of the regiments of infantry will be paid as follows: one-fourth of each will receive the pay and allowances of sergeants of engineer soldiers; one-fourth those of corporals of engineer soldiers, and the remaining half those of privates of engineer soldiers of the 1st class.

“The wagoners and saddlers will receive the pay and allowances of corporals of cavalry.

“The Regimental Commissary-Sergeant will receive the pay and allowances of a Regimental Sergeant-Major. The Company Quartermaster-Sergeant, the pay and allowances of a Sergeant of cavalry.”

By order of the Commander-in-Chief.

DUNCAN CAMPBELL. *Assistant Adjutant-General.*

GENERAL HEAD-QUARTERS—STATE OF NEW YORK,

GENERAL ORDERS, }
 No. 87. }

ADJUTANT-GENERAL'S OFFICE, }
 ALBANY, *August 17, 1861.* }

The President of the United States having made requisition on the State of New York for two regiments of cavalry, and two regiments of artillery, the following regulations for their organization are published:

I. CAVALRY.

Each regiment will consist of two battalions (which may be afterwards increased to three battalions if considered necessary); each battalion will consist of two squadrons, and each squadron will consist of two companies, which will be organized as follows:

- 1 Captain.
- 1 First Lieutenant.
- 1 Second Lieutenant.
- 1 First Sergeant.
- 1 Company Quartermaster-Sergeant.
- 4 Sergeants.
- 8 Corporals.
- 2 Musicians.
- 2 Farriers and Blacksmiths.
- 1 Saddler.
- 1 Wagoner.
- 56 Privates.
- 79 Minimum aggregate.

Each battalion will be organized as follows:

- 316 Company officers and enlisted men.
- 1 Major.
- 1 Battalion Adjutant.
- 1 Battalion Quartermaster and Commissary (a Lieutenant).
- 1 Sergeant-Major.
- 1 Quartermaster-Sergeant.
- 1 Commissary-Sergeant.
- 1 Hospital Steward.
- 1 Saddler-Sergeant.
- 1 Veterinary-Sergeant.
- 325 Minimum aggregate.

Each regiment (if composed of two battalions) will be organized as follows :

- 650 Battalion officers and enlisted men.
 - 1 Colonel.
 - 1 Lieutenant-Colonel.
 - 1 Regimental Adjutant (a Lieutenant).
 - 1 Regimental Quartermaster and Commissary (a Lieutenant).
 - 1 Surgeon.
 - 1 Assistant-Surgeon.
 - 1 Chaplain.
 - 2 Chief Buglers.
 - 16 Musicians for Band.
- 675 Minimum aggregate.

II. ARTILLERY.

Each regiment of artillery will consist of eight batteries, and each battery will be organized as follows :

- 1 Captain.
- 1 First Lieutenant.
- 1 Second Lieutenant.
- 1 First Sergeant.
- 1 Company Quartermaster-Sergeant.
- 4 Sergeants.
- 8 Corporals.
- 2 Musicians.
- 2 Artificers.
- 1 Wagoner.
- 58 Privates.
- 80 Minimum aggregate.

Each regiment will be organized as follows :

- 640 Company officers and enlisted men.
 - 1 Colonel.
 - 1 Lieutenant-Colonel.
 - 3 Majors.
 - 1 Adjutant.
 - 1 Regimental Quartermaster and Commissary (a Lieutenant).
 - 1 Surgeon.
 - 1 Assistant-Surgeon.
 - 1 Chaplain.
 - 1 Sergeant-Major.

- 1 Quartermaster-Sergeant.
 - 2 Principal Musicians.
 - 1 Hospital Steward.
 - 24 Musicians for Band.
-
- 679 Minimum aggregate.
-

III. All the provisions of General Order No. 78, from and including paragraph 4 to the end thereof, shall be considered as applicable to the foregoing organizations, with the following emendations, which shall also apply to the organization of the twenty-four regiments of infantry called for in said order :

Paragraph 16 is modified so as to permit the examination of persons as to their qualifications for company officers previous to their designation as such, and the certificate of the Board, of such examination and approval, shall be sufficient, if they shall be subsequently so designated.

The following will be considered an addition to paragraph 5 :

Such persons as have received the certificate of the Board of Examiners as being qualified for company officers, and shall be engaged in raising a company, shall be allowed thirty cents per day for the board of the men enlisted previous to their inspection and being sent to Depot; provided, however, that a list of the men, with the date of their enlistment, be presented, verified by affidavit; and provided, also, that the time allowed for boarding any portion of such men shall not exceed ten days, and that no allowance shall be made for any men who are not subsequently mustered into the service of the United States.

Paragraph 19 is amended, so that the allowance for clothing for all volunteers shall be \$3.50 per month.

By order of the Commander-in Chief.

DUNCAN CAMPBELL,

GENERAL HEAD-QUARTERS—STATE OF NEW YORK,

GENERAL ORDERS, }
 No. 113. . }

ADJUTANT-GENERAL'S OFFICE, }
 ALBANY, *November 26, 1861.* }

I. The organization of volunteers for the the several arms of the service will hereafter proceed according to the following rules and regulations; the aggregate number which will be accepted to be determined by the exigencies of the service.

II. Each regiment of infantry will consist of ten companies, each company to be organized as follows:

Minimum.	Maximum.
1 Captain.	1 Captain.
1 First Lieutenant.	1 First Lieutenant.
1 Second Lieutenant.	1 Second Lieutenant.
1 First Sergeant.	1 First Sergeant.
4 Sergeants.	4 Sergeants.
8 Corporals.	8 Corporals.
2 Musicians.	2 Musicians.
1 Wagoner.	1 Wagoner.
64 Privates	82 Privates.
<hr/> 83 Aggregate.	<hr/> 101 Aggregate.

For the regiment there will be:

Minimum.	Maximum.
830 Company officers and enlisted men.	1010 Company officers and enlisted men.
1 Colonel.	1 Colonel.
1 Lieutenant Colonel.	1 Lieutenant-Colonel.
1 Major.	1 Major.
1 Adjutant.	1 Adjutant.
1 Regimental Quartermaster.	1 Regimental Quartermaster.
1 Surgeon.	1 Surgeon.
1 Assistant Surgeon.	1 Assistant Surgeon.
1 Chaplain.	1 Chaplain.
1 Sergeant-Major.	1 Sergeant-Major.
1 Regimental Quartermaster-Sergeant.	1 Regimental Quartermaster-Sergeant.
1 Regimental Commissary-Sergeant.	1 Regimental Commissary-Sergeant.
1 Hospital Steward.	1 Hospital Steward.
2 Principal Musicians.	2 Principal Musicians.
<hr/> 844 Aggregate.	<hr/> 1024 Aggregate.

VOL. II.—2B

CAVALRY.

III. Each regiment of cavalry will consist of three battalions, each battalion of two squadrons, each squadron of two companies. Each company will be organized as follows :

Minimum.	Maximum.
1 Captain.	1 Captain.
1 First Lieutenant.	1 First Lieutenant.
1 Second Lieutenant.	1 Second Lieutenant.
1 First Sergeant.	1 First Sergeant.
1 Company Quartermaster-Sergeant.	1 Company Quartermaster-Sergeant.
4 Sergeants.	4 Sergeants.
8 Corporals.	8 Corporals.
2 Musicians.	2 Musicians.
2 Farriers.	2 Farriers.
1 Saddler.	1 Saddler.
1 Wagoner.	1 Wagoner.
56 Privates.	72 Privates.
<hr/> <hr/> 79 Aggregate.	<hr/> <hr/> 95 Aggregate.

Each battalion will be organized as follows :

Minimum.	Maximum.
316 Company officers and enlisted men.	380 Company officers and enlisted men.
1 Major.	1 Major.
1 Battalion Adjutant.	1 Battalion Adjutant.
1 Battalion Quartermaster and Commissary.	1 Battalion Quartermaster and Commissary.
1 Sergeant-Major.	1 Sergeant-Major.
1 Quartermaster-Sergeant.	1 Quartermaster-Sergeant.
1 Commissary-Sergeant.	1 Commissary-Sergeant.
1 Hospital Steward.	1 Hospital Steward.
1 Saddler-Sergeant.	1 Saddler-Sergeant.
1 Veterinary-Sergeant.	1 Veterinary-Sergeant.
<hr/> <hr/> 325 Aggregate.	<hr/> <hr/> 389 Aggregate.

Each regiment of cavalry, of three battalions, will be organized as follows :

Minimum.	Maximum.
975 Battalion officers and enlisted men.	1167 Battalion officers and enlisted men.
1 Colonel.	1 Colonel.
1 Lieutenant-Colonel.	1 Lieutenant-Colonel.
1 Regimental Adjutant.	1 Regimental Adjutant.
1 Regimental Quartermaster and Commissary.	1 Regimental Quartermaster and Commissary.

1 Surgeon.	1 Surgeon.
1 Assistant-Surgeon.	1 Assistant-Surgeon.
1 Chaplain.	1 Chaplain.
2 Chief Buglers.	2 Chief Buglers.
<hr/> <hr/> 934 Aggregate.	<hr/> <hr/> 1176 Aggregate.

ARTILLERY.

IV. Each regiment will be composed of eight or twelve batteries, and each battery will be organized as follows :

Minimum.	Maximum.
1 Captain.	1 Captain.
1 First Lieutenant.	2 First Lieutenants.
1 Second Lieutenant.	2 Second Lieutenants.
1 First Sergeant.	1 First Sergeant.
1 Company Quartermaster-Sergeant.	1 Company Quartermaster-Sergeant.
4 Sergeants.	6 Sergeants.
8 Corporals.	12 Corporals.
2 Musicians.	2 Musicians.
2 Artificers.	6 Artificers.
1 Wagoner.	1 Wagoner.
58 Privates.	122 Privates.
<hr/> <hr/> 80 Aggregate.	<hr/> <hr/> 156 Aggregate.

The regiment will be organized, supposing it to consist of twelve batteries, as follows :

Minimum.	Maximum.
960 Company officers and enlisted men.	1872 Company officers and enlisted men.
1 Colonel.	1 Colonel.
1 Lieutenant-Colonel.	1 Lieutenant-Colonel.
3 Majors.	3 Majors.
1 Adjutant.	1 Adjutant.
1 Regimental Quartermaster and Commissary.	1 Regimental Quartermaster and Commissary.
1 Surgeon.	1 Surgeon.
1 Assistant-Surgeon.	1 Assistant Surgeon.
1 Chaplain.	1 Chaplin.
1 Sergeant-Major.	1 Sergeant-Major.
1 Quartermaster-Sergeant.	1 Quartermaster-Sergeant.
1 Commissary-Sergeant.	1 Commissary-Sergeant.
2 Principal Musicians.	2 Principal Musicians.
1 Hospital Steward.	1 Hospital Steward.
<hr/> <hr/> 976 Aggregate.	<hr/> <hr/> 1888 Aggregate.

A Major will be allowed to every four batteries.

V. Commissioned officers of companies will be appointed and commissioned by the Governor, on the nomination of the privates of companies, after they shall have passed an examination, as hereinafter provided.

VI. The non-commissioned officers of a company, until the formation of a regiment, will be appointed by the Captain—afterwards by the Colonel of the regiment, on the recommendation of the Captain, except in the case of the appointments of a Corporal and Sergeant, as provided for in paragraph 22 of this Order.

VII. Field officers will be appointed and commissioned, by the Governor, from candidates, who shall have passed a satisfactory examination, unless otherwise specially ordered.

VIII. The Regimental Staff, commissioned and non-commissioned, except the Surgeon, Assistant Surgeon and Chaplain, will be appointed by the Regimental Commander. Adjutants and Quartermasters are extra Lieutenants in infantry regiments, and if they be selected from the company Lieutenants, the vacancies may be filled by the Governor. In cavalry regiments, Battalion Adjutants are extra Lieutenants, but Regimental Adjutants are not, nor are any Quartermasters, whether Regimental or Battalion.

IX. The Surgeon and Assistant Surgeon, will be appointed by the Governor, on the recommendation of the Surgeon-General, after they shall have passed an examination before a Medical Board.

X. There shall be allowed to each regiment one Chaplain, who shall be appointed by the Regimental Commander, on the vote of the Field Officers and Company Commanders on duty with the Regiment at the time the appointment shall be made. The Chaplain so appointed must be a regular ordained minister of a christian denomination, and shall receive the pay and allowances of a Captain of cavalry, and shall be required to report to the Colonel commanding the regiment to which he is attached, at the end of each quarter, the moral and religious condition of the regiment, and such suggestions as may conduce to the social happiness and moral improvement of the troops.

XI. Field, staff and company officers will be commissioned whenever they shall have passed the prescribed examination, and the field, staff and company muster rolls, duly certified by the mustering officer, shall have been filed in the office of the Adjutant-General of the State.

XII. The pay of officers and privates will date from the time of their muster into the service of the United States, and will be according to the laws of Congress, and the rules and regulations of the service made in accordance therewith.

XIII. The Depots already established at Albany, Elmira and New York, will be continued until otherwise ordered, with such Commandants and Assistants as may be authorized. The Governor will authorize such Regimental Depots, as he may deem for the interests of the service.

XIV. Due provision will be made for the examination of officers, for the several arms of the service. Field officers will be examined in the School of the Company and Battalion; company officers in the School of the Company and Soldier; artillery officers will, in addition, be examined in Artillery Tactics.

XV. A mustering officer will be appointed for each principal Depot, whose duty it will be to muster in volunteers for company organizations, and enroll their names on lists, designating the persons having authority to raise such companies.

XVI. Each mustering officer will enter the names of the persons mustered for each company organization, upon three separate muster-in rolls at the time of muster, and will write his own name, together with the date of muster, opposite the name of each person so mustered, in the column headed "remarks." He will also, on the completion of the first muster, attach his name to the certificate at the end of the rolls.

XVII. When the company is completed, the mustering officer will transmit one copy of the roll to the Adjutant-General of this State, another to the commanding officer of the company, and retain the third until the regiment is organized, when the complete rolls will be forwarded to the Adjutant-General of the army at Washington. He will also report daily to the Commandant of his Depot, the number of men mustered in for each company organization.

XVIII. Persons proposing to organize a company or regiment, will present themselves, as soon as practicable, before an examining board, and to such as produce a certificate that they have passed their examination, the Governor will, at his discretion, grant authority to raise and organize a company or regiment within the limits of this State.

XIX. Officers of the several departments connected with the organization of volunteers, will not hereinafter recognize the right of any person claiming to be engaged in organizing a company or regiment, to make requisition for transportation, quarters, subsistence or clothing, or incur expenses for any purpose whatever, without proper evidence of appointment of such person as herein provided for. Such evidence may be furnished by the production of the original authorization from the Governor, or a copy thereof properly certified by any justice of the peace, notary public or commissioner of deeds.

XX. Whenever any person authorized to organize a company shall have enrolled the names of ten or more volunteers, he will transmit the roll to the Commandant of the Depot nearest to his locality, or, if preferred, to the Commandant of any regimental camp, with a request that transportation be provided for such volunteers, to the Depot or regimental camp; and a certificate, on his honor, that they are, to the best of his knowledge, able bodied men, between the ages of eighteen and forty-five years; that he has the written consent of the parents or guardians of such as are minors, for their enlistment, and that so far as he can ascertain they are free from any defect that would incapacitate them for military service. Fraud or premeditated deception in the certificate, will disqualify the person making it from holding any position in the volunteer forces of the State.

XXI. On receiving the application and certificate as provided in the foregoing paragraph, the commandant will furnish transportation for such volunteers to his Depot or regimental camp, where they will be examined by the Surgeon, mustered into the service, and provided with quarters, subsistence and clothing.

XXII. For the purpose of promoting discipline, the person holding authority to organize a company may appoint a Corporal whenever not less than ten volunteers for his company shall have

been mustered into the service; and when not less than twenty volunteers shall have been so mustered, he may appoint a Sergeant. The officers so appointed may be immediately mustered into the service as such.

XXIII. When forty or more volunteers, for a company organization, shall have assembled at a Depot or regimental camp, and shall have been accepted by the Medical Examiner, and mustered into the service of the United States, the Commandant will immediately direct them to nominate, by ballot, a First Lieutenant of the company. When the minimum of eighty-three shall have been reached, the Captain and Second Lieutenant will in like manner be nominated, and the company muster roll, with the certificate of the nomination, and examination of officers transmitted to the Adjutant-General of the State. When a person designated as an officer shall be found disqualified, the vacancy will be filled by the Governor, or he may order another election.

XXIV. When any person authorized to raise a regiment, shall present, for regimental organization, the requisite number of companies completed, according to the foregoing regulations, and of not less than the minimum strength, as herein provided, the regiment will be formally inspected and organized, the Field Officers appointed and a regimental muster made.

XXV. If deemed necessary, Field and Staff Officers will be appointed and mustered in, previous to the completion of the regiment, as follows: The Adjutant, Quartermaster and Medical Officers at any time during the progress of the organization; with four companies, a Lieutenant-Colonel; with six companies, a Major; with the full number of companies, the Colonel and the remaining Staff Officers. No Field or Staff Officer will, however, be mustered in before he is formally appointed by the proper authority, and no company officer until after his election in accordance with the provisions of paragraph XXIII.

XXVI. If delay shall occur, in the filling up of a company, or regiment, to the minimum standard, the Governor may consolidate the incomplete organizations, assigning officers according to rank, or, where rank is of the same date, it will be determined by lot. Officers rendered supernumerary by consolidation, and who cannot be assigned to any vacancy, will be immediately mustered out of the service. In such case, they will be entitled to pay from the date of muster in, to the date when declared supernumerary.

XXVII. All officers and men enrolled under the provisions of an act of the Legislature of the State of New York, entitled "An Act to authorize the embodying and equipment of a Volunteer Militia, and to provide for the Public Defense," passed April 16th, 1861, being members of regiments, of New York State Volunteers, numbers one to thirty-eight inclusive, who have been or may hereafter be, mustered out of the service of the United States, and who have not resigned, are hereby discharged from the service of the State of New York, under said act; such discharge to bear date in each case, as of the day, when by the ordinary modes of conveyance, they might reach the county where they were organized.

XXVIII. Commandants of regiments, or other organizations, will forthwith report to the Judge Advocate General, at number sixteen Exchange place, New York city, all cases of habeas corpus and other proceedings in the courts of law, which may occur in their commands, in order that the same may be conducted by that officer in behalf of the Government.

XXIX. Persons enlisting for organizations forming or already formed in this State, are expressly ordered not to pass beyond the limits of this State for the purpose of procuring men, or in any manner obtaining enlistments. Those engaged in enrolling for military organizations in other States, are hereby prohibited from enlisting, either personally or by agents, within this State.

XXX. All contracts for subsistence will be made by the Subsistence Department, and be approved by the Governor; and no expense at any Branch Depot, for rent or construction of barracks or quarters, or for any purpose whatever, unless expressly authorized by the Governor, will be recognized by the disbursing officers. From and after the 20th December, 1861, rations in kind will be issued at the several Depots, Camps or Stations for volunteers in this State.

XXXI. Field and company officers of regiments, now or hereafter in service without the State, will recommend, through the Regimental Commander, candidates for vacancies, and such weight will be given to their recommendations as may be deemed proper. In general, promotions in the direct line will be made; but, in accordance with instructions from the War Department, commissions will be withheld from all officers known to be of other than good moral character and strictly temperate habits.

XXXII. Commandants of regiments will see that their regiments are supplied with regimental and company books, and that the company and regimental accounts are kept therein in accordance with the rules and regulations of the service.

XXXIII. All communications relating to the volunteer troops of this State, whether in actual service or in the process of organization, should be addressed to the Adjutant-General of this State.

XXXIV. All orders and parts of orders in conflict with this, are hereby rescinded.

By order of the Commander-in-Chief.

THOMAS HILLHOUSE,
Adjutant-General.

AN ACT

To authorize the employment of Volunteers to aid in enforcing the laws and protecting public property.

Whereas certain of the forts, arsenals, custom houses, navy yards, and other property of the United States have been seized, and other violations of law have been committed, and are threatened by organized bodies of men in several of the States, and a conspiracy has been entered into to overthrow the government of the United States: therefore

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 to accept the services of volunteers, either as cavalry, infantry or artillery, in such numbers, not exceeding five hundred thousand, as he may deem necessary for the purpose of repelling invasion, suppressing insurrection, enforcing the laws, and preserving and protecting the public property: *Provided,* that the services of the volunteers shall be for such time as the President may direct, not exceeding three years nor less than six months, and they shall be disbanded at the end of the war. And all provisions of law applicable to three years volunteers shall apply to two years volunteers, and to all volunteers who have been or may be accepted into the service of the United States for a period not less than six months in the same manner as if such volunteers were specially named. Before receiving into service any number of volunteers exceeding those now called for and accepted, the President shall, from time to time, issue his proclamation, stating the number desired, either as cavalry, infantry, or artillery, and the States from which they are to be furnished, having reference, on any such requisition, to the number then in service from the several States, and to the exigencies of the service at the time, and equalizing, as far as practicable, the number furnished by the several States according to federal population.

SEC. 2. *And be it further enacted,* That the said volunteers shall be subject to the rules and regulations governing the army of the United States, and that they shall be formed by the President into regiments of infantry, with the exception of such numbers for cavalry and artillery as he may direct, not to exceed the proportion of one company of each of those arms to every regiment of infantry, and to be organized as in the regular service. Each regiment of infantry shall have one Colonel, one Lieutenant-Colonel, one Major, one Adjutant (a Lieutenant), one Quartermaster (a Lieutenant), one Surgeon, and one Assistant Surgeon, one Sergeant-Major, one Regimental Quartermaster-Sergeant, one Regimental Commissary-Sergeant, one Hospital Steward, two Principal Musicians, and twenty-four Musicians for a band; and shall be composed of ten companies, each company to consist of one Captain, one First Lieutenant, one Second Lieutenant, one First Sergeant, four Sergeants, eight Corporals, two Musicians, one Wagoner, and from sixty-four to eighty-two Privates.

SEC. 3. *And be it further enacted,* That these forces, when accepted as herein authorized, shall be organized into divisions of three or more brigades each; and each division shall have a Major-General, three Aides-de-Camp, and one Assistant Adjutant, with the rank of Major. Each brigade

shall be composed of four or more regiments, and shall have a Brigadier-General, two Aides-de-Camp, one Assistant Adjutant-General with the rank of Captain, one Surgeon, one Assistant Quartermaster, and one Commissary of subsistence.

SEC. 4. *And be it further enacted*, That the President shall be authorized to appoint, by and with the advice and consent of the Senate, for the command of the forces provided for in this act, a number of Major-Generals, not exceeding six, and a number of Brigadier-Generals, not exceeding eighteen, and the other division and brigade officers required for the organization of these forces, except the Aids-de-Camp, who shall be selected by their respective Generals from the officers of the army or volunteer corps: *Provided*, that the President may select the Major-Generals and Brigadier-Generals provided for in this act from the line or staff of the regular army, and the officers so selected shall be permitted to retain their rank therein. The Governors of the States furnishing volunteers under this act shall commission the field, staff and company officers requisite for the said volunteers; but in cases where the State authorities refuse or omit to furnish volunteers at the call or on the proclamation of the President, and volunteers from such States offer their services under such call or proclamation, the President shall have power to accept such services, and to commission the proper field, staff and company officers.

SEC. 5. *And be it further enacted*, That the officers, non-commissioned officers and privates, organized as above set forth, shall, in all respects, be placed on the footing, as to pay and allowances, of similar corps of the regular army: *Provided*, that the allowances of non-commissioned officers and privates for clothing when not furnished in kind, shall be three dollars and fifty cents per month, and that each company officer, non-commissioned officer, private, musician and artificer of cavalry, shall furnish his own horse and horse equipments, and shall receive forty cents per day for their use and risk, except that in case the horse shall become disabled, or shall die, the allowance shall cease until the disability be removed or another horse be supplied. Every volunteer non-commissioned officer, private, musician and artificer who enters the service of the United States under this act, shall be paid at the rate of fifty cents in lieu of subsistence, and if a cavalry volunteer, twenty-five cents additional in lieu of forage, for every twenty miles of travel from his place of enlistment to the place of muster, the distance to be measured by the shortest usually travelled route; and when honorably discharged, an allowance at the same rate from the place of discharge to the place of enrollment, and, in addition thereto, if he shall have served for a period of two years, or during the war, if sooner ended, the sum of one hundred dollars: *Provided*, that such of the companies of cavalry herein provided for as may require it, may be furnished with horses and horse equipments in the same manner as in the United States army.

SEC. 6. *And be it further enacted*, That any volunteer who may be received into the service of this United States under this act, and who may be wounded or otherwise disabled in the service, shall be entitled to the benefits which have been or may be conferred on persons disabled in the regular service; and the widow, if there be one, and if not, the legal heirs of such as die, or may be killed in service, in addition to all arrears of pay and allowances, shall receive the sum of one hundred dollars.

SEC. 7. *And be it further enacted*, That the Bands of the regiments of infantry and of the regiments of cavalry shall be paid as follows: one fourth of each shall receive the pay and allow-

ances of Sergeants of engineer soldiers, one-fourth those of Corporals of engineer soldiers, and the remaining half those of privates of engineer soldiers of the first class, and the leaders of the Bands shall receive the same pay and emoluments as Second Lieutenants of infantry.

SEC. 8. *And be it further enacted*, That the wagoners and saddlers shall receive the pay and allowances of Corporals of cavalry. The regimental Commissary-Sergeant shall receive the pay and allowances of regimental Sergeant-Major, and the regimental Quartermaster-Sergeant shall receive the pay and allowance of a Sergeant of cavalry.

SEC. 9. *And be it further enacted*, That there shall be allowed to each regiment, one Chaplain, who shall be appointed by the regimental commander, on the vote of the field officers and company commanders on duty with the regiment at the time the appointment shall be made. The Chaplain so appointed, must be a regular ordained minister of a christian denomination, and shall receive the pay and allowances of a Captain of cavalry, and shall be required to report to the Colonel commanding the regiment to which he is attached, at the end of each quarter, the moral and religious condition of the regiment, and such suggestions as may conduce to the social happiness and moral improvement of the troops.

SEC. 10. *And be it further enacted*, That the General commanding a separate department of a detached army is hereby authorized to appoint a Military Board or Commission of not less than three nor more than five officers, whose duty it shall be to examine the capacity, qualifications, propriety of conduct and efficiency of any commissioned officer of volunteers within his department or army, who may be reported to the Board or Commission, and upon such report, if adverse to such officer, and if approved by the President of the United States, the commission of such officer shall be vacated: *Provided always*, that no officer shall be eligible to sit on such Board or Commission whose rank or promotion would in any way be affected by its proceedings, and two members, at least, if practicable, shall be of equal rank of the officer being examined. And when vacancies occur in any of the companies of volunteers, an election shall be called by the Colonel of the regiment to fill such vacancies, and the men of each company shall vote in their respective companies for all officers as high as Captain, and vacancies above Captain shall be filled by the votes of the commissioned officers of the regiment, and all officers so elected shall be commissioned by the respective Governors of the States, or by the President of the United States.

SEC. 11. *And be it further enacted*, That all letters written by soldiers in the service of the United States may be transmitted through the mails without prepayment of postage, under such regulations as the Post Office Department may prescribe, the postage thereon to be paid by the recipients.

SEC. 12. *And be it further enacted*, That the Secretary of War be, and he is hereby authorized and directed to introduce among the volunteer forces in the service of the United States the system of allotment tickets now used in the navy, or some equivalent system, by which the family of the volunteer may draw such portions of his pay as he may request.

Approved July 22d, 1861.