

act of C.S. Congress 52/6

AN ACT

To further provide for the public defence.

In view of the exigencies of the country, and the absolute necessity of keeping in the service our gallant army, and of placing in the field a large additional force to meet the advancing columns of the enemy now invading our soil: Therefore

The Congress of the Confederate States of America do enact, That the President be, and he is hereby authorized to call out and place in the military service of the Confederate States, for three years, unless the war shall have been sooner ended, all white men who are residents of the Confederate States, between the ages of eighteen and thirty-five years at the time the call or calls may be made, who are not legally exempted from military service. All of the persons aforesaid who are now in the armies of the Confederacy, and whose term of service will expire before the end of the war, shall be continued in the service for three years from the date of their original enlistment, unless the war shall have been sooner ended; *Provided, however*, That all such companies, squadrons, battalions, and regiments, whose term of original enlistment was for twelve months, shall have the right, within forty days, on a day to be fixed by the Commander of the Brigade, to re-organize said companies, battalions, and regiments, by electing all their officers, which they had a right heretofore to elect, who shall be commissioned by the President: *Provided, further*, That furloughs not exceeding sixty days, with transportation home and back, shall be granted to all those retained in the service by the provisions of this Act beyond the period of their original enlistment, and who have not heretofore received furloughs under the provisions of an Act entitled "An Act providing for the granting of bounty and furloughs to privates and non-commissioned officers in the Provisional Army," approved eleventh December, eighteen hundred and sixty-one, said furloughs to be granted at such times and in such numbers as the Secretary of War may deem most compatible with the public interest: and *Provided further*, That in lieu of a furlough the commutation value in money of the transportation herein above granted, shall be paid to each private, musician, or non-commissioned officer who may elect to receive it, at such time as the furlough would otherwise be granted: *Provided, further*, That all persons under the age of eighteen years or over the age of thirty-five years, who are now enrolled in the military service of the Confederate States, in the regiments, squadrons, battalions, and companies hereafter to be re-organized, shall be requir-

ed to remain in their respective companies, squadrons, battalions and regiments for ninety days, unless their places can be sooner supplied by other recruits not now in the service, who are between the ages of eighteen and thirty-five years; and all laws and parts of laws providing for the re-enlistment of volunteers and the organization thereof into companies, squadrons, battalions, or regiments, shall be and the same are hereby repealed.

SEC. 2. *Be it further enacted*, That such companies, squadrons, battalions, or regiments organized, or in process of organization by authority from the Secretary of War, as may be within thirty days from the passage of this Act, so far completed as to have the whole number of men requisite for organization actually enrolled, not embracing in said organizations any persons now in service, shall be mustered into the service of the Confederate States as part of the land forces of the same, to be received in that arm of the service in which they are authorized to organize, and shall elect their company, battalion, and regimental officers.

SEC. 3. *Be it further enacted*, That for the enrollment of all persons comprehended within the provisions of this Act, who are not already in service in the armies of the Confederate States, it shall be lawful for the President, with the consent of the Governors of the respective States, to employ State officers, and on failure to obtain such consent, he shall employ Confederate officers, charged with the duty of making such enrollment in accordance with rules and regulations to be prescribed by him.

SEC. 4. *Be it further enacted*, That persons enrolled under the provisions of the preceding Section, shall be assigned by the Secretary of War, to the different companies now in the service, until each company is filled to its maximum number, and the persons so enrolled shall be assigned to companies from the States from which they respectively come.

SEC. 5. *Be it further enacted*, That all Seamen and ordinary Seamen in the land forces of the Confederate States, enrolled under the provisions of this Act, may, on application of the Secretary of the Navy, be transferred from the land forces to the Naval service.

SEC. 6. *Be it further enacted*, That in all cases where a State may not have in the army a number of Regiments, Battalions, Squadrons or Companies, sufficient to absorb the number of persons subject to military service under this Act, belonging to such State, then the residue or excess thereof, shall be kept as a reserve, under such regulations as may be established by the Secretary of War, and that at stated periods of not greater than three months, details determined by lot shall be made from said reserve, so that each company shall, as nearly as practicable, be kept full: *Provided*, That the persons held in reserve may remain at home until called into service by the President: *Provided, also*, That during their stay at home, they shall not receive pay: *Provided, further*, That the persons comprehended in this Act, shall not be subject to the Rules and Articles of War, until mustered into the actual service of the Confederate States; except that said persons, when enrolled and liable to duty, if they shall wilfully refuse to

obey said call, each of them shall be held to be a deserter, and punished as such, under said Articles: *Provided, further*, That whenever, in the opinion of the President, the exigencies of the public service may require it, he shall be authorized to call into actual service the entire reserve, or so much as may be necessary, not previously assigned to different companies in service under provision of section four of this Act; said reserve shall be organized under such rules as the Secretary of War may adopt: *Provided*, The company, battalion and regimental officers shall be elected by the troops composing the same: *Provided*, The troops raised in any one State shall not be combined in regimental, battalion, squadron or company organization with troops raised in any other States.

SEC. 7. *Be it further enacted*, That all soldiers now serving in the army or mustered in the military service of the Confederate States, or enrolled in said service under the authorizations heretofore issued by the Secretary of War, and who are continued in the service by virtue of this Act, who have not received the bounty of fifty dollars allowed by existing laws, shall be entitled to receive said bounty.

SEC. 8. *Be it further enacted*, That each man who may hereafter be mustered into service, and who shall arm himself with a musket, shot-gun, rifle or carbine, accepted as an efficient weapon, shall be paid the value thereof, to be ascertained by the mustering officer under such regulations as may be prescribed by the Secretary of War, if he is willing to sell the same, and if he is not, then he shall be entitled to receive one dollar a month for the use of said received and approved musket, rifle, shot-gun or carbine.

SEC. 9. *Be it further enacted*, That persons not liable for duty may be received as substitutes for those who are, under such regulations as may be prescribed by the Secretary of War.

SEC. 10. *Be it further enacted*, That all vacancies shall be filled by the President from the company, battalion, squadron or regiment in which such vacancies shall occur, by promotion according to seniority, except in case of disability or other incompetency: *Provided, however*, That the President may, when in his opinion, it may be proper, fill such vacancy or vacancies by the promotion of any officer or officers, or private or privates from such company, battalion, squadron or regiment who shall have been distinguished in the service by exhibition of valor and skill; and that whenever a vacancy shall occur in the lowest grade of the commissioned officers of a company, said vacancy shall be filled by election: *Provided*, That all appointments made by the President shall be by and with the advice and consent of the Senate.

SEC. 11. *Be it further enacted*, That the provisions of the first section of this Act, relating to the election of officers, shall apply to those regiments, battalions, and squadrons which are composed of twelve months and war companies combined in the same organization, without regard to the manner in which the officers thereof were originally appointed.

SEC. 12. *Be it further enacted*, That each company of infantry shall consist of one hundred and twenty-five rank and file; each company of field artillery of one hundred and fifty, rank and file; each of cavalry, of eighty, rank and file.

SEC. 13. *Be it further enacted*, That all persons, subject to enrollment, who are not now in the service, under the provisions of this Act, shall be permitted, previous to such enrollment, to volunteer in companies now in the service.

APPROVED April 16, 1862.

AN ACT

To amend an Act entitled "An Act, to provide further for the public defence," approved April 16, 1862.

The Congress of the Confederate States of America do enact, That the President be and he is hereby authorized to call out and place in the military service of the Confederate States for three years, unless the war should have been sooner ended, all white men who are residents of the Confederate States, between the ages of thirty-five and forty-five years, at the time the call or calls may be made, and who are not, at such time or times, legally exempted from military service, or such part thereof as, in his judgment, may be necessary to the public defence, such call or calls to be made under the provisions and according to the terms of the Act to which this is an amendment, and such authority shall exist in the President, during the present war, as to all persons who now are or may hereafter become eighteen years of age, and when once enrolled, all persons between the ages of eighteen and forty-five shall serve their full time: *Provided*, That if the President, in calling out troops into the service of the Confederate States shall first call for only a part of the persons between the ages hereinbefore stated, he shall call for those between the ages of thirty-five and any other age less than forty-five: *Provided*, That nothing herein contained shall be understood as repealing or modifying any part of the Act to which this is amendatory, except as herein expressly stated: *And provided further*, That those called out under this Act, and the Act to which this is an amendment, shall be first and immediately ordered to fill to their maximum number the companies, battalions, squadrons and regiments from the respective States at the time the Act to further provide for the public defence, approved 16th April, 1862, was passed, and the surplus, if any, shall be assigned to organizations formed from each State since the passage of that Act, or placed in new organizations to be officered by the State having such residue, according to the laws thereof, or disposed of as now provided by law: *Provided*, That the President is authorized to suspend the execution of this Act, or the Act to which this is an amendment, in any

locality where he may find it impracticable to execute the same, and that in such locality, and during said suspension, the President is authorized to receive troops into the Confederate service, under any of the Acts passed by the Confederate Congress prior to the passage of the "Act to provide further for the public defence," approved 16th April, 1862.

APPROVED September 27, 1862.

AN ACT

To exempt certain persons from military duty, and to repeal an act entitled "An Act to exempt certain persons from enrolment for service in the army of the Confederate States," approved 21st April, 1862.

The Congress of the Confederate States of America do enact, That all persons who shall be held unfit for military service in the field, by reason of bodily or mental incapacity or imbecility, under rules to be prescribed by the Secretary of War, the Vice President of the Confederate States, the officers, judicial and executive, of the Confederate and State Governments, including postmasters appointed by the President and confirmed by the Senate, and such clerks in their offices as are allowed by the Postmaster General, and now employed, and excluding all other postmasters, their assistants and clerks; and except such State officers as the several States may have declared, or may hereafter declare by law to be liable to militia duty, the members of both Houses of the Congress of the Confederate States, and of the Legislatures of the several States, and their respective officers; all clerks now in the offices of the Confederate and State Governments authorized by law, receiving salaries or fees; all volunteer troops, heretofore raised by any State since the passage of the act entitled "An Act further to provide for the public defence," approved April 16th, 1862, while such troops shall be in active service under State authority: *Provided*, That this exemption shall not apply to any person who was liable to be called into service by virtue of said act of April 16th, 1862: all pilots and persons engaged in the merchant marine service; the president, superintendents, conductors, treasurer, chief clerk, engineers, managers, station agents, section masters, two expert track hands to each section of eight miles, and mechanics in the active service and employment of railroad companies, not to embrace laborers, porters and messengers; the president, general superintendent and operators of telegraph companies, the local superintendent and operators of said companies, not to exceed four in number at any locality, but that at the seat of Government of the Confederate States; the president, superintendents, captains, engineers, chief clerk and mechanics in the active service and employment of all companies engaged in river and canal navigation, and all captains of boats and engineers therein employed;

one editor of each newspaper now being published, and such employes as the editor or proprietor may certify, on oath, to be indispensable for conducting the publication; the public printer, and those employed to perform the public printing for the Confederate and State Governments; every minister of religion authorized to preach according to the rules of his sect and in the regular discharge of ministerial duties; and all persons who have been and now are members of the society of Friends and the association of Dunkards, Nazarenes and Mennonists, in regular membership in their respective denominations: *Provided*, Members of the society of Friends, Nazarenes, Mennonists and Dunkards shall furnish substitutes, or pay a tax of \$500 each into the public treasury; all physicians who now are, and for the last five years have been, in actual practice of their profession; all shoemakers, tanners, blacksmiths, wagon-makers, millers and their engineers, millwrights, skilled and actually employed at their regular vocation in the said trades, habitually engaged in working for the public, and whilst so actually employed: *Provided*, Said persons shall make oath in writing that they are so skilled and actually employed at the time as their regular vocation in one of the above trades, which affidavit shall only be *prima facie* evidence of the facts therein stated: *Provided further*, That the exemptions herein granted to persons by reason of their peculiar mechanical or other occupation or employment, not connected with the public service, shall be subject to the condition that the products of the labor of such exempts, or of the companies and establishments with which they are connected, shall be sold and disposed of by the proprietors at prices not exceeding seventy-five per centum upon the cost of production, or within a maximum to be fixed by the Secretary of War, under such regulations as he may prescribe: *And it is further provided*, That if the proprietors of any such manufacturing establishments shall be shown, upon evidence, to be submitted to, and judged of, by the Secretary of War, to have violated, or in any manner evaded the true intent and spirit of the foregoing proviso, the exemptions therein granted shall no longer be extended to them, their superintendents or operatives in said establishments, but they and each and every of them shall be forthwith enrolled under the provisions of this act, and ordered into the Confederate army, and shall, in no event, be again exempted therefrom by reason of said manufacturing establishments or employment therein; all superintendents of public hospitals, lunatic asylums, and the regular physicians, nurses and attendants therein, and the teachers employed in the institutions for the deaf, dumb and blind; in each apothecary store, now established and doing business, one apothecary in good standing, who is a practical apothecary; superintendents and operators in wool and cotton factories, paper mills, and superintendents and managers of wool carding machines, who may be exempted by the Secretary of War: *Provided*, The profits of such establishments shall not exceed seventy-five per centum upon the cost of production, to be determined upon oath of the parties, subject to the same penalties for violation of the provisions herein contained as are hereinbefore provided in case of other manufacturing and mechanical employments; all presidents and teachers of colleges, academies,

schools and theological seminaries, who have been regularly engaged as such for two years previous to the passage of this act; all artizans, mechanics and employees, in the establishments of the Government for the manufacture of arms, ordnance, ordnance stores and other munitions of war; saddles, harness, and army supplies, who may be certified by the officer in charge thereof, as necessary for such establishments; also, all artizans, mechanics, and employees in the establishments of such persons as are or may be engaged under contracts with the Government in furnishing arms, ordnance, ordnance stores, and other munitions of war: *Provided*, That the chief of the ordnance bureau, or some ordnance officer authorized by him for the purpose, shall approve of the number of the operatives required in such establishments; all persons employed in the manufacture of arms, or ordnance of any kind by the several States; or by contractors to furnish the same to the several State Governments, whom the Governor or Secretary of State thereof may certify to be necessary to the same; all persons engaged in the construction of ships, gunboats, engines, sails, or other articles to the public defence, under the direction of the Secretary of the Navy; all superintendents, managers, mechanics, and miners employed in the production and manufacture of salt to the extent of 20 bushels per day, and of lead and iron, and all persons engaged in burning coke, smelting, and manufacture of iron, regular miners in coal mines, and all colliers, engaged in making charcoal, for making pig and bar iron, not to embrace laborers, messengers, waggoners, and servants, unless employed at works conducted under the authority and by the officers or agents of a State, or in works employed in the production of iron for the Confederate States; one male citizen for every 500 head of cattle, for every 250 head of horses or mules, and one shepherd for every 500 head of sheep, of such persons as are engaged exclusively in raising stock: *Provided*, That there is no white male adult not liable to do military duty engaged with such person in raising stock; to secure the proper police of the country, one person either as agent, owner, or overseer, on each plantation on which one white person is required to be kept by the laws or ordinances of any State, and on which there is no white male adult not liable to do military service, and in States having no such law, one person as agent, owner, or overseer, on each plantation of twenty negroes, and on which there is no white male adult not liable to military service: *And furthermore*, For additional police for every twenty negroes on two or more plantations, within five miles of each other, and each having less than twenty negroes, on which there is no white male adult not liable to military duty, one person being the oldest of the owners or overseers on such plantations; and such other persons as the President shall be satisfied, on account of justice, equity, or necessity, ought to be exempted, are hereby exempted from military service in the armies of the Confederate States: also, a regiment raised under, and by authority of the State of Texas for frontier defence, now in the service of said State, while in such service: *Provided*, *further*, That the exemptions hereinabove enumerated and granted, hereby, shall only continue whilst the persons exempted are actually engaged in their respective pursuits or occupations,

SEC. 2. *Be it further enacted*, That the act entitled "An Act to exempt certain persons from enrollment for service in the armies of the Confederate States," approved the 21st of April, 1862, is hereby repealed.

APPROVED October 11, 1862.