

amount so required by the governor, to be paid out of the war fund, not to exceed in the aggregate ten thousand dollars.

SECTION 2. This act shall be in force and effect from and after its passage and publication.

Approved May 25, 1861.

## CHAPTER 4.

[Published May 27, 1861.]

AN ACT to provide a military force for immediate service to aid in protecting and defending the Constitution and the Union.

*The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

Six regiments to be raised.

SECTION 1. For the better security and protection of the state, and to aid in enforcing the laws and maintaining the authority of the federal government, there shall be raised and organized in this state, any number, not to exceed six regiments of infantry, inclusive of three already called into the service of the United States, in the discretion of the governor: *provided*, that if the full number of six regiments raised as aforesaid, be mustered into the service of the United States, that then and in that case the governor is hereby authorized and empowered, in his discretion, to raise, organize and receive into the service of the state, two additional regiments of infantry, to be held as a reserve force, subject to be mustered into the service of the United States, and as often as any call shall be made by the general government, and the forces then enrolled shall be mustered into the service of the United States, it shall be lawful for the governor to accept the services of so many additional volunteers as shall be constantly equal to two regiments of reserve force enrolled in advance of any requisition made upon this state.

Additional regiments may be raised.

SECTION 2. For the purpose of carrying into effect the foregoing section, the governor is hereby authorized and empowered to accept and muster into the military service of the state, such persons as shall volun-

Governor authorized to accept their services.

teer to be so mustered, and who, in conformity with the army regulations of the United States, would, in like cases, be mustered into the service of the United States, not to exceed the number requisite and necessary to complete and make up the full number specified in said foregoing section, computing the said regiments to contain not less than eight hundred and sixty-six, nor more than ten hundred and forty-six persons each, and which shall be subject, upon the order of the commander-in-chief, to be first used in case of actual hostilities against this state, or to be transferred to the military service of the general government whenever required by the president: *provided*, that two assistant surgeons may, with the consent of the war department, be added to each regiment, with the rank of lieutenant, to be appointed by the governor and paid out of the war fund in the state treasury.

Number of persons each regiment to contain.

Proviso.

SECTION 3. The said regiments shall be organized, armed and equipped, conformably to the rules and regulations adopted for the government of the United States army, and shall be uniformed as to the form, fashion and color of such uniform, according to the discretion of the governor of this state.

Organization, &c.

SECTION 4. Minors may be mustered into the said regiments on the written consent of their parents or guardians, and those having no parent or guardian may be mustered on the written consent of a justice of the peace of the town or city where, for the time being, such minor resides. The term of service of such regiment shall be for three years, or while the exigency for which they were called out shall exist, in the discretion of the governor; but the governor may disband one or more or all of such regiments at any time, if in his opinion their services are no longer required, either by the state or by the United States.

How minors may be mustered.

Term of service, and how disbanded.

SECTION 5. All and every person enlisted and mustered into said service shall be inspected by the inspector general of the state, or by such officer or officers, with the aid of a surgeon, as shall be designated by the commander-in-chief; they shall be mustered in the manner prescribed by the regulations for the army of the United States; they shall be subject to all the laws and regulations established for the government of the army of the United States and of this state; they shall take the oath hereinafter prescribed, and shall

Inspection, regulations, oath, pay &c.

receive the same pay and emoluments as persons of the same rank and grade in the service of the United States; and each member of any volunteer company, heretofore or hereafter mustered into the service of this state, shall draw pay from the time of his actual enlistment in such company: *provided*, that not more than one month's pay shall be allowed for time, prior to the acceptance of such company by the proper authorities: *provided*, such pay and emoluments shall in no case exceed the sum of one hundred and twenty-five dollars per month to any officer until mustered into the service of the United States.

Limit to pay of officers.

Drill and instruction.

SECTION 6. Such part of such force as the governor may deem expedient, in addition to such as may have been mustered into the service of the United States, and not exceeding the number of reserved regiments provided for in section one of this act, shall be from time to time put on a course of drill and instruction by regiments, and shall be transported to and from any regimental rendezvous ordered by the commander-in-chief, at the expense of the state.

Form of oath. =

SECTION 7. When any person shall be mustered into the service of this state, under the provisions of this act, he shall take the following oath or affirmation, which shall be administered to him by the mustering officer or by some other person authorized by law to administer oaths: "I, \_\_\_\_\_, do solemnly swear (or affirm) that I will bear true allegiance to the United States of America and to the state of Wisconsin; that I will serve them honestly and faithfully against all their enemies and opposers whatsoever, and that I will observe and obey the orders of the president of the United States, the governor of this state, and the officers appointed over me, according to the rules and articles for the government of the armies of the United States and of this state." The mustering officer or the officer administering such oath or affirmation, shall certify on the muster roll that the persons whose names appear thereon did take the said oath or affirmation, which certificate, signed by him, shall be sufficient evidence that the persons named therein did take the said oath or affirmation before him.

Oath to be certified.

Paymaster general to execute bond.

SECTION 8. The paymaster general appointed under the laws of this state before entering upon the duties of his office, shall give a bond to the people of this state,

with good and sufficient sureties, to be approved by the governor, secretary of state and state treasurer, in such sum as they shall direct, and conditioned faithfully to account for all moneys and public property which he may receive from this state or any officer thereof, and to discharge the duties of his office with fidelity.

SECTION 9. Payments shall be made to the state troops monthly, on muster and pay rolls, in accordance with the system and regulations (as near as may be) adopted by the pay department of the United States army and to that end the secretary of state and state treasurer, with the approval of the governor, are hereby authorized and empowered to make all needful rules and regulations, therein prescribing the mode in which said pay rolls and payments thereon shall be made, and the manner in which the paymaster's accounts shall be kept, returned and settled.

Payments to troops to be made monthly.

Rules and regulations therefor.

SECTION 10. The paymaster shall, previous to each monthly payment to be made to the state troops, make and certify and file with the secretary of state, an accurate estimate, certified by the governor, of the moneys which will be due to the state troops, and other necessary expenses required to be paid for military purposes under the provisions of this act, not including amounts necessary for the purchase of arms and munitions of war. Upon receiving such estimate, the secretary of state shall draw his warrant upon the state treasurer, payable out of the war fund, in favor of said paymaster, for the amount necessary to pay such sums, and the state treasurer shall pay the same on presentation thereof. The paymaster shall account to the secretary of state monthly, for all moneys received and disbursed, the same to be accompanied by the proper vouchers therefor, which said accounts shall be laid before the legislature at its next succeeding session.

Paymaster to make monthly estimates.

Warrants upon the treasurer.

Monthly disbursements.

SECTION 11. The officers, non-commissioned officers, musicians and privates of the military force mustered into the service of this state, by virtue of the provisions of this act, shall be subject to be tried by courts martial for all offences prescribed in the laws of the United States, entitled "An act for establishing rules and articles for the government of the armies of the United States," and amendments thereto, known as "articles of war:" *provided*, that punishment by flogging or branding shall not in any case be inflicted. General

Officers, &c. subject to courts martial.

How courtmartial shall be organized, &c.

and regimental courts martial shall be organized and governed, as near as may be, in conformity with the said articles of war and the rules and regulations established for the government of the United States army. The commander-in-chief is hereby authorized to establish all necessary rules and regulations for the organization and government of such courts and for carrying into effect their decisions, in conformity as near as may be, with said articles of war and said laws and regulations of the United States.

Bonds and accounts of officers.

SECTION 12. The quartermaster general, regimental quartermaster and officers of the commissary department, shall each give bonds to the people of the state, with good and sufficient sureties, to be approved by the governor, secretary of state and state treasurer, in such such sums as they shall direct, with like conditions as is provided in the bond to be executed by the paymaster, as above prescribed; and their account shall be kept and made out in the same manner, as near as may be, as is required by the system and regulations governing the quartermaster general and commissary department in the army of the United States, and returned monthly to the secretary of state.

Governor may appoint recruiting officers.

SECTION 13. The governor shall have power, and it shall be his duty, whenever it becomes necessary in order to maintain the regiments of this state which may be in the service of the United States in full force, to establish one or more recruiting offices, under such regulations as he may think proper, for the enlistment of men to supply any deficiency which may at any time exist in their ranks, and to take all the necessary steps and measures to place the men so enlisted in their proper regiments.

Purchase and distribution of military stores, arms &c.

SECTION 14. The governor is hereby empowered through the proper military department, to purchase and distribute all necessary military stores, whether of subsistence, clothing, pay, medicine, field and camp equipage, not including arms, munitions and equipments, which shall be properly accounted for to the legislature; and at the disbanding of said force he shall store the property of the state in as good condition as practicable at the seat of government or at such other place as he may deem best. Such reports shall account for all moneys received and disbursed, description and cost of all articles purchased. He shall have power,

through the proper military departments, to collect and distribute all arms and equipments or any of the military property of this state, whether in the hands of volunteer companies or otherwise.

SECTION 15. The governor is hereby authorized to make such compensation to the several officers of the general staff actually called into the service of the state, as in his opinion shall be just and equitable: *provided*, that such compensation shall not exceed the pay of officers of the United States army, occupying like positions and discharging similar duties.

Compensation to general staff.

SECTION 16. The governor is hereby authorized to fix and designate the relative rank of the field officers of all regiments mustered into active service under this act, and after such relative rank shall have been designated, in all cases where vacancies shall occur, such vacancies shall be filled by the officer of the highest rank in the next lower grade, until such vacancy shall be filled by appointment of the governor.

Rank of field officers.

Vacancies.

SECTION 17. There is hereby appropriated out of the war fund in the state treasury, an amount of money sufficient to pay all warrants drawn in conformity with the provisions of this act: *provided*, the whole amount appropriated shall not exceed one million of dollars, inclusive of the two hundred thousand dollars appropriated by section three of chapter two hundred and thirty-nine of the general laws of 1861.

Appropriation.

Limit.

SECTION 18. This act shall take effect and be in force from and after its passage.

Approved May 25, 1861.

## CHAPTER 5.

[Published May 27, 1861.]

AN ACT to prevent rendering aid to Rebels.

*The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Any person who shall, within this state, levy war against the United States, or who shall, by some overt act, give aid, advice or comfort to the ene-

Rendering aid to the enemies of the United States.