

Proviso.

from his command at the time the same was mustered out, failed to be mustered out and to receive an honorable discharge, *Provided*, That no soldier shall be relieved under this section who, not being sick or wounded, left his command without proper authority whilst the same was in the presence of the enemy.

Terms and proof upon which relief may be granted.

SEC 2. That the Secretary of War is hereby authorized to remove the charge of desertion from the records of any soldier in the late war upon proper application therefor and satisfactory proof in the following cases :

First, That such soldier, after such charge of desertion was made, and within a reasonable time thereafter, voluntarily returned to his command and served faithfully to the end of his term of service.

Second. That such soldier absented himself without proper authority from hospital, or from furlough given from hospital, while suffering from wounds, injuries, or disease received or contracted in the service in the line of duty, and, on recovery, voluntarily returned to his command and served faithfully until discharged, or died from such wounds, injury, or disease while so absent and before the date of the muster out of his command.

Third. That such soldier absented himself without proper authority from furlough given by proper authority, and while so absent died from wounds, injury or disease received or contracted in the service in the line of duty before the muster out of his command.

Certificate of discharge.

SEC. 3. That in all cases where the charge of desertion shall be removed under the provisions of this act from the record of any soldier who has not received a certificate of discharge, it shall be the duty of the Adjutant General of the United States to issue to such soldier, or, in case of his death, to his heirs or legal representatives, a certificate of discharge.

Pay and bounty.

SEC 4. That when the charge of desertion shall be removed under the provisions of this act from the record of any soldier, such soldier, or, in case of his death, the heirs or legal representatives of such soldier, shall receive the pay and bounty due to such soldier, *Provided, however*, That this act shall not be so construed as to give to any such soldier, or, in case of his death, to the heirs or legal representatives of any such soldier, any pay bounty or allowance for any period of time during which such soldier was absent from his command without proper authority. nor shall it be so construed as to give any pay, bounty, or allowance to any soldier, his heirs or legal representatives, who served in the Army a period of less than six months,

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Applications for relief to be filed, etc.

SEC 5. That all applications for relief under this act shall be made to and filed with the Secretary of War within the period of five years from and after its passage, and all applications not so made and filed within said term of five years shall be forever barred and shall not be received or considered.

SEC, 6, That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed,

Approved, July 5, 1884.

July 5, 1884.

CHAP. 223.—An act to authorize the location of a branch home for disabled volunteer soldiers and sailors in either the State of Arkansas, Colorado, Kansas, Iowa, Minnesota, Missouri or Nebraska, and for other purposes.

Branch home for disabled volunteer soldiers and sailors authorized.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Board of Managers of the Home for Disabled Volunteer Soldiers are hereby authorized and directed to locate a branch of the home at some suitable point in either the States of Arkansas, Colorado, Kansas, Iowa, Minnesota, Missouri, or Nebraska. The same shall not be located on a tract of land less than three hundred and twenty acres in extent.

Location.

SEC. 2. That said branch home shall be located and the ground purchased, unless the same be donated, by said Board of Managers within three months, or as soon thereafter as practicable from the approval of this act: *Provided*, That said Board of Managers may select any Government property suitable for such home, by and with the consent of the Secretary of War.

Board of Managers of Home for Disabled Volunteer Soldiers to select site, etc., *provisio*.

SEC. 3. That within six months, or as soon thereafter as practicable, from the approval of this act, the said Board of Managers shall commence the erection of a suitable building or buildings on the ground so purchased for the use of said branch home. That said building or buildings shall be completed at as early a day as possible.

Selection to be made and erection of buildings commenced within six months, etc.

SEC. 4. That the sum of two hundred and fifty thousand dollars is hereby appropriated for the purposes hereinbefore mentioned and the improvement of the grounds of said branch home.

Appropriation.

SEC. 5. That all honorably discharged soldiers and sailors who served in the war of the rebellion, and the volunteer soldiers and sailors of the war eighteen hundred and twelve and of the Mexican war, who are disabled by age, disease or otherwise, and by reason of such disability are incapable of earning a living, shall be admitted into the home for disabled volunteer soldiers. *Provided* such disability was not incurred in service against the United States.

Persons eligible to admission to branch home, etc.

Provisio.

SEC. 6. That the Board of Managers of the Home for Disabled Volunteer Soldiers is hereby authorized to inquire into the expediency of establishing a branch of the home in the State of California for the Pacific coast; and to that end the said Board is authorized to receive propositions from the managers of the "Veteran Home" located in Napa County, California, for the transfer of the buildings, grounds, and property of said "Veterans' Home" to the United States, for use as a branch of the National Home for Disabled Volunteer Soldiers, and to report to Congress in respect to the propriety and expediency of accepting said "Veterans Home" for such branch; but this section shall not interfere with the establishing of the home provided for in this act. And also that the Board of Managers of the Soldiers' Home be instructed to inquire into the expediency of establishing a branch soldiers' home in the State of Michigan, and also as to the use of the Fort Dearborn Military Reservation, and the building thereon, for that purpose, and to report to Congress thereon at an early day; but this provision shall not interfere with the establishment of the home provided for in this act

Board of Managers authorized to inquire into expediency of establishing other branch homes for disabled volunteer soldiers, etc.

Approved, July 5, 1884.

CHAP. 224.—An act to amend article seventy two of the Rules and articles of War.

July 5, 1884.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That article seventy two of the Articles of War be, and the same is hereby, amended to read as follows

Article 72 of the rules and articles of war amended, relating to courts martial.

"A.R.T. 72. Any general officer commanding an army, a Territorial Division or a Department, or colonel commanding a separate Department may appoint general courts martial whenever necessary. But when any such commander is the accuser or prosecutor of any officer under his command the court shall be appointed by the President; and its proceedings and sentence shall be sent directly to the Secretary of War, by whom they shall be laid before the President, for his approval or orders in the case.

Approved, July 5, 1884.