

Force, it was additionally repealed by act Sept. 19, 1951, ch. 407, title IV, § 401 (a) (1), 65 Stat. 333. See repeal note under section 1b of this title.

**§ 223. Employment of chemists, etc., in office of chief.**

**CODIFICATION**

Section, based on following appropriation acts, Feb. 12, 1925, ch. 225, 43 Stat. 916; Apr. 15, 1926, ch. 146, title I, 44 Stat. 278; Feb. 23, 1927, ch. 167, title I, 44 Stat. 1128, has not been repeated in subsequent appropriation acts. Act Aug. 2, 1946, ch. 759, 60 Stat. 861, which was also a part of credit only changed Chemical Warfare Service to Chemical Corps.

**Chapter 13.—CHAPLAINS**

Sec.

- 231. Repealed.
- 231a. Chaplains in Army; composition.
- 232. Examination for appointment.
- 233. Number of chaplains in Army.
- 234. Repealed.
- 235. Status of chaplains as officers of Army.
- 236, 237. Repealed.
- 238. Duty as to religious services.
- 239. Facilities for performance of duties.
- 240. Assignment to stations.

**§ 231. Repealed. Aug. 7, 1947, ch. 512, title V, § 506 (g) (1), 61 Stat. 892, eff. Dec. 31, 1947.**

Section, act June 3, 1916, ch. 134, § 24e, as added June 4, 1920, ch. 227, subch. I, § 24, 41 Stat. 774, and amended Apr. 3, 1939, ch. 35, § 7, 53 Stat. 557, related to appointment and qualifications of chaplains and is now covered by section 506 of this title.

**§ 231a. Chaplains in Army; composition.**

There shall be chaplains in the Army. The chaplains shall include the Chief of Chaplains authorized by section 21f of this title, Regular Army officers appointed and commissioned as chaplains, and other officers of the Army appointed and commissioned as chaplains in the Army, or in any component thereof, as now or hereafter provided by law. (June 28, 1950, ch. 383, title III, § 309, 64 Stat. 270.)

**CROSS REFERENCES**

Promotions, generally, see section 559 et seq. of this title.

**§ 232. Examination for appointment.**

No person in civil life shall be appointed a chaplain until he shall have passed satisfactorily such examination as to his moral, mental, and physical qualifications as may be prescribed by the President. (Mar. 2, 1899, ch. 352, § 7, 30 Stat. 979.)

**CROSS REFERENCES**

Air Force, designation of personnel for duties requiring special training or experience, this section to govern qualifications, see section 1837 (a) of this title.

**§ 233. Number of chaplains in Army.**

**CODIFICATION**

Section, acts June 30, 1922, ch. 253, 42 Stat. 721; Apr. 13, 1938, ch. 146, 52 Stat. 216, which fixed the number of chaplains at 152, is obsolete in view of acts Dec. 28, 1945, ch. 601, § 2, 59 Stat. 664; Aug. 8, 1946, ch. 877, 60 Stat. 925, which are incorporated in section 481 of this title. Those acts increased the authorized commissioned strength of the Army to 25,000 and 50,000 officers, respectively.

**REPEALS**

Act Aug. 7, 1947, ch. 512, title V, § 507 (d) (2), 61 Stat. 894, repealed section 8 of act Apr. 3, 1939, ch. 35, 53 Stat. 558, formerly cited to this section. Said repeal was effective Dec. 31, 1947.

**§ 234. Repealed. June 28, 1950, ch. 383, title IV, § 401 (a), 64 Stat. 271.**

Section, acts June 3, 1916, ch. 134, § 15, 39 Stat. 170; June 4, 1920, ch. 227, subch. I, § 15, 41 Stat. 769, Aug. 7, 1947, ch. 512, title V, § 519 (a), 61 Stat. 912, related to Chief of Chaplains and is now covered by section 21f and 231a of this title.

**ADDITIONAL REPEAL**

Insofar as this section, by virtue of a former proviso in section 401 of act June 28, 1950, continued to remain in effect to the extent that it was applicable to the Department of the Air Force, and the United States Air Force, it was additionally repealed by act Sept. 19, 1951, ch. 407, title IV, § 401 (a) (1), 65 Stat. 333. See repeal note under section 1b of this title.

**TEMPORARY RANK OF MAJOR GENERAL**

Act June 28, 1944, ch. 291, 58 Stat. 393, provided that during World War II and for six months thereafter, the Chief of Chaplains could be appointed to the temporary rank of major general. All officers so appointed shall be commissioned in the Army of the United States and shall receive the pay and allowances of the grade to which temporarily appointed: *Provided*, That any appointment made under the provisions of this Act may be vacated at any time by the President, and, if not sooner vacated, shall continue during the present war and six months thereafter."

Act Nov. 21, 1941, ch. 493, 55 Stat. 776, provided that during national emergency the chief of chaplains should hold the rank of brigadier general.

**§ 235. Status of chaplains as officers of Army.**

Chaplains shall have rank without command, and shall be on the same footing with other officers of the Army, as to tenure of office, retirement, and pensions. (R. S. § 1122.)

**DERIVATION**

Acts Apr. 9, 1864, ch. 53, § 1, 13 Stat. 46; act July 28, 1866, ch. 299, §§ 7, 30, 14 Stat. 333, 337; Mar. 2, 1867, ch. 145, § 7, 14 Stat. 423; July 15, 1870, ch. 294, § 12, 16 Stat. 318.

**CROSS REFERENCES**

Air Force, designation of personnel for duties requiring special training or experience, this section to govern benefits and conditions, see section 1837 (c) of this title.

**§§ 236, 237. Repealed. June 28, 1950, ch. 383, title IV, § 401 (a), 64 Stat. 271.**

Section 236, acts June 3, 1916, ch. 134, § 15, 39 Stat. 176; June 4, 1920, ch. 227, subch. I, § 15, 41 Stat. 769, related to rank of chaplains and is now covered by section 559 et seq. of this title.

Section 237, acts June 3, 1916, ch. 134, § 15, 39 Stat. 176; June 4, 1920, ch. 227, subch. I, § 15, 41 Stat. 769, related to service credits for promotion purposes and is now covered by section 559 et seq. of this title.

**ADDITIONAL REPEAL**

Insofar as these sections, by virtue of a former proviso in section 401 of act June 28, 1950, continued to remain in effect to the extent that they were applicable to the Department of the Air Force, and the United States Air Force, they were additionally repealed by act Sept. 19, 1951, ch. 407, title IV, § 401 (a) (1), 65 Stat. 333. See repeal note under section 1b of this title.

**§ 238. Duty as to religious services.**

All chaplains shall, when it may be practicable, hold appropriate religious services, for the benefit of the commands to which they may be assigned to duty, at least once on each Sunday, and shall perform appropriate religious burial services at the burial of officers and soldiers who may die in such commands. (R. S. § 1125.)

## DERIVATION

Act Apr. 9, 1864, ch. 53, § 4, 13 Stat. 46.

## § 239. Facilities for performance of duties.

It shall be the duty of commanders of regiments, hospitals, and posts to afford to chaplains, assigned to the same for duty, such facilities as may aid them in the performance of their duties. (R. S. § 1127.)

## DERIVATION

Act Apr. 9, 1864, ch. 53, § 3, 13 Stat. 46.

## § 240. Assignment to stations.

Chaplains may be assigned to such stations as the Secretary of the Army may direct. (Feb. 2, 1901, ch. 192, § 12, 31 Stat. 750; July 26, 1947, ch. 343, title II, § 205 (a), 61 Stat. 501.)

## CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by act July 26, 1947.

## Chapter 14.—CAVALRY

## §§ 251—253. Repealed. June 28, 1950, ch. 383, title IV, § 401 (a), (c), 64 Stat. 271.

Section 251, acts June 3, 1916, ch. 134, § 18, 39 Stat. 178; June 4, 1920, ch. 227, subch. I, § 18, 41 Stat. 770, related to composition of the Cavalry and is now covered by section 1g of this title.

Section 252, R. S. § 1105, related to the arming and drilling of the Cavalry as Infantry or dismounted Cavalry and is not now covered.

Section 253, R. S. § 1104, related to Negro regiments and is not now covered.

## CONTINUATION OF CAVALRY

Section 404 (a) of act June 28, 1950, ch. 383, 64 Stat. 273, provided in part that the Armor shall be a continuation of the Cavalry. See Savings note set out under section 1b of this title.

## ADDITIONAL REPEAL

Insofar as they were, by virtue of a former proviso in section 401 of act June 28, 1950, continued to remain in effect to the extent that they were applicable to the Department of the Air Force, and the United States Air Force, they were additionally repealed by act Sept. 19, 1951, ch. 407, title IV, § 401 (a) (1), 65 Stat. 338. See repeal note under section 1b of this title.

## Chapter 15.—FIELD ARTILLERY

## §§ 261, 262. Repealed. June 28, 1950, ch. 383, title IV, § 401 (a), (i), 64 Stat. 271.

Section 261, act Jan. 25, 1907, ch. 397, § 4, 34 Stat. 861, defined the Field Artillery and is not now covered.

Section 262, acts June 3, 1916, ch. 134, § 19, 39 Stat. 179; June 4, 1920, ch. 227, subch. I, § 19, 41 Stat. 770, related to the composition of the Field Artillery and is now covered by section 1g of this title.

## ADDITIONAL REPEAL

Insofar as these sections, by virtue of a former proviso in section 401 of act June 28, 1950, continued to remain in effect to the extent that they were applicable to the Department of the Air Force, and the United States Air Force, they were additionally repealed by act Sept. 19, 1951, ch. 407, title IV, § 401 (a) (1), 65 Stat. 338. See repeal note under section 1b of this title.

## CONTINUATION OF FIELD ARTILLERY

Section 404 (a) of act June 28, 1950, ch. 383, 64 Stat. 273, provided in part that the Artillery shall be a continuation of the Field Artillery. See Savings note set out under section 1b of this title.

## Chapter 16.—MINE PLANTER SERVICE

## Sec.

271—273. Repealed.

274. Army Mine Planter Service; establishment; composition of mine planter crews.

275. Same; number of warrant officers in Service.

276. Same; pay, allowances, and retirement.

277. Same; appointment of temporary additional warrant officers; rank, pay, allowances, and retirement.

## §§ 271—273. Repealed. June 28, 1950, ch. 383, title IV, § 401 (a), (i), (dd), 64 Stat. 271.

Section 271, act Jan. 25, 1907, ch. 397, § 3, 34 Stat. 861, related to the definition of the Coast Artillery and is not now covered.

Section 272, acts June 3, 1916, ch. 134, § 20, 39 Stat. 180; June 4, 1920, ch. 227, subch. I, § 20, 41 Stat. 770, related to composition of Coast Artillery Corps and is now covered by section 1g of this title.

Section 273, act Mar. 3, 1921, ch. 124, § 1, 41 Stat. 1279, related to the detail of warrant officers or enlisted men to the office of the Chief of Coast Artillery and is not now covered.

## ADDITIONAL REPEAL

Insofar as these sections, by virtue of a former proviso in section 401 of act June 28, 1950, continued to remain in effect to the extent that they were applicable to the Department of the Air Force, and the United States Air Force, they were additionally repealed by act Sept. 19, 1951, ch. 407, title IV, § 401 (a) (1), 65 Stat. 338. See repeal note under section 1b of this title.

## CONTINUATION OF COAST ARTILLERY

Section 404 (a) of act June 28, 1950, ch. 383, 64 Stat. 273, provided in part that the Artillery shall be a continuation of the Coast Artillery. See Savings note set out under section 1b of this title.

## § 274. Army Mine Planter Service; establishment; composition of mine planter crews.

There shall be in the Regular Army a service to be known as the Army Mine Planter Service, which shall comprise, for each Army mine planter in service or under construction, one master, one first mate, one second mate, one chief engineer, one assistant engineer, and one second assistant engineer, who shall be warrant officers appointed by and holding their offices at the discretion of the Secretary of the Army, and such enlisted men as the Secretary of the Army shall prescribe from time to time. (July 9, 1918, ch. 143, subch. IX, 40 Stat. 881; Oct. 15, 1940, ch. 885, 54 Stat. 1177; July 26, 1947, ch. 343, title II, § 205 (a), 61 Stat. 501; June 28, 1950, ch. 383, title IV, § 406, 64 Stat. 274.)

## CODIFICATION

References to the "Coast Artillery Corps" were omitted on the authority of act June 28, 1950.

## CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by act July 26, 1947.

## ARMY ORGANIZATION ACT OF 1950 AS AFFECTING ARMY MINE PLANTER SERVICE

Section 406 of act June 28, 1950, ch. 383, 64 Stat. 274, provided that: "Nothing in this Act [sections 1a—1g, 19, 21a—21h, 61—1, 81—1, 231a, and 316—1 of this title and sections 181—3 to 181—5 of Title 5, Executive Departments and Government Officers and Employees] shall be construed as amending existing provisions of law concerning the Army Mine Planter Service, except that that service shall no longer be a part of the Coast Artillery; but it may hereafter be discontinued or assigned to or consolidated with such other branch of the Army, or such other service as the President may direct."