

the maintenance of a safe channel through the draw spaces as they are arranged, pending the construction of the permanent bridge, shall be at once built and maintained until they shall be no longer necessary."

Approved, April 21, 1898.

CHAP. 186.—An Act To make Knoxville, Tennessee, a port of delivery, and to create the office of surveyor of customs.

April 21, 1898.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Knoxville, in the State of Tennessee, be, and is hereby, constituted a port of delivery in the customs collection district of New Orleans, and the privileges of the seventh section of the Act approved June tenth, eighteen hundred and eighty, governing the immediate transportation of dutiable merchandise without appraisement be, and the same are hereby, extended to said port; and there shall be appointed one surveyor of customs to reside at said port, who shall receive a salary of three hundred and fifty dollars per annum, with the usual fees and commissions.

Knoxville, Tenn., made a port of delivery.

Immediate transportation privilege. Vol. 21, p. 174. Appointment of surveyor of customs.

Approved, April 21, 1898.

CHAP. 187.—An Act To provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes.

April 22, 1898.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all able-bodied male citizens of the United States, and persons of foreign birth who shall have declared their intention to become citizens of the United States under and in pursuance of the laws thereof, between the ages of eighteen and forty-five years, are hereby declared to constitute the national forces, and, with such exceptions and under such conditions as may be prescribed by law, shall be liable to perform military duty in the service of the United States.

Army in time of war. National forces. Post, pp. 405, 420, 698, 699.

SEC. 2. That the organized and active land forces of the United States shall consist of the Army of the United States and of the militia of the several States when called into the service of the United States: *Provided*, That in time of war the Army shall consist of two branches which shall be designated, respectively, as the Regular Army and the Volunteer Army of the United States.

Active land forces, composition of.

Proviso. Branches of Army in time of war.

SEC. 3. That the Regular Army is the permanent military establishment, which is maintained both in peace and war according to law.

Regular Army, permanent maintenance of.

SEC. 4. That the Volunteer Army shall be maintained only during the existence of war, or while war is imminent, and shall be raised and organized, as in this Act provided, only after Congress has or shall have authorized the President to raise such a force or to call into the actual service of the United States the militia of the several States: *Provided*, That all enlistments for the Volunteer Army shall be for a term of two years, unless sooner terminated, and that all officers and men composing said army shall be discharged from the service of the United States when the purposes for which they were called into service shall have been accomplished, or on the conclusion of hostilities.

Volunteer Army, maintenance only during war, etc. Post, p. 981.

Proviso.—term of enlistments, etc.

SEC. 5. That when it becomes necessary to raise a volunteer army the President shall issue his proclamation stating the number of men desired, within such limits as may be fixed by law, and the Secretary of War shall prescribe such rules and regulations, not inconsistent with the terms of this Act, as may in his judgment be necessary for the purpose of examining, organizing, and receiving into service the men called for: *Provided*, That all men received into service in the Volunteer Army shall, as far as practicable, be taken from the several States and Territories and the District of Columbia and the Indian

Organization of Volunteer Army.

Proviso.—apportionment of recruits.

Companies, etc., from Indian Territory.

Territory in proportion to their population. And any company, troop, battalion or regiment from the Indian Territory shall be formed and organized under such rules and regulations as shall be prescribed by the Secretary of War.

Regular Army, regulations, etc., to govern.

SEC. 6. That the Volunteer Army and the militia of the States when called into the service of the United States shall be organized under, and shall be subject to, the laws, orders, and regulations governing the Regular Army: *Provided*, That each regiment of the Volunteer Army shall have one surgeon, two assistant surgeons, and one chaplain, and that all the regimental and company officers shall be appointed by the governors of the States in which their respective organizations are raised: *Provided further*, That when the members of any company, troop, battery, battalion or regiment of the organized militia of any State shall enlist in the Volunteer Army in a body, as such company, troop, battery, battalion or regiment, the regimental, company, troop, battery and battalion officers in service with the militia organization thus enlisting may be appointed by the governors of the States and Territories, and shall when so appointed be officers of corresponding grades in the same organization when it shall have been received into the service of the United States as a part of the Volunteer Army:

Provisos.
Regimental surgeons, chaplains, Volunteers, chaplains, Volunteer Army.
— appointment of officers.

Provided further, That the President may authorize the Secretary of War to organize companies, troops, battalions, or regiments, possessing special qualifications, from the nation at large not to exceed three thousand men, under such rules and regulations, including the appointment of the officers thereof, as may be prescribed by the Secretary of War.

Enlistment of organized militia in Volunteer Army.

— status of officers, when appointed.

Organizations of men with special qualifications.

Post, p. 421.

Maximum strength.

SEC. 7. That all organizations of the Volunteer Army shall be so recruited from time to time as to maintain them as near to their maximum strength as the President may deem necessary, and no new organization shall be accepted into service from any State unless the organizations already in service from such State are as near to their maximum strength of officers and enlisted men as the President may deem necessary.

Returns and muster rolls, Volunteer Army.

SEC. 8. That all returns and muster rolls of organizations of the Volunteer Army and of militia organizations while in the service of the United States shall be rendered to the Adjutant-General of the Army, and upon the disbandment of such organizations the records pertaining to them shall be transferred to and filed in the Record and Pension Office of the War Department. And Regimental and all other Medical officers serving with volunteer troops in the field or elsewhere shall keep a daily record of all soldiers reported sick, or wounded as shown by the morning calls or reports, and shall deposit such reports with other reports provided for in this section with the Record and Pension office as provided herein, for other reports, returns and muster rolls.

Record of sick and wounded.

Organization of divisions of three brigades in time of war.

SEC. 9. That in time of war, or when war is imminent, the troops in the service of the United States, whether belonging to the Regular or Volunteer Army or to the militia, shall be organized, as far as practicable, into divisions of three brigades, each brigade to be composed of three or more regiments; and whenever three or more divisions are assembled in the same army the President is authorized to organize them into army corps, each corps to consist of not more than three divisions.

Army corps.

— staff of commander.

Post, p. 752.

SEC. 10. That the staff of the commander of an army corps shall consist of one assistant adjutant-general, one chief engineer, one inspector-general, one chief quartermaster, one chief commissary of subsistence, one Judge Advocate, and one chief surgeon, who shall have, respectively, the rank of lieutenant-colonel; one assistant adjutant-general, who shall have the rank of captain, and the aids-de-camp authorized by law. The staff of the commander of a division shall consist of one assistant adjutant-general, one engineer officer, one inspector-general, one chief quartermaster, one chief commissary of subsistence, and one chief surgeon, who shall have, respectively, the rank of major, and the aids-de-camp authorized by law. The staff of the commander of a

— of commander of a division.

— of commander of a brigade.

brigade shall consist of one assistant adjutant-general, one assistant quartermaster, and one commissary of subsistence, each with the rank of captain, one surgeon, and the aids-de-camp authorized by law. The staff officers herein authorized for the corps, division, and brigade commanders may be appointed by the President, by and with the advice and consent of the Senate, as officers of the Volunteer Army, or may be assigned by him, in his discretion, from officers of the Regular Army or the Volunteer Army, or of the militia in the service of the United States: *Provided*, That when relieved from such staff service said appointments or assignments shall terminate.

Appointment of staff officers.

Post, p. 421.

Proviso.

Termination of appointment.

Appointment of major and brigadier generals, Volunteer Army.

Proviso.

Aids-de-camp.

SEC. 11. That the President is hereby authorized to appoint in the Volunteer Army, by and with the advice and consent of the Senate, not exceeding one major-general for each organized army corps and division, and one brigadier-general for each brigade, and any officer so selected and appointed from the Regular Army shall be entitled to retain his rank therein: *Provided*, That each general officer of the Volunteer Army shall be entitled to the number of aids-de-camp authorized for an officer of like grade in the Regular Army.

Status of officers, etc., Volunteer Army.

SEC. 12. That all officers and enlisted men of the Volunteer Army, and of the militia of the States when in the service of the United States, shall be in all respects on the same footing as to pay, allowances, and pensions as that of officers and enlisted men of corresponding grades in the Regular Army.

SEC. 13. That the governor of any State or Territory may, with the consent of the President, appoint officers of the Regular Army in the grades of field officers in organizations of the Volunteer Army, and officers thus appointed shall be entitled to retain their rank in the Regular Army: *Provided*, That not more than one officer of the Regular Army shall hold a commission in any one regiment of the Volunteer Army at the same time.

Appointment of officers of Regular to Volunteer Army.
Post, p. 421.

Proviso.

Limit.

SEC. 14. That the general commanding a separate department or a detached army is authorized to appoint from time to time military boards of not less than three nor more than five Volunteer officers of the Volunteer Army to examine into the capacity, qualifications, conduct, and efficiency of any commissioned officer of said army within his command: *Provided*, That each member of the board shall be superior in rank to the officer whose qualifications are to be inquired into: *And provided further*, That if the report of such a board is adverse to the continuance of any officer, and the report be approved by the President, such officer shall be discharged from service in the Volunteer Army, at the discretion of the President, with one month's pay and allowances.

Military boards to determine efficiency of officers.

Provisos.
Rank of members of board.
Adverse report.

SEC. 15. That all Acts and parts of Acts inconsistent with the provisions hereof be, and the same are hereby, repealed.

Repeal.

Approved, April 22, 1898.

CHAP. 188.—An Act To amend an Act entitled "An Act giving the consent of the United States to the erection of a bridge across Portage Lake, Houghton County, Michigan, between the villages of Houghton and Hancock," approved March third, eighteen hundred and ninety-one.

April 25, 1898.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act giving the consent of the United States to the erection of a bridge across Portage Lake, Houghton County, Michigan, between the villages of Houghton and Hancock," approved March third, eighteen hundred and ninety-one, be, and the same is hereby, amended by adding a new section, to stand as section seven, as follows:

Bridge across Portage Lake, Michigan.

Vol. 26, p. 833.

"SEC. 7. That all railroad companies desiring to use that portion of said bridge constructed for railroad purposes shall have and be entitled to equal rights and privileges in the passing over the same, and in the use of the machinery and fixtures thereof and of the approaches thereto, for a reasonable compensation, to be paid to the owner or owners thereof;

Rights of railroads to use.