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[PUBLIC—No. 128.]

An Act For increasing the efficiency of the Army of the United States, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from and after the date of approval of this Act the Army of the United States shall consist of three major generals, six brigadier generals, ten regiments of cavalry, seven regiments of artillery, twenty-five regiments of infantry, an Adjutant General's Department, an Inspector-General's Department, a Judge Advocate General's Department, a Quartermaster's Department, a Subsistence Department, a Medical Department, a Pay Department, a Corps of Engineers, an Ordnance Department, a Signal Corps, thirty chaplains, to be assigned to regiments or posts in the discretion of the Secretary of War, the officers of the Record and Pension Office, the officers and enlisted men of the Army on the retired list, the professors, corps of cadets, an army-service detachment and band at the United States Military Academy, and such other officers and enlisted men as may hereinafter be provided for: *Provided*, That when a vacancy shall occur through death, retirement, or other separation from active service, in the office of storekeeper in the Quartermaster's Department and Ordnance Department, respectively, now provided for by law, said offices shall cease to exist.

SEC. 2. That each regiment of cavalry shall consist of one colonel; one lieutenant-colonel; three majors; fourteen captains, two of whom shall be available for detail as adjutant and quartermaster; sixteen first lieutenants, of whom one shall be available for detail as commissary, and three for detail as squadron adjutants; twelve second lieutenants, two veterinarians, one sergeant-major, one quartermaster-sergeant, one commissary-sergeant, who shall have the rank, pay, and allowances of a regimental quartermaster-sergeant of cavalry; three squadron sergeant-majors, who shall be senior to and have the pay and allowances of first sergeants of cavalry; one band; and twelve troops organized into three squadrons of four troops each: *Provided*, That nothing herein contained shall be construed as abolishing the office of chaplain in each regiment of colored cavalry. Each cavalry band shall consist of one chief musician; one chief trumpeter; one principal musician; one drum major, who shall have the rank, pay, and allowances of a first sergeant; four sergeants; eight corporals; one cook, and eleven privates. Each troop of cavalry shall consist of one captain; one first lieutenant; one second lieutenant; one first sergeant; one quartermaster-sergeant, who shall have the pay and allowances of a sergeant; six sergeants, six corporals, two cooks, two farriers and blacksmiths, one saddler, one wagoner, two trumpeters, and forty-three privates. Of the veterinarians provided for in this Act, one shall have the pay and allowances of a second lieutenant of cavalry and one shall have the pay of seventy-five dollars per month and the allowances of a sergeant-major: *Provided*, That the veterinarian appointed to the first grade shall not be so appointed until he shall have passed an examination, to be prescribed by the Secretary of War, as to his



physical, moral, and professional qualifications: *Provided further*, That the veterinarians now in the service who do not pass such competitive examination shall be eligible to the positions of the second class under such rules as are now prescribed by the regulations. The regimental sergeant-major and the regimental quartermaster-sergeant provided for in this section shall have the pay and allowances of ordnance sergeants.

SEC. 3. That each regiment of artillery shall consist of one colonel, one lieutenant colonel, three majors, sixteen captains, two of whom shall be available for detail as adjutant and quartermaster; sixteen first lieutenants, fourteen second lieutenants, one sergeant-major, one quartermaster-sergeant, one band, and fourteen batteries, of which two may be organized as field artillery.

Each artillery band shall consist of one chief musician, one chief trumpeter, one principal musician, one drum major, who shall have the rank, pay, and allowances of a first sergeant; four sergeants, eight corporals, one cook, and eleven privates.

Each battery of heavy artillery shall consist of one captain, one first lieutenant, one second lieutenant, one first sergeant, one quartermaster-sergeant, who shall have the pay and allowances of a sergeant; eight sergeants, twelve corporals, two musicians, two mechanics, who shall have the pay and allowances of sergeants of artillery; two cooks, and fifty-two privates.

Each battery of field artillery shall consist of one captain, two first lieutenants, one second lieutenant, one first sergeant, one stable sergeant, one quartermaster-sergeant, six sergeants, twelve corporals, four artificers, two musicians, two cooks, and fifty-one privates.

In addition to the enlisted men specified there shall be one electrician sergeant to each post garrisoned by coast artillery having electrical appliances, who shall have the pay and allowances of an ordnance sergeant.

SEC. 4. That each regiment of infantry shall consist of one colonel; one lieutenant colonel; three majors; fourteen captains, two of whom shall be available for detail as adjutant and quartermaster; sixteen first lieutenants, of whom one shall be available for detail as commissary and three for detail as battalion adjutants; twelve second lieutenants; one sergeant-major; one quartermaster-sergeant; one commissary-sergeant, who shall have the rank, pay, and allowances of a regimental quartermaster-sergeant of infantry; three battalion sergeant-majors, who shall be senior to and have the pay and allowances of a first sergeant; one band, and twelve companies, organized into three battalions of four companies each: *Provided*, That nothing herein contained shall be construed as abolishing the office of chaplain in each regiment of colored infantry.

Each infantry band shall consist of one chief musician, one principal musician, one drum major, who shall have the rank, pay, and allowances of a first sergeant, four sergeants, eight corporals, one cook, and twelve privates.

Each infantry company shall consist of one captain, one first lieutenant, one second lieutenant, one first sergeant, one quartermaster-sergeant, who shall have the pay and allowances of a sergeant; four sergeants, six corporals, two cooks, two musicians, one artificer, and forty-eight privates: *Provided*, That the limits of age for original enlistments in the Army shall be eighteen and thirty-five years.

SEC. 5. That all vacancies created or caused by the provisions of this Act above the grade of second lieutenant in the line of the Army shall



port of their families or relatives, for their own savings, or for other purposes, during such time as they may be absent on distant duty, or under other circumstances warranting such action.

SEC. 17. That no officer or private soldier shall be detailed to sell intoxicating drinks, as a bartender or otherwise, in any post exchange or canteen, nor shall any other person be required or allowed to sell such liquors in any encampment or fort or on any premises used for military purposes by the United States; and the Secretary of War is hereby directed to issue such general order as may be necessary to carry the provisions of this section into full force and effect.

SEC. 18. That all laws or parts of laws which conflict with the provisions of this Act are hereby repealed.

Approved, March 2, 1899.

be filled by promotion according to seniority in the several arms, subject to the examinations now prescribed by law: *Provided*, That the additional second lieutenants now attached to each regiment of artillery shall be absorbed in the artillery or transferred to other arms where vacancies exist without loss of relative rank, leaving but one second lieutenant in each battery.

Vacancies in the grade of second lieutenant shall be filled as now provided by law, except that no person shall be appointed from civil life before he shall have reached the age of twenty-one years nor after he shall have reached the age of twenty-seven years, nor until he shall have passed a satisfactory examination as to his moral, physical, and educational qualifications.

SEC. 6. That the Adjutant-General's and Inspector-General's departments shall consist of the number of officers now in those departments, respectively: *Provided*, That vacancies in the grade of major occurring in either department shall hereafter be filled from captains in the line of the Army: *And provided further*, That all such captains who have evinced marked aptitude in the command of troops shall be reported by their regimental commanders to the War Department and shall be entitled to compete for any such vacancy under such system of examination as the President shall prescribe.

SEC. 7. That the Judge-Advocate-General's Department, Quartermaster's Department, Subsistence Department, Medical Department, Pay Department, Corps of Engineers, Ordnance Department, and Signal Corps shall consist of the officers and enlisted men now provided by law: *Provided*, That the battalion of engineers, and the officers serving therewith, shall constitute a part of the line of the Army: *Provided further*, That in time of war retired officers of the Army may, in the discretion of the President, be employed on active duty, other than in the command of troops, and when so employed they shall receive the full pay and allowances of their grades: *And provided also*, That no person in civil life shall hereafter be appointed a judge-advocate, paymaster, or chaplain until he shall have passed satisfactorily such examination as to his moral, mental, and physical qualifications as may be prescribed by the President; and no such person shall be appointed who is more than forty-four years of age: *Provided further*, That in case of the appointment of an officer who has served in a similar capacity during the war with Spain and has demonstrated his moral, mental, and physical qualifications for the position, then such examination shall not be required.

SEC. 8. That the Chief of the Record and Pension Office of the War Department shall hereafter have the rank, pay, and allowances of a brigadier-general, and there shall be an assistant chief of said office, who shall have the rank, pay, and allowances of a major and who may be appointed from civil life: *Provided*, That whenever a vacancy shall occur in the office of Chief of the Record and Pension Office subsequent to the passage of this Act said grade shall cease and determine, and thereafter the chief of said office shall have the rank, pay, and allowances of a colonel.

SEC. 9. That the cooks authorized by this Act shall have the pay and allowances of sergeants of infantry.

SEC. 10. That the corps of cadets shall consist of one from each Congressional district, one from each Territory, one from the District of Columbia, and twenty from the United States at large. They shall be appointed by the President, and shall, with the exception of the twenty cadets appointed at large, be actual residents of the Congressional or



Territorial districts, or of the District of Columbia, or of the States, respectively, from which they purport to be appointed.

SEC. 11. That so much of the Acts approved July seventh, eighteen hundred and ninety-eight, as authorizes the assignment of certain officers of the Quartermaster's and Subsistence departments with increased rank, and the continuance in service of certain volunteer officers of those departments for a period of one year after the close of the present war is repealed.

SEC. 12. That to meet the present exigencies of the military service the President is hereby authorized to maintain the Regular Army at a strength of not exceeding sixty-five thousand enlisted men, to be distributed amongst the several branches of the service, including the Signal Corps, according to the needs of each, and raise a force of not more than thirty-five thousand volunteers to be recruited as he may determine from the country at large, or from the localities where their services are needed, without restriction as to citizenship or educational qualifications, and to organize the same into not more than twenty-seven regiments organized as are infantry regiments of war strength in the Regular Army, and three regiments to be composed of men of special qualifications in horsemanship and marksmanship, to be organized as cavalry for service mounted or dismounted: *Provided*, That each regiment shall have one surgeon, with the rank of major; two assistant surgeons, one of whom shall have the rank of captain and one that of first lieutenant, and three hospital stewards: *Provided further*, That such increased regular and volunteer force shall continue in service only during the necessity therefor, and not later than July first, nineteen hundred and one.

All enlistments for the volunteer force herein authorized shall be for the term of two years and four months, unless sooner discharged.

SEC. 13. That the President shall have power to continue in service or to appoint, by and with the advice and consent of the Senate, brigadier-generals of volunteers, who, including the brigadier-generals of the Regular Army, shall not exceed one for every four thousand enlisted men actually in service, and major-generals of volunteers, who, including the major-generals of the Regular Army, shall not exceed one for every twelve thousand enlisted men: *Provided*, That Regular Army officers continued or appointed as general officers or as field or staff officers of volunteers, under the provisions of this Act shall not vacate their Regular Army commissions: *And provided further*, That no general officers appointed under the provisions of this section shall be continued in service as such beyond July first, nineteen hundred and one: *And provided also*, That any officer now in the Army, who was graduated at the head of his class at the United States Military Academy and who is not now in the Corps of Engineers, may be appointed to the Corps of Engineers with the same grade and date of commission that he would have if he had been appointed to the Corps of Engineers on graduation: but said commission shall not entitle an officer to any back pay or allowance.

SEC. 14. That the President is hereby authorized to continue in service, or to appoint by and with the advice and consent of the Senate, officers of the volunteer staff as follows:

Three assistant adjutant-generals with the rank of lieutenant-colonel, and six assistant adjutant-generals with the rank of major.

Three inspectors-general with the rank of lieutenant-colonel, and six inspectors-general with the rank of major.

Five judge-advocates with the rank of major.

Thirty quartermasters with the rank of major, and forty assistant quartermasters with the rank of captain.

Six commissaries of subsistence with the rank of major, and twelve assistant commissaries of subsistence with the rank of captain.

Thirty-four surgeons with the rank of major.

Thirty additional paymasters with the rank of major.

Four signal officers with the rank of major, nine signal officers with the rank of captain, nine signal officers with the rank of first lieutenant, and nine signal officers with the rank of second lieutenant.

*Provided*, That for each Regular Army officer of a staff corps or department who may be retained in or appointed to a higher volunteer rank in said staff corps or department than that actually held by him in the regular establishment, there may be appointed one officer of volunteers of the lowest grade mentioned in this section for such staff corps or department, but no appointment shall be made which will increase the total number of officers, regular and volunteer, serving in any grade, above the number authorized by this Act: *And provided, also*, That all the volunteer staff officers herein authorized to be appointed or retained in the service shall be honorably discharged on July first, nineteen hundred and one, or sooner if their services are no longer required: *And provided further*, That the officers herein authorized shall be appointed by the President, by and with the advice and consent of the Senate.

SEC. 15. That the officers and enlisted men of the volunteer army shall be mustered out of the military service of the United States and discharged as provided in the Act of April twenty-second, eighteen hundred and ninety-eight: *Provided*, That enlisted men of volunteers who desire to remain in the military service, either in the Regular Army or the temporary force authorized by this Act, may, if found qualified therefor, be transferred to and enlisted in such batteries, troops, or companies as may be below the maximum authorized strength, and when so transferred and enlisted shall be credited on their new enlistment with the periods of service rendered by them, respectively, as volunteers: *And provided further*, That the President is authorized to enlist temporarily in service for absolutely necessary purposes in the Philippine Islands volunteers, officers and men, individually or by organization, now in those islands and about to be discharged, provided their retention shall not extend beyond the time necessary to replace them by troops authorized to be maintained under the provisions of this Act and not beyond a period of six months: *Provided, also*, That each and every provision of this Act shall continue in force until July first, nineteen hundred and one; and on and after that date all the general, staff, and line officers appointed to the Army under this Act shall be discharged and the numbers restored in each grade to those existing at the passage of this Act, and the enlisted force of the line of the Army shall be reduced to the number as provided for by a law prior to April first, eighteen hundred and ninety-eight, exclusive of such additions as have been, or may be, made under this Act to the artillery, and except the cadets provided for by this Act, who may be appointed prior to July first, nineteen hundred and one: *And provided further*, That no officer who has been, or may be, promoted under existing law, or under the rules of seniority, shall be disturbed in his rank.

SEC. 16. That the Secretary of War be, and he is hereby, authorized to permit enlisted men of the United States Army to make allotments of their pay, under such regulations as he may prescribe, for the sup-



IN THE HOUSE OF REPRESENTATIVES.

JULY 8, 1898.

Referred to the Committee on Military Affairs.

JANUARY 23, 1899.

Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

AN ACT

To authorize the readjustment of the accounts of army officers who were graduates of West Point Military Academy.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That the Secretary of the Treasury, by his accounting offi-  
4       cers, is hereby authorized and directed, on application being  
5       made by any person, or his legal representative, an officer or  
6       ex-officer of the United States Army and a graduate of West  
7       Point, or who, being an enlisted man at the time of such com-  
8       mission, has been commissioned as an officer in the Regular  
9       Army, to readjust his accounts previously settled and paid  
10      under an erroneous construction of law as subsequently de-  
11      clared by the Supreme Court of the United States, and to pay  
12      any balance which may be found due in accordance with the  
13      law applicable thereto as construed by the Supreme Court of



- 1 the United States in the cases of Captains Morton and Wat-  
 2 son against the United States.

Passed the Senate July 7, 1898.

Attest:

WM. R. COX,

*Secretary.*

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 ES 101.)

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[Report No. 1810.]

## AN ACT

To authorize the readjustment of the accounts of army officers who were graduates of West Point Military Academy.

JULY 8, 1898.—Referred to the Committee on Military Affairs.

JANUARY 28, 1899.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.



For:

U.S. Military Academy

Orders

No 36

March 8, 1894

Announcing the death of André Freis

See the Folder marked:

Funerary Notices