

March 2, 1899.

CHAP. 398.—An Act To provide for the construction of a public building at the city of Janesville, Wisconsin.

Janesville, Wis.
Public building au-
thorized.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and is hereby, authorized and directed to purchase, acquire by condemnation, or otherwise provide a site for a suitable building for the accommodation of the post-office and other Government offices at the city of Janesville, Wisconsin, and cause such building to be erected thereon. The plans, specifications, and full estimates of said building shall be previously made and approved according to law, and shall not exceed, for the site and building, the sum of fifty thousand dollars: *Provided,* That the site shall leave the building unexposed to danger from fire in neighboring buildings by an open space of not less than thirty feet, including streets and alleys.

Limit of cost.

Proviso.
Fire space.

Approved, March 2, 1899.

March 2, 1899.

CHAP. 399.—An Act For the erection of a public building at Creston, Iowa.

Creston, Iowa.
Public building au-
thorized.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and is hereby, authorized and directed to purchase a site for a suitable building, with fireproof vaults therein, for the accommodation of the post-office and other Government offices at the city of Creston, Iowa, and cause such building to be erected thereon. The plans, specifications, and full estimates of said building shall be previously made and approved according to law, and shall not exceed, for the site and building complete, the sum of fifty thousand dollars: *Provided,* That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than forty feet, including streets and alleys.

Limit of cost.

Proviso.
Fire space.

Approved, March 2, 1899.

March 2, 1899.

CHAP. 400.—An Act To construct a public building at Oskaloosa, Iowa, and for other purposes.

Oskaloosa, Iowa.
Public building au-
thorized.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized and directed to acquire, by purchase or otherwise, a site and to cause to be erected thereon a substantial and suitable building, for use of the post-office and other Government purposes, at Oskaloosa, Iowa. The site and building, when complete, shall not cost to exceed fifty thousand dollars. The site shall not be purchased until estimates for the erection of the building, suitable and sufficient for the public purpose, costing not to exceed the residue of the sum herein limited after the purchase and payment for the site, shall have first been approved by said Secretary; and the cost of building and site is limited to said sum of fifty thousand dollars.

Limit of cost.

Approved, March 2, 1899.

March 3, 1899.

CHAP. 413.—An Act To reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States.

Navy.
Engineer Corps
transferred to line.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the officers constituting the Engineer Corps of the Navy be, and are hereby, transferred to the line of the Navy, and shall be commissioned accordingly.

SEC. 2. That engineer officers holding the relative rank of captain, commander, and lieutenant-commander shall take rank in the line of the Navy according to the dates at which they attained such relative rank. Engineer officers graduated from the Naval Academy from eighteen hundred and sixty-eight to eighteen hundred and seventy-six, both years inclusive, shall take rank in the line next after officers in the line who graduated from the Naval Academy in the same year with them: *Provided*, That when the date of a line officer's commission as captain, commander, or lieutenant-commander and the date when the engineer officer attained the same relative rank of captain, commander, or lieutenant-commander are the same, the engineer officer shall take rank after such line officer.

Engineers to rank in line according to dates of attaining relative rank.

Engineer graduates from Naval Academy from 1868 to 1876.

Proviso.
Precedence to line officer where commission of same date as engineer.

SEC. 3. That engineer officers who completed their Naval Academy course of four years from eighteen hundred and seventy-eight to eighteen hundred and eighty, both inclusive, shall take rank in the line as determined by the Academic Board under the Department's instructions of December first, eighteen hundred and ninety-seven; and engineer officers who completed their Naval Academy course of four years in eighteen hundred and eighty-one and eighteen hundred and eighty-two shall take rank in the line as determined by the merit roll of graduating classes at the conclusion of the six years' course, June, eighteen hundred and eighty-three and eighteen hundred and eighty-four: *Provided*, That those engineer officers who were appointed from civil life, and whose status is not fixed by section two of this Act, shall take rank with other line officers according to the dates of their first commissions, respectively: *And provided further*, That the engineer officers who completed their Naval Academy course of four years in eighteen hundred and eighty-one and eighteen hundred and eighty-two shall retain among themselves the same relative standing as shown on the Navy Register at the date of the passage of this Act.

Rank in line of engineer completing academic course from 1878 to 1880.

—1881 to 1882.

Provisos.
—appointments from civil life.

—officers completing course in 1881, 1882.

SEC. 4. That engineer officers transferred to the line who are below the rank of commander, and extending down to, but not including, the first engineer who entered the Naval Academy as cadet midshipman, shall perform sea or shore duty, and such duty shall be such as is performed by engineers in the Navy: *Provided*, That any officer described in this section may, upon his own application, made within six months after the passage of this Act, be assigned to the general duties of the line, if he pass the examination now provided by law as preliminary to promotion to the grade he then holds, failure to pass not to displace such officer from the list of officers for sea or shore duty such as is performed by engineers in the Navy.

Duties of engineer officers below rank of commander.

Proviso.
—examination for line duties.

SEC. 5. That engineer officers transferred to the line to perform engineer duty only who rank as, or above, commander, or who subsequently attain such rank, shall perform shore duty only.

Officers transferred for engineer duty, above commander, to have shore duty only.

SEC. 6. That all engineer officers not provided for in sections four and five transferred to the line shall perform the duties now performed by line officers of the same grade: *Provided*, That after a period of two years subsequent to the passage of this Act they shall be required to pass the examinations now provided by law as preliminary to promotion to the grade they then hold, and subject to existing law governing examinations for promotion.

Other engineer officers to perform line duties.

Proviso.
—examination.

SEC. 7. That the active list of the line of the Navy, as constituted by section one of this Act, shall be composed of eighteen rear-admirals, seventy captains, one hundred and twelve commanders, one hundred and seventy lieutenant-commanders, three hundred lieutenants, and not more than a total of three hundred and fifty lieutenants (junior grade) and ensigns: *Provided*, That each rear-admiral embraced in the nine lower numbers of that grade shall receive the same pay and allowance as are now allowed a brigadier-general in the Army. Officers, after performing three years' service in the grade of ensign, shall, after passing the examinations now required by law, be eligible to promotion to the grade of lieutenant (junior grade): *Provided*, That when the office of chief of bureau is filled by an officer below the rank of

Composition of active list, line.
R. S., sec. 1362, 1363, p. 245, amended.

Provisos.
Pay rear-admiral, nine lower numbers.
Ensign.

Chief of bureau to rank as rear-admiral.

Retirement of commodores.

"With relative rank," amended.

Titles in staff corps not changed.

Appointments of civil engineers limited.

R. S., sec. 1413, p. 250.

Voluntary retirement.

Involuntary retirement.

—board to determine.

Provisos.

Limit number of involuntary retirements.

—promotions to fill vacancies, date.

Pay of officer retired.

Naval constructors.

—rank.

—assistants.

rear admiral, said officer shall, while holding said office, have the rank of rear-admiral and receive the same pay and allowance as are now allowed a brigadier-general in the Army: *And provided further*, That nothing contained in this section shall be construed to prevent the retirement of officers who now have the rank or relative rank of commodore with the rank and pay of that grade: *And provided further*, That all sections of the Revised Statutes which, in defining the rank of officers or positions in the Navy, contain the words "the relative rank of" are hereby amended so as to read "the rank of," but officers whose rank is so defined shall not be entitled, in virtue of their rank to command in the line or in other staff corps. Neither shall this Act be construed as changing the titles of officers in the staff corps of the Navy. No appointments shall be made of civil engineers in the Navy on the active list under section fourteen hundred and thirteen of the Revised Statutes in excess of the present number, twenty-one.

SEC. 8. That officers of the line in the grades of captain, commander, and lieutenant-commander may, by official application to the Secretary of the Navy, have their names placed on a list which shall be known as the list of "Applicants for voluntary retirement," and when at the end of any fiscal year the average vacancies for the fiscal years subsequent to the passage of this Act above the grade of commander have been less than thirteen, above the grade of lieutenant-commander less than twenty, above the grade of lieutenant less than twenty-nine, and above the grade of lieutenant (junior grade) less than forty, the President may, in the order of the rank of the applicants, place a sufficient number on the retired list with the rank and three-fourths the sea pay of the next higher grade, as now existing, including the grade of commodore, to cause the aforesaid vacancies for the fiscal year then being considered.

SEC. 9. That should it be found at the end of any fiscal year that the retirements pursuant to the provisions of law now in force, the voluntary retirements provided for in this Act, and casualties are not sufficient to cause the average vacancies enumerated in section eight of this Act, the Secretary of the Navy shall, on or about the first day of June, convene a board of five rear-admirals, and shall place at its disposal the service and medical records on file in the Navy Department of all the officers in the grades of captain, commander, lieutenant-commander, and lieutenant. The board shall then select, as soon as practicable after the first day of July, a sufficient number of officers from the before-mentioned grades, as constituted on the thirtieth day of June of that year, to cause the average vacancies enumerated in section eight of this Act. Each member of said board shall swear, or affirm, that he will, without prejudice or partiality, and having in view solely the special fitness of officers and the efficiency of the naval service, perform the duties imposed upon him by this Act. Its finding, which shall be in writing, signed by all the members, not less than four governing, shall be transmitted to the President, who shall thereupon, by order, make the transfers of such officers to the retired list as are selected by the board: *Provided*, That not more than five captains, four commanders, four lieutenant-commanders, and two lieutenants are so retired in any one year. The promotions to fill the vacancies thus created shall date from the thirtieth day of June of the current year: *And provided further*, That any officer retired under the provisions of this section shall be retired with the rank and three-fourths the sea pay of the next higher grade, including the grade of commodore, which is retained on the retired list for this purpose.

SEC. 10. That of the naval constructors five shall have the rank of captain, five of commander, and all others that of lieutenant-commander or lieutenant. Assistant naval constructors shall have the rank of lieutenant or lieutenant (junior grade). Assistant naval constructors shall be promoted to the grade of naval constructor after not less than eight or more than fourteen years' service as assistant naval

constructor: *Provided*, That the whole number of naval constructors and assistant naval constructors on the active list shall not exceed forty in all.

Proviso.
—number limited.

SEC. 11. That any officer of the Navy, with a creditable record, who served during the civil war, shall, when retired, be retired with the rank and three-fourths the sea pay of the next higher grade.

Retirement rank, of officers of civil war.

SEC. 12. That boatswains, gunners, carpenters, and sailmakers shall after ten years from date of warrant be commissioned chief boatswains, chief gunners, chief carpenters, and chief sailmakers, to rank with but after ensign: *Provided*, That the chief boatswains, chief gunners, chief carpenters, and chief sailmakers shall on promotion have the same pay and allowances as are now allowed a second lieutenant in the Marine Corps: *Provided*, That the pay of boatswains, gunners, carpenters and sailmakers shall be the same as that now allowed by law: *Provided, further*, That nothing in this Act shall give additional rights to quarters on board ship or to command, and that immediately after the passage of this Act boatswains, gunners, carpenters and sailmakers, who have served in the Navy as such for fifteen years, shall be commissioned in accordance with the provisions of this section, and thereafter no warrant officer shall be promoted until he shall have passed an examination before a board of chief boatswains, chief gunners, chief carpenters and chief sailmakers, in accordance with regulations prescribed by the Secretary of the Navy.

Warrant officers, rank.

Provisos.
—pay chief boatswain, etc.

—boatswain, etc.
No additional rights to quarters, etc.

Examination.

SEC. 13. That, after June thirtieth, eighteen hundred and ninety-nine, commissioned officers of the line of the Navy and of the Medical and Pay Corps shall receive the same pay and allowances, except forage, as are or may be provided by or in pursuance of law for the officers of corresponding rank in the Army: *Provided*, That such officers when on shore shall receive the allowances, but fifteen per centum less pay than when on sea duty; but this provision shall not apply to warrant officers commissioned under section twelve of this Act: *Provided further*, That when naval officers are detailed for shore duty beyond seas they shall receive the same pay and allowances as are or may be provided by or in pursuance of law for officers of the Army detailed for duty in similar places: *Provided further*, That naval chaplains, who do not possess relative rank, shall have the rank of lieutenant in the Navy; and that all officers, including warrant officers, who have been or may be appointed to the Navy from civil life shall, on the date of appointment, be credited, for computing their pay, with five years' service. And all provisions of law authorizing the distribution among captors of the whole or any portion of the proceeds of vessels, or any property hereafter captured, condemned as prize, or providing for the payment of bounty for the sinking or destruction of vessels of the enemy hereafter occurring in time of war, are hereby repealed: *And provided further*, That no provision of this Act shall operate to reduce the present pay of any commissioned officer now in the Navy; and in any case in which the pay of such an officer would otherwise be reduced he shall continue to receive pay according to existing law: *And provided further*, That nothing in this Act shall operate to increase or reduce the pay of any officer now on the retired list of the Navy.

Pay line officers Navy to correspond with Army, etc.

Provisos.
Diminished pay on shore.

Detail for shore duty beyond seas.

Rank of chaplains.
Longevity credit of appointment of officers from civil life.

Prizes and bounty for destroying enemies' vessels abolished.
R. S., secs. 4630, 4631, 4632, 4633, 4634, 4635, 4643, pp. 901, 902, and 903, repealed.

Existing pay not reduced.
Retired list unaffected.

SEC. 14. That upon the passage of this Act the Secretary of the Navy shall appoint a board for the examination of men for the position of warrant machinists, one hundred of whom are hereby authorized. The said examination shall be open, first, to all machinists by trade, of good record in the naval service, and if a sufficient number of machinists from the Navy are not found duly qualified, then any machinist of good character, not above thirty years of age, in civil life shall be eligible for such examination and appointment to fill the remaining vacancies. All subsequent vacancies in the list of warrant machinists shall be filled by competitive examination before a board ordered by the Secretary of the Navy, and open to all machinists by trade who are in the Navy, and machinists of good character, not above thirty years of age, in civil life

Warrant machinists.
—board to examine, etc.

authorized by the Secretary of the Navy to appear before said board, and, where candidates from civil life and from the naval service possess equal qualifications, the preference shall be given to those from the naval service.

Pay, etc., warrant
machinists.

SEC. 15. That the pay of warrant machinists shall be the same as that of warrant officers, and they shall be retired under the provisions of existing law for warrant officers. Warrant machinists shall receive at first an acting appointment, which may be made permanent under regulations established by the Navy Department for other warrant officers. They shall take rank with other warrant officers according to date of appointment and shall wear such uniform as may be prescribed by the Navy Department.

Term of enlistment.
R. S., 1418, p. 250,
amended.
Proviso.
Reenlistment.
R. S., sec. 1573, p.
269, amended.
—bounty pay for.

SEC. 16. That hereafter the term of enlistment of all enlisted men of the Navy shall be four years: *Provided*, That section fifteen hundred and seventy-three, Revised Statutes, be amended to read: "If any enlisted man or apprentice, being honorably discharged, shall reenlist for four years within four months thereafter, he shall, on presenting his honorable discharge or on accounting in a satisfactory manner for its loss, be entitled to pay during the said four months equal to that to which he would have been entitled if he had been employed in actual service; and that any man who has received an honorable discharge from his last term of enlistment, or who has received a recommendation for reenlistment upon the expiration of his last term of service of not less than three years, who reenlists for a term of four years within four months from the date of his discharge, shall receive an increase of one dollar and thirty-six cents per month to the pay prescribed for the rating in which he serves for each consecutive reenlistment."

—increase of pay for.

Retirement of en-
listed men.

SEC. 17. That when an enlisted man or appointed petty officer has served as such thirty years in the United States Navy, either as an enlisted man or petty officer, or both, he shall, by making application to the President, be placed on the retired list hereby created, with the rank held by him at the date of retirement; and he shall thereafter receive seventy-five per centum of the pay and allowances of the rank or rating upon which he was retired: *Provided*, That if said enlisted man or appointed petty officer had active service in the Navy or in the Army or Marine Corps, either as volunteer or regular, during the civil or Spanish-American war, such war service shall be computed as double time in computing the thirty years necessary to entitle him to be retired: *And provided further*, That applicants for retirement under this section shall, unless physically disqualified for service, be at least fifty years of age.

Provisos.
Credit for service in
civil, etc., wars.

Retirement age.

Marine Corps.
Composition of line.
R. S., sec. 1596, p. 272,
amended.

SEC. 18. That from and after the date of the approval of this Act the active list of the line officers of the United States Marine Corps shall consist of one brigadier-general commandant, five colonels, five lieutenant colonels, ten majors, sixty captains, sixty first lieutenants and sixty second lieutenants: *Provided*, That vacancies in all grades in the line created by this section shall be filled as far as possible by promotion by seniority from the line officers on the active list of said Corps: *And provided further*, That the commissions of officers now in the Marine Corps shall not be vacated by this act: *And provided further*, That vacancies in the grade of brigadier-general shall be filled by selection from officers on the active list of the Marine Corps not below the grade of field officer.

Provisos.
Vacancies, how
filled.
Existing commis-
sions unaffected.

Vacancies in grade
of brigadier-general.

Original vacancies,
how filled.

SEC. 19. That the vacancies existing in said Corps after the promotions and appointments herein provided for shall be filled by the President from time to time, whenever the actual needs of the naval service require it, first, from the graduates of the Naval Academy in the manner now provided by law; or second, from those who are serving or who have served as second lieutenants in the Marine Corps during the war with Spain; or, third, from meritorious noncommissioned officers of the Marine Corps; or, fourth, from civil life: *Provided*, That after said vacancies are once filled there shall be no further appointments from civil life.

Proviso.
No appointments
from civil life after
existing vacancies
filled.

SEC. 20. That no person except such officers or former graduates of the Naval Academy as have served in the war with Spain, as hereinbefore provided for, shall be appointed a commissioned officer in the Marine Corps who is under twenty or over thirty years of age; and that no person shall be appointed a commissioned officer in said corps until he shall have passed such examination as may be prescribed by the President of the United States, except graduates of the Naval Academy, as above provided. That the officers of the Marine Corps above the grade of captain, except brigadier-general, shall, before being promoted, be subject to such physical, mental and moral examination as is now, or may hereafter be, prescribed by law for other officers of the Marine Corps.

Age limit, appointments; examination.

SEC. 21. That upon the passage of this Act not more than forty-five of the captains, forty-five first lieutenants and forty-five second lieutenants herein provided for shall be appointed; fifteen captains, fifteen first lieutenants and fifteen second lieutenants to be appointed subsequently to January first, nineteen hundred.

Immediate appointments.

SEC. 22. That the staff of the Marine Corps shall consist of one adjutant and inspector, one quartermaster and one paymaster, each with the rank of colonel; one assistant adjutant and inspector, two assistant quartermasters and one assistant paymaster, each with the rank of major; and three assistant quartermasters with the rank of captain. That the vacancies created by this Act in the departments of the adjutant and inspector and paymaster shall be filled first by promotion according to seniority of the officers in each of these departments respectively, and then by selection from the line officers on the active list of the Marine Corps not below the grade of captain, and who shall have seen not less than ten years' service in the Marine Corps. That the vacancies created by this Act in the quartermaster's department of said corps shall be filled, first by promotion according to seniority of the officers in this department, and then by selection from the line officers on the active list of said corps not below the grade of first lieutenant: *Provided*, That all vacancies hereafter occurring in the staff of the Marine Corps shall be filled first by promotion according to seniority of the officers in their respective departments, and then by selection from officers of the line on the active list, as hereinbefore provided for.

Staff, composition.

Vacancies, how filled.
R. S., sec. 1602, p. 273, amended.

Proviso.
—subsequent vacancies.

SEC. 23. That the enlisted force of the Marine Corps shall consist of five sergeant majors, one drum major, twenty quartermaster sergeants, seventy-two gunnery sergeants with the rank and allowance of the first sergeant, and whose pay shall be thirty-five dollars per month; sixty first sergeants; two hundred and forty sergeants; four hundred and eighty corporals; eighty drummers; eighty trumpeters; and four thousand nine hundred and sixty-two privates.

Enlisted force.

SEC. 24. That the band of the United States Marine Corps shall consist of one leader, with the pay and allowances of a first lieutenant; one second leader, whose pay shall be seventy-five dollars per month, and who shall have the allowances of a sergeant major; thirty first class musicians, whose pay shall be sixty dollars per month; and thirty second class musicians whose pay shall be fifty dollars per month and the allowances of a sergeant; such musicians of the band to have no increased pay for length of service.

Band.

SEC. 25. That the oath of allegiance now provided for the officers and men of the Army and Marine Corps shall be administered hereafter to the officers and men of the Navy.

Oath of allegiance.

SEC. 26. That all acts and parts of acts, so far as they conflict with the provisions of this Act, are hereby repealed.

Repeal.

Approved, March 3, 1899.