

Disagreement with owner of bridge.

and if the owner or owners of said bridge and the several railroad companies, or either or any of them desiring such use, shall fail to agree upon the sum or sums to be paid under the rules and conditions to which each shall conform in using the same, all matters at issue between them shall be decided by the Secretary of War, upon a hearing of the allegations and proofs of the parties, of which hearing each party shall have due notice, and the determination of the Secretary of War thereof shall be binding upon the parties to such controversy."

Approved, April 25, 1898.

April 25, 1898.

CHAP. 189.—An Act Declaring that war exists between the United States of America and the Kingdom of Spain.

Declaration that war exists between the United States and Spain.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, First. That war be, and the same is hereby, declared to exist, and that war has existed since the twenty-first day of April, anno Domini eighteen hundred and ninety-eight, including said day, between the United States of America and the Kingdom of Spain.

Land and naval forces to be used.

Second. That the President of the United States be, and he hereby is, directed and empowered to use the entire land and naval forces of the United States, and to call into the actual service of the United States the militia of the several States, to such extent as may be necessary to carry this Act into effect.

Approved, April 25, 1898.

April 26, 1898.

CHAP. 191.—An Act For the better organization of the line of the Army of the United States.

Army. Reorganization of the line. Peace organization infantry regiments. R. S., sec. 1106, p. 204, amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That hereafter the peace organization of each regiment of infantry now in service shall embrace one colonel, one lieutenant-colonel, two majors, ten captains, twelve first lieutenants, ten second lieutenants, one sergeant-major, one quartermaster-sergeant, one chief musician, two principal musicians, two battalions of four companies each, and two skeleton or unmanned companies; the organized companies to be constituted as now authorized by law: *Provided,* That nothing herein contained shall be construed as abolishing the office of chaplain in each regiment of colored troops: *And provided further,* That the vacancies in the grade of major created by this section shall be filled by promotion according to seniority in the infantry arm.

R. S., sec. 1107, p. 204. *Provisos.* Chaplains colored regiments. R. S., sec. 1121, p. 205. Vacancies in grade of major, how filled.

War organization, addition of third battalion.

SEC. 2. That upon a declaration of war by Congress, or a declaration by Congress that war exists the President, in his discretion, may establish a third battalion for each infantry regiment, consisting of four companies, to be supplied by manning the two skeleton companies and by organizing two additional companies. The vacancies of commissioned officers in the additional companies shall be filled by promotions by seniority in the infantry arm, and by appointments in accordance with existing law; and hereafter all vacancies occurring in the cavalry, artillery, and infantry above the grade of second lieutenant shall, subject to the examination now required by law, be filled by promotion according to seniority from the next lower grade in each arm.

Vacancies of commissioned officers.

—above second lieutenant.

SEC. 3. That upon a declaration of war by Congress, or a declaration of Congress that war exists, the enlisted strength of a company, troop, and battery, respectively, may, in the discretion of the President, be increased to comprise not exceeding:

War organization of companies of infantry.

For each company of infantry: One first sergeant, one quartermaster-sergeant, four sergeants, twelve corporals, two musicians, one artificer,

one wagoner, and eighty-four privates; total enlisted, one hundred and six: *Provided*, That in the event of a call by the President for either volunteers or the militia of the country the President is authorized to accept the quotas of troops of the various States and Territories, including the District of Columbia and Indian Territory, as organized under the laws of the States and Territories, including the District of Columbia, in companies, troops, and batteries, each to contain so far as practicable the number of enlisted men authorized in this Act for each arm of the service, and battalions of not less than three such companies and regiments of not less than ten nor more than twelve such companies. But this proviso shall apply to companies, troops, batteries, battalions, and regimental organizations and none other: *Provided further*, That in volunteer organizations received into the service under this Act and existing laws, one hospital steward shall be authorized for each battalion.

Provisos.
State, etc., troops.

For each troop of cavalry: One first sergeant, one quartermaster-sergeant, six sergeants, eight corporals, two farriers and blacksmiths, two trumpeters, one saddler, one wagoner, seventy-eight privates; total enlisted, one hundred.

Volunteer service.
—hospital stewards.

For each battery of heavy artillery: One first sergeant, twenty-two sergeants, ten corporals, two musicians, two artificers, one wagoner, one hundred and sixty-two privates; total enlisted, two hundred.

—troop of cavalry.

For each battery of field artillery: One first sergeant, one quartermaster-sergeant, one veterinary sergeant, six sergeants, fifteen corporals, two farriers, two artificers, one saddler, two musicians, one wagoner, one hundred and forty-one privates; total enlisted, one hundred and seventy-three.

—battery of heavy artillery.

—field artillery.

For each company of engineers: One first sergeant, ten sergeants, ten corporals, two musicians, sixty-four first-class privates, sixty-three second-class privates; total enlisted, one hundred and fifty. In time of war there shall be added to the Signal Corps of the Army ten corporals, one hundred first-class privates, and forty second-class privates, who shall have the pay and allowances of engineer troops of the same grade.

—company of engineers.

—Signal Corps.

The quartermaster and veterinary sergeants provided for in this section shall have the pay and allowances of sergeants of their respective arms.

R. S., sec. 1280, p. 222.

Pay, etc., quartermaster and veterinary sergeants. R. S., sec. 1280, p. 222.

SEC. 4. That when recruited to their war strength the President may add one second lieutenant to each battery of artillery; such offices to be filled by appointments, as prescribed by existing law.

Second lieutenant, artillery battery.

SEC. 5. That in time of war the President shall cause the batteries of artillery authorized by law to be organized as heavy or field artillery, as in his judgment the exigencies of the service may require.

Organization of batteries as heavy or field, etc.

SEC. 6. That in time of war the pay proper of enlisted men shall be increased twenty per centum over and above the rates of pay as fixed by law: *Provided*, That in war time no additional increased compensation shall be allowed to soldiers performing what is known as extra or special duty: *Provided further*, That any soldier who deserts shall, besides incurring the penalties now attaching to the crime of desertion, forfeit all right to pension which he might otherwise have acquired.

Pay of enlisted men during war. R. S., secs. 1280, etc., p. 222.

Provisos.
No extra-duty pay. R. S., sec. 1287, p. 223, vol. 23, p. 359.
Penalties for desertion.

SEC. 7. That in time of war every officer serving with troops operating against an enemy who shall exercise, under assignment in orders issued by competent authority, a command above that pertaining to his grade, shall be entitled to receive the pay and allowances of the grade appropriate to the command so exercised: *Provided*, That a rate of pay exceeding that of a brigadier-general shall not be paid in any case by reason of such assignment: *Provided further*, That at the end of any war in which the United States may become involved the Army shall be reduced to a peace basis by the transfer in the same arm of the service or absorption by promotion or honorable discharge under such regulations as the Secretary of War may establish of supernumerary commissioned officers and the honorable discharge or transfer of super-

Pay of officer holding command higher than his grade, etc.

Provisos.
—limit.

Reduction of Army to peace basis.

Permanent increase of Army not authorized.
Ante, p. 261.
 —except.

numerary enlisted men; and nothing contained in this Act shall be construed as authorizing a permanent increase of the commissioned or enlisted force of the Regular Army beyond that now provided by the law in force prior to the passage of this Act, except as to the increase of twenty-five majors provided for in section one hereof.

Approved, April 26, 1898.

April 29, 1898.

CHAP. 226.—An Act Extending the time for the completion of bridge across Saint Lawrence River.

St. Lawrence River.
 Time extended for bridging.
 Vol. 27, p. 440.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section four of the Act approved February ninth, eighteen hundred and ninety-three, authorizing the Saint Lawrence Railway Company, of the State of New York, to build and maintain a bridge across the Saint Lawrence River at some point in Saint Lawrence County, State of New York, as amended by the Act approved February fifteenth, eighteen hundred and ninety-six, be, and is hereby, further amended by extending the time for the completion of said bridge to February ninth, eighteen hundred and ninety-nine.

Approved, April 29, 1898.

Vol. 29, p. 7.

April 29, 1898.

CHAP. 227.—An Act Providing for the construction of a bridge across the Yalobusha River, between Leflore and Carroll counties, in the State of Mississippi.

Yazoo and Mississippi Valley Railroad may bridge Yalobusha River, Mississippi.
Post, p. 716.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Yazoo and Mississippi Valley Railroad Company, a corporation created and existing under and by virtue of the laws of the State of Mississippi, be, and is hereby, authorized to construct and maintain a railway bridge across the Yalobusha River, at or near the railroad station known as Dodds Ferry, in Carroll County, Mississippi, the said bridge to be so constructed as not to unreasonably interfere with the navigation of said river and to be provided with a suitable draw: *Provided*, That a bridge constructed under this Act and according to its limitations shall be a lawful structure, and shall be known and recognized as a post route, and the same is hereby declared to be a post route; and the United States shall have the right of way for a postal telegraph across said bridge

Proviso.
 Lawful structure and post route.

Secretary of War to prescribe regulations.

SEC. 2. That the bridge authorized to be constructed under this Act shall be located and built under and subject to such regulations for the security of the navigation of said river as the Secretary of War shall prescribe; and to secure that object the said company or corporation shall submit to the Secretary of War for his examination and approval a design and drawings of the proposed bridge and a map of the location giving, for the space of two miles above and two miles below the proposed location, the high and low water lines upon the banks of the river, the direction and strength of the currents at all stages of the water, with the soundings, accurately showing the bed of the stream and the location of any other bridge or bridges, such map to be sufficiently in detail to enable the Secretary of War to judge of the proper location of said bridge, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject, and until the said plan and location of the bridge are approved by the Secretary of War no work upon the bridge shall be commenced; and should any change be made in the plan of said bridge during the progress of construction, such change shall be subject to the approval of the Secretary of War.

—to approve plans, etc.

—changes.

Amendment.
 Interference with navigation.

SEC. 3. That Congress reserves the right to alter, amend, or repeal this Act at any time; and if at any time navigation of the said river shall in any manner be obstructed or impaired by the said bridge, the