

especially enacted to like effect as if the same were incorporated herein at length: *Provided*, That in every case where an assessment for damages or an award shall have been returned by the appraisers, the company, upon paying into court the amount so assessed or awarded, may enter upon and take possession of the land covered thereby, irrespective of whether exceptions to such assessment or award shall be filed or not, and any subsequent proceedings shall not interfere with or affect such possession, but shall only affect the amount of compensation to be paid.

SEC. 6. That the construction of the track or siding herein provided for shall be begun within six months from the date of the passage of this Act, and shall be completed within two years from said date, and pending such construction, the said Philadelphia, Baltimore and Washington Railroad Company is hereby authorized to maintain its present track connection with the United States Navy-Yard by means of a single track on K street and Canal street southeast, either as at present located or as the same may hereafter be relocated, in whole or in part, with the approval of the Commissioners of the District of Columbia, but at the expiration of said two years said railroad company shall at its own expense remove said present track connection and restore the surface of the streets over which the same is laid, to the approval of said Commissioners: *Provided*, That in case any other railroad company may desire to connect with the track herein authorized and required to be constructed it shall have the right so to do; such connecting road shall have the right to use the track herein authorized on terms and conditions satisfactory to the said Philadelphia, Baltimore and Washington Railroad Company, its successors or assigns, or in case of failure to agree on terms and conditions of joint use then on such terms and conditions as the supreme court of the District of Columbia may determine to be equitable and just.

SEC. 7. That all Acts or parts of Acts inconsistent with the provisions hereof be, and the same are hereby, repealed.

SEC. 8. That Congress reserves the right to alter, amend, or repeal this Act.

Approved, May 27, 1908.

CHAP. 204.—An Act To further amend the Act entitled "An Act to promote the efficiency of the militia, and for other purposes," approved January twenty-first, nineteen hundred and three.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section one of said Act be, and is hereby, amended and reenacted to read as follows:

"SECTION 1. That the militia shall consist of every able-bodied male citizen of the respective States and Territories and the District of Columbia, and every able-bodied male of foreign birth who has declared his intention to become a citizen, who is more than eighteen and less than forty-five years of age, and shall be divided into two classes: The organized militia, to be known as the National Guard of the State, Territory, or District of Columbia, or by such other designations as may be given them by the laws of the respective States or Territories; the remainder to be known as the Reserve Militia: *Provided*, That the provisions of this Act and of section sixteen hundred and sixty-one, Revised Statutes, as amended, shall apply only to the militia organized as a land force."

SEC. 2. That section three of said Act as amended be, and the same is hereby, amended and reenacted so as to read as follows:

"SEC. 3. That the regularly enlisted, organized, and uniformed active militia in the several States and Territories and the District of

Proviso.
Possession.

Time of completion.

Use of present tracks, etc.

Removal of present tracks.

Proviso.
Use by other roads.

Failure to agree on terms.

Repeal.

Amendment.

May 27, 1908.
[S. 4316.]

[Public, No. 145.]

Militia.

Composition of,
Vol. 32, p. 775,
amended.

Proviso.
Applies only to land force.
R. S., sec. 1661, p. 290.

Organized militia.

Columbia who have heretofore participated or shall hereafter participate in the apportionment of the annual appropriation provided by section sixteen hundred and sixty-one of the Revised Statutes of the United States, as amended, whether known and designated as National Guard, militia, or otherwise, shall constitute the organized militia. On and after January twenty-first, nineteen hundred and ten, the organization, armament, and discipline of the organized militia in the several States and Territories and the District of Columbia shall be the same as that which is now or may hereafter be prescribed for the Regular Army of the United States, subject in time of peace to such general exceptions as may be authorized by the Secretary of War: *Provided*, That in peace and war each organized division of militia may have one inspector of small-arms practice with the rank of lieutenant-colonel; each organized brigade of militia one inspector of small-arms practice with the rank of major; each regiment of infantry or cavalry of organized militia one assistant inspector of small-arms practice with the rank of captain, and each separate or unassigned battalion of infantry or engineers or squadron of cavalry of organized militia one assistant inspector of small-arms practice with the rank of first lieutenant: *Provided also*, That the President of the United States in time of peace may, by order, fix the minimum number of enlisted men in each company, troop, battery, signal corps, engineer corps, and hospital corps: *And provided further*, That any corps of artillery, cavalry, and infantry existing in any of the States at the passage of the Act of May eighth, seventeen hundred and ninety-two, which, by the laws, customs, or usages of the said States, have been in continuous existence since the passage of said Act, under its provisions and under the provisions of section two hundred and thirty-two and sections sixteen hundred and twenty-five to sixteen hundred and sixty, both inclusive, of title sixteen of the Revised Statutes of the United States, relating to the militia, shall be allowed to retain their accustomed privileges, subject, nevertheless, to all other duties required by law, in like manner as the other militia."

SEC. 3. That section four of said Act as amended be, and the same is hereby, amended and reenacted so as to read as follows:

"SEC. 4. That whenever the United States is invaded or in danger of invasion from any foreign nation, or of rebellion against the authority of the Government of the United States, or the President is unable with the regular forces at his command to execute the laws of the Union, it shall be lawful for the President to call forth such number of the militia of the State or of the States or Territories or of the District of Columbia as he may deem necessary to repel such invasion, suppress such rebellion, or to enable him to execute such laws, and to issue his orders for that purpose, through the governor of the respective State or Territory, or through the commanding general of the militia of the District of Columbia, from which State, Territory, or District such troops may be called, to such officers of the militia as he may think proper."

SEC. 4. That section five of said Act as amended be, and the same is hereby, amended and reenacted so as to read as follows:

"SEC. 5. That whenever the President calls forth the organized militia of any State, Territory, or of the District of Columbia, to be employed in the service of the United States, he may specify in his call the period for which such service is required, and the militia so called shall continue to serve during the term so specified, either within or without the territory of the United States, unless sooner relieved by order of the President: *Provided*, That no commissioned officer or enlisted man of the organized militia shall be held to service beyond the term of his existing commission or enlistment: *Provided further*, That when the military needs of the Federal Government arising from the necessity to execute the laws of the Union, suppress insurrection,

R. S., sec. 1661, p. 290.
Vol. 31, p. 662.

To conform to general Army Regulations after January 21, 1910.

Vol. 32, p. 775, amended.
Post, p. 566.

Provisos.
Inspectors of small-arms practice.
Vol. 32, p. 775, amended.

Minimum number of enlisted men.

Privileges of certain existing corps.
Vol. 1, p. 271.

R. S., 232, 1626-1650, pp. 37, 286-290.

To be called for in case of invasion, etc.
Vol. 32, p. 776, amended.

Service where regular force is inadequate.

Orders through governor, etc.

Term of service may be specified by President.

To serve until relieved, etc.
Vol. 32, p. 776, amended.

Provisos.
Restriction on time of service.

Organized militia to be called in advance of volunteer force.

or repel invasion, can not be met by the regular forces, the organized militia shall be called into the service of the United States in advance of any volunteer force which it may be determined to raise."

SEC. 5. That section seven of said Act as amended be, and the same is hereby, amended and reenacted so as to read as follows:

"SEC. 7. That every officer and enlisted man of the militia who shall be called forth in the manner hereinbefore prescribed, shall be mustered for service without further enlistment, and without further medical examination previous to such muster, except for those States and Territories which have not adopted the standard of medical examination prescribed for the Regular Army: *Provided, however,* That any officer or enlisted man of the militia who shall refuse or neglect to present himself for such muster, upon being called forth as herein prescribed, shall be subject to trial by court-martial and shall be punished as such court-martial may direct."

Mustering in, without further enlistment, etc.

Exception. Vol. 32, p. 776, amended. *Proviso.* Punishment for refusal to answer call.

SEC. 6. That section eight of said Act as amended be, and the same is hereby, amended and reenacted so as to read as follows:

"SEC. 8. That the majority membership of courts-martial for the trial of officers or men of the militia when in the service of the United States shall be composed of militia officers."

Courts-martial. Composition. Vol. 32, p. 776, amended.

SEC. 7. That section eleven of said Act as amended be, and the same is hereby, amended and reenacted so as to read as follows:

"SEC. 11. That when the militia is called into the actual service of the United States, or any portion of the militia is called forth under the provisions of this Act, their pay shall commence from the day of their appearing at the place of company rendezvous, but this provision shall not be construed to authorize any species of expenditure previous to arriving at such places of rendezvous which is not provided by existing laws to be paid after their arrival at such places of rendezvous."

Commencement of pay. Vol. 32, p. 776, amended.

Previous expenditures.

SEC. 8. That section thirteen of said Act as amended be, and the same is hereby, amended and reenacted so as to read as follows:

"SEC. 13. That the Secretary of War is hereby authorized to procure, by purchase or manufacture, and issue from time to time to the organized militia, under such regulations as he may prescribe, such number of the United States service arms, together with all accessories and such other accouterments, equipments, uniforms, clothing, equipage, and military stores of all kinds required for the Army of the United States, as are necessary to arm, uniform, and equip all of the organized militia in the several States, Territories, and the District of Columbia, in accordance with the requirements of this Act, without charging the cost or value thereof, or any expense connected therewith, against the allotment of said State, Territory, or the District of Columbia, out of the annual appropriation provided by section sixteen hundred and sixty-one of the Revised Statutes as amended, or requiring payment therefor, and to exchange, without receiving any money credit therefor, ammunition or parts thereof suitable to the new arms, round for round, for corresponding ammunition suitable to the old arms heretofore issued to said State, Territory, or the District of Columbia by the United States: *Provided,* That said property shall remain the property of the United States, except as hereinafter provided, and be annually accounted for by the governors of the States and Territories as required by law, and that each State, Territory, and the District of Columbia shall, on receipt of new arms or equipments, turn in to the War Department, or otherwise dispose of in accordance with the directions of the Secretary of War, without receiving any money credit therefor and without expense for transportation, all United States property so replaced or condemned. When the organized militia is uniformed as above required, the Secretary of War is authorized to fix an annual clothing allowance to each State, Territory,

Issue of arms, etc. Requisition of governors, etc., not required. Vol. 32, p. 777, amended.

Not chargeable to annual allotment.

R. S., sec. 1661, p. 290.

Exchange of ammunition.

Provisos. Exchange of old for new arms.

Clothing allowance.

and the District of Columbia for each enlisted man of the organized militia thereof, and thereafter issues of clothing to such States, Territories, and the District of Columbia shall be in accordance with such allowance, and the governors of the States and Territories and the commanding general of the militia of the District of Columbia shall be authorized to drop from their returns each year as expended clothing corresponding in value to such allowance. The Secretary of War is hereby further authorized to issue from time to time to the organized militia, under such regulations as he may prescribe, small arms and artillery ammunition upon the requisition of the governor, in the proportion of fifty per centum of the corresponding Regular Army allowance, without charge to the State's allotment from the appropriation under section sixteen hundred and sixty-one, Revised Statutes, as amended. To provide means to carry into effect the provisions of this section, the necessary money to cover the cost of procuring, exchanging, or issuing of arms, accouterments, equipments, uniforms, clothing, equipage, ammunition, and military stores to be exchanged or issued hereunder is hereby appropriated out of any money in the Treasury not otherwise appropriated: *Provided*, That the sum expended in the execution of the purchases and issues provided for in this section shall not exceed the sum of two million dollars in any fiscal year: *Provided also*, That the Secretary of War shall annually submit to Congress a report of expenditures made by him in the execution of the requirements of this section."

Issuing small arms, etc.

Limit.

R. S., sec. 1661, p. 290.

Appropriation for arms, etc.

Maximum expenditure.

Report.

Participation in regular army encampments, etc. Vol. 32, p. 778, amended.

Pay, etc.

Restriction.

Provisions. Regular army officer to retain command.

Right to command, etc.

Disbursements.

Statement of expenses.

Allowance to militia officers and enlisted men at military schools. Vol. 32, p. 778, amended.

SEC. 9. That section fifteen of said Act as amended be, and the same is hereby, amended and reenacted so as to read as follows:

"SEC. 15. That the Secretary of War is authorized to provide for participation by any part of the organized militia of any State or Territory on the request of the governor thereof in the encampment, maneuvers, and field instruction of any part of the Regular Army at or near any military post or camp or lake or seacoast defenses of the United States. In such case the organized militia so participating shall receive the same pay, subsistence, and transportation as is provided by law for the officers and men of the Regular Army, and no part of the sums appropriated for the support of the Regular Army shall be used to pay any part of the expenses of the organized militia of any State, Territory, or District of Columbia, while engaged in joint encampments, maneuvers, and field instruction of the Regular Army and militia, but all payments to the militia under the provisions of this section and all allowances for mileage shall be made solely from the sums appropriated for such purposes: *Provided*, That the command of such military post or camp and the officers and troops of the United States there stationed shall remain with the regular commander of the post without regard to the rank of the commanding or other officers of the militia temporarily so encamped within its limits or in its vicinity: *Provided further*, That except as herein specified the right to command during such joint encampments, maneuvers, and field instruction shall be governed by the rules set out in articles one hundred and twenty-two and one hundred and twenty-four of the rules and articles for the government of the armies of the United States. The sums appropriated for the organized militia for such joint encampment, maneuvers, and field instruction shall be disbursed as, and for that purpose shall constitute, one fund; and the Secretary of War shall forward to Congress, at each session next after said encampment, a detailed statement of the expenses of such encampments and maneuvers."

SEC. 10. That section sixteen of said Act as amended be, and the same is hereby, amended and reenacted so as to read as follows:

"SEC. 16. That whenever any officer or enlisted man of the organized militia shall upon the recommendation of the governor of any State, Territory, or the commanding general of the District of Columbia militia, and when authorized by the President, attend and pursue

a regular course of study at any military school or college of the United States, such officer or enlisted man shall receive from the annual appropriation for the support of the Army, the same travel allowances and quarters or commutation of quarters to which an officer or enlisted man of the Regular Army would be entitled for attending such school or college under orders from proper military authority; such officer shall also receive commutation and subsistence at the rate of one dollar per day and each enlisted man such subsistence as is furnished to an enlisted man of the Regular Army while in actual attendance upon a course of instruction."

SEC. 11. That section twenty of said Act as amended be, and the same is hereby, amended and reenacted so as to read as follows:

"SEC. 20. That upon the application of the governor of any State or Territory furnished with material of war under the provisions of this Act, or former laws of Congress, the Secretary of War may, in his discretion, detail one or more officers or enlisted men of the Army to report to the governor of such State or Territory for duty in connection with the organized militia. All such assignments may be revoked at the request of the governor of such State or Territory or at the pleasure of the Secretary of War. The Secretary of War is hereby authorized to appoint a board of five officers on the active list of the organized militia so selected as to secure, as far as practicable, equitable representation to all sections of the United States, and which shall, from time to time, as the Secretary of War may direct, proceed to Washington, District of Columbia, for consultation with the Secretary of War respecting the condition, status, and needs of the whole body of the organized militia. Such officers shall be appointed for the term of four years unless sooner relieved by the Secretary of War.

"The actual and necessary traveling expenses of the members of the board, together with a per diem to be established by the Secretary of War, shall be paid to the members of the board. The expenses herein authorized, together with the necessary clerical and office expenses of the division of militia affairs in the office of the Secretary of War, shall constitute a charge against the whole sum annually appropriated under section sixteen hundred and sixty-one, Revised Statutes, as amended, and shall be paid therefrom, and not from the allotment duly apportioned to any particular State, Territory, or the District of Columbia; and a list of such expenses shall be submitted to Congress annually by the Secretary of War in connection with his annual report."

Approved, May 27, 1908.

CHAP. 205.—An Act To amend an Act entitled "An Act to simplify the laws in relation to the collection of the revenues," approved June tenth, eighteen hundred and ninety, as amended by the Act entitled "An Act to provide revenues for the Government and to encourage the industries of the United States," approved July twenty-fourth, eighteen hundred and ninety-seven.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section fourteen of the Act entitled "An Act to simplify the laws in relation to the collection of revenues," approved June tenth, eighteen hundred and ninety, as amended by the Act entitled "An Act to provide revenues for the Government and to encourage the industries of the United States," approved July twenty-fourth, eighteen hundred and ninety-seven, be, and the same is hereby, amended so as to read as follows:

"SEC. 14. That the decision of the collector as to the rate and amount of duties chargeable upon imported merchandise, including all dutiable costs and charges, and as to all fees and exactions of whatever character (except duties on tonnage), shall be final and conclusive

Assignment of Army officers or enlisted men for duty with militia.

Vol. 32, p. 779, amended.

Revocation.

Board of five officers created. Duties.

Term.

Traveling expenses, etc.

Charged against annual appropriation.

R. S., sec. 1661, p. 290.

List of expenses, etc.

May 27, 1908.

[H. R. 17506.]

[Public, No. 146.]

Collection of customs revenue. Vol. 26, p. 137. Board of General Appraisers.

Vol. 30, p. 151, amended.

Appeal from collector's decision as to dutiable charge, etc.