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Amendment.

SEC. 2. That Congress, or the legislature of the Territory of Hawaii with the approval of Congress, may at any time alter, amend, or repeal said Act.

Approved, April 21, 1904.

April 21, 1904.
[H. R. 12446.]
[Public, No. 130.]

CHAP. 1407.—An Act Making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

Fortifications appropriations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sums of money herein provided for be, and the same are hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, to be available until expended, namely:

FORTIFICATIONS AND OTHER WORKS OF DEFENSE.

Gun and mortar batteries.

For construction of gun and mortar batteries, seven hundred thousand dollars.

Range finders.

For installation of range and position finders, two hundred and twenty-five thousand dollars.

Sites.

For the procurement or reclamation of land, or right pertaining thereto, needed for the site, location, construction, or prosecution of works for fortifications and coast defenses, one hundred thousand dollars.

Searchlights

For purchase and installation of searchlights for the defenses of our most important harbors, one hundred and fifty thousand dollars.

Preservation, etc.

For the protection, preservation, and repair of fortifications for which there may be no special appropriation available, three hundred thousand dollars.

Plans.

For preparation of plans for fortifications, five thousand dollars.

Electric plants.

For tools, electrical and engine supplies and appliances, to be furnished by the Engineer Department, for the use of the troops for maintaining and operating electric light and power plants in gun and mortar batteries, thirty-five thousand dollars.

Sea walls.

For construction of sea walls and embankments, ninety-nine thousand dollars.

Submarine mines.

For the construction of mining casemates, cable galleries, torpedo storehouses, cable tanks, and other structures necessary for the operation, preservation, and care of submarine mines and their accessories, eighty-seven thousand dollars, to be expended by the Engineer Department.

Contracts.

It shall be the duty of the Secretary of War to apply the money herein appropriated under the heading "Fortifications and other works of defense," in carrying on the various works, by contract or otherwise, as may be most economical and advantageous to the Government. Where said works are done by contract, such contract shall be made after sufficient public advertisement for proposals, in such manner and form as the Secretary of War shall prescribe; and such contracts shall be made with the lowest responsible bidders, accompanied by such securities as the Secretary of War shall require, conditioned for the faithful prosecution and completion of the work according to such contract.

Armament.

ARMAMENT OF FORTIFICATIONS.

Machine guns.

For the purchase, manufacture, test, and issue of machine and automatic guns, including their carriages, sights, implements, equipments, and the machinery necessary for their manufacture at the arsenals, two hundred and ten thousand two hundred and twenty-nine dollars.

Mountain, field, and siege cannon.

For the purchase, manufacture, test, and issue of mountain, field, and siege cannon, including their carriages, sights, implements, equipments, and the machinery necessary for their manufacture at the arsenals, five hundred and eighty-four thousand two hundred dollars.

Ammunition.

For the purchase, manufacture, test, and issue of ammunition for machine and automatic guns, and for mountain, field, and siege cannon, including the necessary experiments in connection therewith, and the machinery necessary for its manufacture at the arsenals, two hundred and eleven thousand six hundred dollars.

Rapid-fire guns.

For the purchase, manufacture, test, and issue of rapid-fire guns for coast defense, including their carriages, sights, implements, equipments, and the machinery necessary for their manufacture at the arsenals, six hundred and eighteen thousand dollars.

Ammunition.

For the purchase, manufacture, test, and issue of ammunition for rapid-fire guns for coast defense, including the necessary experiments in connection therewith, and the machinery necessary for its manufacture at the arsenals, one hundred and seven thousand dollars.

Seacoast guns.

For the purchase, manufacture, test, and issue of seacoast guns and their mounts, including sights, implements, equipments, and the machinery necessary for their manufacture at the arsenals, one hundred and eighty thousand dollars.

Ammunition.

For the purchase, manufacture, test, and issue of ammunition for seacoast cannon, including the necessary experiments in connection therewith and the machinery necessary for its manufacture at the arsenals, three hundred and thirty thousand dollars.

Inspecting instruments, range finders, etc.

For the purchase, manufacture, and issue of inspecting instruments for the manufacture of cannon, carriages, and ammunition; range finders and other instruments for fire control at the fortifications and in field batteries, and the necessary machinery for their manufacture at the arsenals, two hundred and seventeen thousand five hundred dollars.

Ammunition, etc., for practice.

For the purchase, manufacture, and issue of ammunition, subcaliber tubes, and other accessories for artillery practice, including the machinery necessary for their manufacture at the arsenals, three hundred and seventy-four thousand dollars.

Alterations, etc., mobile artillery.

For the alteration and maintenance of the mobile artillery, including the purchase and manufacture of lathes, tools, and materials necessary for the work and the expenses of the mechanics engaged thereon, eleven thousand dollars.

Alterations, etc., seacoast guns.

For the alteration and maintenance of the seacoast artillery, including the purchase and manufacture of lathes, tools, and materials necessary for the work, and the expenses of the mechanics engaged thereon, five hundred thousand dollars.

Contract guns. Vol. 26, pp. 319, 770.

For eight-inch, ten-inch, and twelve-inch guns, manufactured by contract, under the provisions of the fortifications Acts approved August eighteenth, eighteen hundred and ninety, and February twenty-fourth, eighteen hundred and ninety-one, two hundred and one thousand dollars.

PROVING GROUND, SANDY HOOK, NEW JERSEY.

Sandy Hook proving ground, N. J.

Maintenance.

For current expenses and maintenance of the ordnance proving ground, Sandy Hook, New Jersey, including expenses incident to the transportation of men and material therefor, general repairs and alterations and accessories incidental to testing and proving ordnance, including hire of assistants for the Ordnance Board, skilled mechanical labor, purchase of instruments and other supplies, building and repairing butts and targets, clearing and grading ranges, fifty thousand two hundred and forty-three dollars.

Expenses of officers.

For the necessary expenses of officers while temporarily employed on ordnance duties at the proving ground and absent from their proper

station, at the rate of two dollars and fifty cents per diem while so employed, and the compensation of draftsmen while employed in the Army Ordnance Bureau on ordnance construction, eighteen thousand seven hundred dollars.

Track repairs. For repairs of railroad tracks connecting the proving ground with the Central Railroad of New Jersey, six thousand dollars.

Roads. For replacing plank roads by macadam, five thousand dollars.

Observation expenses. For the construction of bomb proofs for protection of observers at the different targets, and to provide facilities for observing the bursting point of shrapnel and high-explosive shell, four thousand dollars.

For observation range and plotting tower, seven thousand two hundred dollars.

Officers' quarters. For adding to the wing of the brick house for accommodation of officers temporarily at the proving grounds, including heating, lighting, plumbing, and furnishings, in addition to the eleven thousand dollars appropriated by Act approved June sixth, nineteen hundred and two, five thousand six hundred dollars.

Watervliet Arsenal.

WATERVLIET ARSENAL, WATERVLIET, NEW YORK.

Gun Factory plant. For purchase and installation of electric power plant in Army Gun Factory, seventeen thousand dollars.

Electric crane. For rebuilding electric crane in main gun shop, fifty thousand dollars.

Watertown Arsenal.

WATERTOWN ARSENAL, WATERTOWN, MASSACHUSETTS.

Machines and tools. For the purchase of machines and tools at Watertown Arsenal, thirty thousand dollars.

Frankford Arsenal.

FRANKFORD ARSENAL, PHILADELPHIA, PENNSYLVANIA.

Shrapnel plant machinery. Vol. 32, p. 1027. For necessary machinery for enlarging shrapnel plant authorized by the fortification appropriation Act, approved March third, nineteen hundred and three, thirty thousand dollars.

For building for assembling and storing artillery ammunition, thirty thousand dollars.

SUBMARINE MINES.

Submarine mines. For the purchase of submarine mines and necessary appliances to operate them for closing the channels leading to our principal seaports, and continuing torpedo experiments, including extra-duty pay to soldiers necessarily employed for periods not less than ten days on work in connection with the issue, receipt, and care of submarine mining material at the torpedo depot, one hundred thousand dollars.

Fire-control installations.

FIRE-CONTROL INSTALLATIONS.

Electrical plants. For the purchase, installation, operation, and maintenance of the necessary lines and means of electrical communication, including telephones, dial and other telegraphs, wiring and all special instruments, apparatus, and materials, and salaries of electrical experts, engineers, and other necessary employees, connected with the use of coast artillery, five hundred thousand dollars.

Insular possessions.

FORTIFICATIONS IN INSULAR POSSESSIONS.

Seacoast batteries. For construction of seacoast batteries in the insular possessions, seven hundred thousand dollars.

Sites, Hawaii. For procurement of land needed as sites for the defenses of the Hawaiian Islands, two hundred thousand dollars.

Seacoast guns.

For the purchase, manufacture, test, and issue, for the insular possessions of seacoast guns and their mounts, including sights, implements, equipments, and the machinery necessary for their manufacture at the arsenals, one hundred and seventy-eight thousand nine hundred and twenty dollars.

Seacoast mortars.

For the purchase, manufacture, test, and issue, for the insular possessions, of seacoast mortars, with their mounts, including sights, implements, equipments, and the machinery necessary for their manufacture at the arsenals, seventy-eight thousand dollars.

Rapid-fire guns.

For the purchase, manufacture, test, and issue of rapid-fire guns for coast defense for the insular possessions, including their carriages, sights, implements, equipments, and the machinery necessary for their manufacture at the arsenals, one hundred and sixty-two thousand dollars.

Board of Ordnance and Fortification.

BOARD OF ORDNANCE AND FORTIFICATION.

Purchases, etc.

To enable the Board to make all needful and proper purchases, experiments, and tests to ascertain, with a view to their utilization by the Government, the most effective guns, small arms, cartridges, projectiles, fuses, explosives, torpedoes, armor plates, and other implements and engines of war, and to purchase or cause to be manufactured, under authority of the Secretary of War, such guns, carriages, armor plates, and other war material as may, in the judgment of the Board, be necessary in the proper discharge of the duty devolved upon it by the Act approved September twenty-second, eighteen hundred and eighty-eight; to pay the salary of the civilian member of the Board of Ordnance and Fortification provided by the Act of February twenty-fourth, eighteen hundred and ninety-one, and for the necessary traveling expenses of said member when traveling on duty as contemplated in said Act; for the payment of the necessary expenses of the Board, including a per diem allowance to each officer detailed to serve thereon, when employed on duty away from his permanent station, of two dollars and fifty cents a day; and for the test of experimental guns, carriages, and other devices procured in accordance with the recommendation of the Board of Ordnance and Fortification, one hundred thousand dollars, the expenditure of which shall be made by the several bureaus of the War Department heretofore having jurisdiction of the same, or by the Board itself, as the Secretary of War may direct: *Provided*, That before any money shall be expended in the construction or test of any gun, gun carriage, ammunition, or implements under the supervision of the said Board, the Board shall be satisfied, after due inquiry, that the Government of the United States has a lawful right to use the inventions involved in the construction of such gun, gun carriage, ammunition, or implements, or that the construction or test is made at the request of a person either having such lawful right or authorized to convey the same to the Government.

Vol. 25, p. 489. Civilian member.

Vol. 26, p. 769.

Per diem.

Tests.

Proviso. Right to use inventions.

Purchases to be of American manufacture. Exception.

That all material purchased under the foregoing provisions of this Act shall be of American manufacture, except in cases when, in the judgment of the Secretary of War, it is to the manifest interest of the United States to make purchases in limited quantities abroad, which material shall be admitted free of duty.

A. H. Emery elevating carriage. Advances.

A. H. EMERY ELEVATING CARRIAGE: To enable A. H. Emery to proceed promptly in the work of building and erecting the twelve-inch disappearing carriage and its loading apparatus being made by him for the Government it is hereby provided that the Secretary of War may, in his discretion, advance the said Emery, at any time or times which he thinks best, any part of the eighty-four thousand three hundred and forty-three dollars and two cents, balance of appropriations now available for completing the construction, erecting, and testing of the said twelve-inch carriage and its foundations and loading apparatus,

Provisos.
Changes in contract.

and making the preliminary tests thereof: *Provided also*, That the Secretary of War is, in his discretion, hereby authorized to close the contract with said Emery, under which he is now making this twelve-inch carriage and its loading apparatus, by relieving him from all further work thereon and contracting with him for either an eight or ten inch disappearing carriage to be furnished by him in place thereof, together with its foundations, erection, and preliminary tests by him ready for the proof tests by the Board; and to pay therefor to the said Emery the said balance of eighty-four thousand three hundred and forty-three dollars and two cents, balance of appropriations above mentioned, in such sums and at such times as he shall, in his discretion, think best, to enable the said Emery promptly to construct and erect said carriage and its foundations and make the preliminary tests thereof, ready for its proof tests by the Board: *Provided further*, That in the judgment of the Secretary of War the eight or ten inch carriage hereby provided for can and will be completed within the sum of eighty-four thousand three hundred and forty-three dollars and two cents, heretofore appropriated.

Payments.

Conditions.

Approved, April 21, 1904.

April 21, 1904.
[H. R. 13739.]
[Public, No. 131.]

CHAP. 1408.—An Act To authorize the Blackberry, Kentucky and West Virginia Coal and Coke Company (Incorporated) to bridge the Tug Fork of the Big Sandy River, about one mile east of Matewan, West Virginia, where the same forms the boundary line between the States of West Virginia and Kentucky.

Tug Fork of Big Sandy River.
Blackberry, Kentucky and West Virginia Coal and Coke Company may bridge, near Matewan, W. Va.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be lawful for the Blackberry, Kentucky and West Virginia Coal and Coke Company (Incorporated), a corporation created and organized under the laws of West Virginia, existing and operating in West Virginia and Kentucky, to construct and maintain a railroad bridge, either standard or narrow gauge, to be operated by electricity or otherwise, together with approaches thereto, across the Tug Fork of the Big Sandy River, about one mile east of Matewan, West Virginia, where the said Tug Fork forms the boundary line between the States of West Virginia and Kentucky, as the said company may deem suitable for the passage of its said roads, the conveyance of coal, and for foot passengers over the said Tug Fork, subject to the approval of the Secretary of War.

Railroad and foot bridge.

Lawful structure and post route.

SEC. 2. That any bridge authorized to be constructed under this Act shall be a lawful structure, and shall be recognized and known as a post route, and shall enjoy all the rights and privileges of other post-roads in the United States, upon which also no higher charge shall be made for the transmission over the same of the mails, or for through passengers or freight passing over said bridge and approaches than the rate per mile paid for transportation over the railroads leading to said bridge; and the United States shall have the right of way for postal-telegraph and telephone purposes without charge therefor across said bridge and approaches. Said bridge shall be built and located under and subject to such regulations for the security of navigation 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 bridge and a map of the location, giving for the space of one mile above and one mile below the proposed location the high and low water lines upon the banks of the river, the direction and strength of the current 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

Secretary of War to approve plans, etc.