

jectiles, 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, fifty 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.

That all material purchased under the 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. Such material purchased in limited quantities shall be admitted free of duty, as shall other similar material furnished without charge.

Approved, May 27, 1908.

Vol. 25, p. 489.

Civilian member.  
Salary.

Vol. 26, p. 769.

Per diem, tests, etc.

*Proviso.*  
Right to use invention.

Material to be of  
American manufacture.

**CHAP. 203.**—An Act To authorize the construction of a railroad siding to the United States navy-yard, and for other purposes.

May 27, 1908.  
[H. R. 20120.]

[Public, No. 144.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Philadelphia, Baltimore and Washington Railroad Company be, and it is hereby, authorized and directed to construct a single branch track or siding from its present main line, at some point, to be approved by the Commissioners of the District of Columbia, between the bridge over the Anacostia River at Pennsylvania avenue southeast, and one thousand feet westerly therefrom; thence extending by curve in a southwesterly direction across square south of one thousand and eighty, to Fifteenth street, east; thence southwestwardly across square south one thousand and sixty-seven, on a line generally parallel to the center line of Water street, at such distance between the center line of Water street and the present approved north bulkhead line of the Anacostia River as shall be approved by the Commissioners of the District of Columbia, crossing Fifteenth street southeast, Fourteenth street southeast, Thirteenth street southeast, Twelfth street southeast, M and N streets southeast, and Virginia avenue; thence in a southwestwardly direction by curve or otherwise, as the Commissioners of the District of Columbia shall approve, crossing Twelfth street southeast, and square south of one thousand and one, to the north abutment of the Anacostia River bridge at the foot of Eleventh

District of Columbia.  
Philadelphia, Baltimore, and Washington Railroad Company may construct siding to navy-yard.  
Route.

street southeast; thence passing under the north end of the said Anacostia River bridge, at such point as may be determined by the Commissioners of the District of Columbia; thence across Eleventh street southeast, square nine hundred and seventy-nine, Tenth street southeast, square nine hundred and fifty-five, and Ninth street southeast, on a line generally parallel to the north bulkhead line of the Anacostia River, as now approved, and between it and one hundred feet distant therefrom, as may be determined by the Commissioners of the District of Columbia, to a connection with the track system of the United States Navy-Yard.

Plans, etc., approved by Commissioners.

SEC. 2. That the location of said track and the grade thereof and the plans of construction outside of the United States Navy-Yard, shall be approved by the Commissioners of the District of Columbia, and the said Commissioners are also authorized and empowered to make, from time to time, all needful regulations for the movement of trains, cars, and locomotives over the same: *Provided*, That the Commissioners of the District of Columbia shall, as far as consistent with the public interests, cause said railroad track to be located on public grounds and streets.

Regulations.

*Proviso.*  
Location on public grounds, etc.

Paving.

The Philadelphia, Baltimore and Washington Railroad Company shall also pave such crossings or other portions of public space occupied by said track, and two feet exterior to the rails thereof, as the Commissioners of the District of Columbia may require, and keep the same in repair at all times.

Repairs.

Side-tracks, etc.

SEC. 3. That it shall be the duty of the Commissioners of the District of Columbia, and they are hereby authorized and empowered, upon request of the railroad company, to grant the Philadelphia, Baltimore and Washington Railroad Company, permission to lay, maintain, and use side-tracks and sidings, from the branch track herein authorized, south of said branch track between Twelfth and Fifteenth streets east, and also into squares nine hundred and fifty-five, nine hundred and seventy-nine, south of one thousand and twenty-five, and east of one thousand and twenty-five, and south of one thousand and one, and south of one thousand and forty-eight: *Provided*, That such tracks or sidings shall be laid and maintained under the direction of the said Commissioners in such manner as to least interfere with the free and unobstructed use of the public streets.

*Proviso.*  
Nonobstruction of public streets.

Cost to be paid by railroad.

SEC. 4. That the entire cost and expense of obtaining the necessary right of way, and the entire cost and expense of constructing the branch track, herein authorized, to a connection with the track system of the navy-yard, shall be paid and defrayed by the Philadelphia, Baltimore and Washington Railroad Company, but the said Philadelphia, Baltimore and Washington Railroad Company shall not acquire any riparian rights by reason of the location of said track through public space or through any right of way, necessary to be acquired.

Riparian rights not acquired.

Occupation of public space.

SEC. 5. That where the line as approved by said Commissioners lies within the bed of any public highway or through any public space, said company is hereby given the right to occupy such portion of said highway or public space as may be approved by said Commissioners, and where such approved line crosses private property, the said railroad company is hereby authorized to acquire a sufficient right of way not exceeding sixty-six feet in width by purchase, and in the event that such right of way can not be purchased at a price satisfactory to said railroad company, authority is hereby conferred upon said railroad company to condemn the land necessary for such right of way, in the manner and by the method and processes provided by sections six hundred and forty-eight to six hundred and sixty-three, both inclusive, of the Revised Statutes relating to the District of Columbia, which said sections, despite any repeal thereof, are hereby reenacted in full force and effect, for the purposes contemplated by this Act, and are

Right of way over private property by purchase.

By condemnation.

R. S., D. C., secs. 648-663, pp. 78, 79.

Reenactment.

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.