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to enable the Secretary of War to make this increase in the price of this work and to make payment therefor, the sum of forty thousand dollars is hereby appropriated: *Provided*, That of the one hundred and fifty thousand dollars to be paid for the carriage and its foundations, ten thousand dollars shall be paid towards the construction of the foundations, of which sum one-half shall be paid to the said Emery as soon as needed by him to pay bills for materials used and labor performed in its construction and erection and the other half of this ten thousand dollars shall be paid to him when the foundations are erected ready for the carriage and all bills for the whole cost thereof entirely satisfied. Of the one hundred and forty thousand dollars balance of this money to be paid for the carriage and its foundations, advances shall be made as heretofore for material and finishing the same as provided in the contract, until such advances shall reach, for materials and finishing and erecting the same, not exceeding ninety per centum of this sum. Of the balance of the said one hundred and fifty thousand dollars, fourteen thousand shall be advanced to the said Emery, after the passage of this Act, as fast as it is needed to pay bills made and to be made in connection with the work of this contract. The ten thousand dollars authorized to be paid A. H. Emery on the supplemental contract provided for in the Fortification appropriation Act approved June sixth, eighteen hundred and ninety-six, shall be due and paid as soon as the carriage and loading apparatus provided for in said supplemental contract are completed according to contract and ready for erection. After the carriage herein provided for is completed and tested and all moneys due the said A. H. Emery thereon have been paid, the Government shall have the right to build any and all such other disappearing carriages as it may choose under any or all United States patents obtained at any time by the said Emery on his inventions embodied in this carriage. The royalty to be due and paid him or his legal representatives on all carriages built by or for the Government or carriages which they build, excepting the type carriage now under construction, embodying any of the said specified inventions, shall not exceed six per centum of the cost of the erected carriage in which such inventions are used; payment of the royalty on any such carriage to be due when such carriage is completed.

Proviso. Amount available for foundations.

Advances for material, etc.

Payment on supplemental contract.

Vol. 29, p. 260.

Right of Government to build carriages

Royalty.

SEC. 2. The Secretary of War is hereby authorized and directed to make partial payments under the contracts now existing with the War Department for the purchase and erection of pneumatic dynamite guns, carriages, and so forth, and ammunition for same, the said payments to be proportioned to the amount of work done and material furnished to date under said contracts: *Provided*, That the contractors furnish a satisfactory bond, equal to the amount of all payments to be made, indemnifying the Government against loss in case the said dynamite guns, fittings, and so forth, shall not fulfill the contract requirements: *Provided further*, That the aggregate amount of partial payments made under the contract shall not exceed eighty per centum of the work done and material furnished to date of payment.

Approved, May 25, 1900.

Pneumatic dynamite guns.
Partial payments for purchase, etc., authorized.

Provisos. Contractors' bond.

Limit of payments.

CHAP. 553.—An Act To enlarge the powers of the Department of Agriculture, prohibit the transportation by interstate commerce of game killed in violation of local laws, and for other purposes.

May 25, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the duties and powers of the Department of Agriculture are hereby enlarged so as to include the preservation, distribution, introduction, and restoration of game birds and other wild birds. The Secretary of Agriculture is hereby

Department of Agriculture.
Powers enlarged to include preservation, etc., of game birds, etc.

authorized to adopt such measures as may be necessary to carry out the purposes of this Act and to purchase such game birds and other wild birds as may be required therefor, subject, however, to the laws of the various States and Territories. The object and purpose of this Act is to aid in the restoration of such birds in those parts of the United States adapted thereto where the same have become scarce or extinct, and also to regulate the introduction of American or foreign birds or animals in localities where they have not heretofore existed.

Purpose of act.

Publication of information.

The Secretary of Agriculture shall from time to time collect and publish useful information as to the propagation, uses, and preservation of such birds.

Regulations.

And the Secretary of Agriculture shall make and publish all needful rules and regulations for carrying out the purposes of this Act, and shall expend for said purposes such sums as Congress may appropriate therefor.

Permits required to import wild animals and birds.

SEC. 2. That it shall be unlawful for any person or persons to import into the United States any foreign wild animal or bird except under special permit from the United States Department of Agriculture: *Provided*, That nothing in this section shall restrict the importation of natural history specimens for museums or scientific collections, or the importation of certain cage birds, such as domesticated canaries, parrots, or such other species as the Secretary of Agriculture may designate.

Proviso. —exceptions.

Importation of mongoose, English sparrow, etc., prohibited.

The importation of the mongoose, the so-called "flying foxes" or fruit bats, the English sparrow, the starling, or such other birds or animals as the Secretary of Agriculture may from time to time declare injurious to the interest of agriculture or horticulture is hereby prohibited, and such species upon arrival at any of the ports of the United States shall be destroyed or returned at the expense of the owner. The Secretary of the Treasury is hereby authorized to make regulations for carrying into effect the provisions of this section.

Transportation of prohibited animals forbidden.

SEC. 3. That it shall be unlawful for any person or persons to deliver to any common carrier, or for any common carrier to transport from one State or Territory to another State or Territory, or from the District of Columbia or Alaska to any State or Territory, or from any State or Territory to the District of Columbia or Alaska, any foreign animals or birds the importation of which is prohibited, or the dead bodies or parts thereof of any wild animals or birds, where such animals or birds have been killed in violation of the laws of the State, Territory, or District in which the same were killed: *Provided*, That nothing herein shall prevent the transportation of any dead birds or animals killed during the season when the same may be lawfully captured, and the export of which is not prohibited by law in the State, Territory, or District in which the same are killed.

Proviso. —when lawfully killed during season, etc.

Marking of packages.

SEC. 4. That all packages containing such dead animals, birds, or parts thereof, when shipped by interstate commerce, as provided in section one of this Act, shall be plainly and clearly marked, so that the name and address of the shipper and the nature of the contents may be readily ascertained on inspection of the outside of such packages.

Penalty.

For each evasion or violation of this Act the shipper shall, upon conviction, pay a fine of not exceeding two hundred dollars; and the consignee knowingly receiving such articles so shipped and transported in violation of this Act shall, upon conviction, pay a fine of not exceeding two hundred dollars; and the carrier knowingly carrying or transporting the same shall, upon conviction, pay a fine of not exceeding two hundred dollars.

Bodies of animals subject to laws of State into which transported.

SEC. 5. That all dead bodies, or parts thereof, of any foreign game animals, or game or song birds, the importation of which is prohibited, or the dead bodies, or parts thereof, of any wild game animals, or game or song birds transported into any State or Territory, or remaining therein for use, consumption, sale, or storage therein, shall upon

arrival in such State or Territory be subject to the operation and effect of the laws of such State or Territory enacted in the exercise of its police powers, to the same extent and in the same manner as though such animals or birds had been produced in such State or Territory, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise. This Act shall not prevent the importation, transportation, or sale of birds or bird plumage manufactured from the feathers of barnyard fowl.

Bird plumage manufactured from feathers of barnyard fowl.

Approved, May 25, 1900.

CHAP. 554.—An Act To provide for the construction of a bridge by the Duluth, Pierre and Black Hills Railroad Company across the Missouri River at Pierre, South Dakota.

May 25, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Duluth, Pierre and Black Hills Railroad Company, a corporation duly organized under the general incorporation laws of the State of South Dakota, its successors and assigns, is hereby authorized to construct and maintain a bridge across the Missouri River at or near the city of Pierre, Hughes County, South Dakota, and also to lay on and over said bridge a railway track or tracks for the passage of railway trains; and said corporation may construct and maintain ways for wagons, carriages, and foot passengers, charging and receiving such reasonable tolls therefor as may be approved from time to time by the Secretary of War.

Duluth, Pierre and Black Hills Railroad may bridge Missouri River at Pierre, S. Dak.

Transit; tolls.

SEC. 2. That said bridge should be constructed and built without interference with the security and convenience of navigation of said river beyond what is necessary to carry into effect the rights and privileges hereby granted; and in order to secure that object the said 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 topography of the banks of the river, the shore lines at high and low water, the direction and strength of the currents at all stages, and the soundings accurately showing the bed of the stream, the location of any other bridge or bridges, 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, the bridge shall not be built: *Provided*, That if the said bridge shall be made with unbroken and continuous spans it shall not be of less elevation in any case than fifty feet above extreme high-water mark as understood at the point of location to the lowest part of the superstructure of the bridge, nor shall the spans of said bridge be less than three hundred feet in length in the clear; and the piers of said bridge shall be parallel with the current of said river, and the bridge itself at right angles thereto, and the main span shall be over the main channel of the river and not less than three hundred feet in length in the clear: *And provided also*, That if any bridge built under this Act shall be constructed as a drawbridge the same shall be constructed as a pivot drawbridge, with a draw over the main channel of the river at an accessible and navigable point and with spans of not less than two hundred feet in length in the clear on each side of central or pivot pier of the draw, and the next adjoining span or spans to the draw shall not be less than three hundred feet, and the headroom under all river spans shall not be less than ten feet above local high-water mark, and the piers of said bridge shall be built with the current of said river and the bridge itself at right angles thereto: *Provided also*, That said draw shall be opened promptly upon the reasonable signal for the passing of boats; and said company or corporation shall maintain, at its own expense, from sunset

Not to obstruct navigation.

Secretary of War to approve plans.

Provisos.
Elevation, etc.

Draw.

—opening of.

Lights.