

branded, as in the case of filled cheese manufactured in the United States.

Penalty for purchasing if not stamped, etc.

SEC. 12. That any person who knowingly purchases or receives for sale any filled cheese which has not been branded or stamped according to law, or which is contained in packages not branded or marked according to law, shall be liable to a penalty of fifty dollars for each such offense.

Penalty for purchasing from manufacturer not having paid special tax.

SEC. 13. That every person who knowingly purchases or receives for sale any filled cheese from any manufacturer or importer who has not paid the special tax herein provided for shall be liable, for each offense, to a penalty of one hundred dollars and to a forfeiture of all articles so purchased or received, or of the full value thereof.

Destroying stamps.

SEC. 14. That whenever any stamped package containing filled cheese is emptied it shall be the duty of the person in whose hands the same is to destroy the stamps thereon; and any person who willfully neglects or refuses so to do shall, for each such offense, be fined not exceeding fifty dollars or imprisoned not less than ten days nor more than six months.

Penalty for neglect.

Tests if deleterious to health.

SEC. 15. That the Commissioner of Internal Revenue is authorized to have applied scientific tests, and to decide whether any substances used in the manufacture of filled cheese contain ingredients deleterious to health. But in case of doubt or contest his decision in this class of cases may be appealed from to a board hereby constituted for the purpose, and composed of the Surgeon-General of the Army, the Surgeon-General of the Navy, and the Secretary of Agriculture, and the decision of this board shall be final in the premises.

Appeals.

Destruction of untaxed and deleterious filled cheese.

SEC. 16. That all packages of filled cheese subject to tax under this Act that shall be found without stamps or marks as herein provided, and all filled cheese intended for human consumption which contains ingredients adjudged as hereinbefore provided to be deleterious to the public health, shall be forfeited to the United States.

Recovery of fines.

SEC. 17. That all fines, penalties, and forfeitures imposed by this Act may be recovered in any court of competent jurisdiction.

Regulations.

SEC. 18. That the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall make all needful regulations for the carrying into effect the provisions of this Act.

To take effect in ninety days.

SEC. 19. That this Act shall go into effect on the ninetieth day after its passage, and all wooden packages containing ten or more pounds of filled cheese found on the premises of any dealer on and after the ninetieth day succeeding the date of the passage of this Act, shall be deemed to be taxable under section nine of this Act, and shall be taxed, and shall have affixed thereto the stamps, marks, and brands required by this Act or by regulations made pursuant to this Act; and for the purpose of securing the affixing of the stamps, marks, and brands required by this Act, the filled cheese shall be regarded as having been manufactured and sold or removed from the manufactory for consumption or use on or after the day this Act takes effect; and such stock on hand at the time of the taking effect of this Act may be stamped, marked, and branded under special regulations of the Commissioner of Internal Revenue, approved by the Secretary of the Treasury, and the Commissioner of Internal Revenue may authorize the holder of such packages to mark and brand the same and to affix thereto the proper tax-paid stamps.

Affixing stamps, etc.

Approved, June 6, 1896.

June 6, 1896.

CHAP. 338.—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:

GUN AND MORTAR BATTERIES: For construction of fortifications, two million five hundred thousand dollars; of which sum not exceeding one hundred thousand dollars may be expended for the construction of necessary buildings connected therewith: *Provided*, That contracts may be entered into, under the direction of the Secretary of War, for materials and work for construction of fortifications, to be paid for as appropriations may from time to time be made by law, to an additional sum in the aggregate not to exceed two million five hundred thousand dollars.

SITES FOR FORTIFICATIONS AND SEACOAST DEFENSES: For the procurement of land, or right pertaining thereto, needed for the site, location, construction, or prosecution of works for fortifications and coast defenses, five hundred thousand dollars.

PRESERVATION AND REPAIR OF FORTIFICATIONS: For the protection, preservation, and repair of fortifications for which there may be no special appropriation available, fifty thousand dollars.

For preparation of plans for fortifications, five thousand dollars.

SEA WALLS AND EMBANKMENTS: For construction of sea walls and embankments, seventeen thousand nine hundred and seventy-five dollars.

TORPEDOES FOR HARBOR DEFENSE: For the purchase of submarine mines and necessary appliances to operate them for closing the channels leading to our principal seaports, needful casemates, cable galleries, and so forth, to render it possible to operate submarine mines, one hundred thousand dollars.

ARMAMENT OF FORTIFICATIONS: The Secretary of War is hereby authorized and directed to procure, by manufacture, or by purchase after due advertisement, the following:

Oil tempered and annealed steel for high-power coast defense guns of eight-inch, ten-inch, and twelve-inch caliber, and forgings for one type sixteen-inch gun, in quality and dimensions conforming to specifications, subject to inspection at each stage of manufacture, and including all parts of each caliber, one million two hundred and five thousand and thirty-eight dollars: *Provided*, That no contract for oil-tempered and annealed steel for high-power coast-defense guns and mortars shall be made at a price exceeding twenty-four cents per pound;

Carriages for mounting seacoast guns of eight-inch, ten-inch, and twelve-inch calibers, one million one hundred and fourteen thousand five hundred dollars;

Steel breech-loading mortars of twelve-inch caliber, eight hundred and ten thousand dollars;

Carriages for mounting steel mortars of twelve-inch caliber, three hundred and seventy-eight thousand dollars;

Steel deck-piercing and other shells for twelve-inch breech-loading mortars, one hundred and sixty-three thousand eight hundred dollars;

Steel armor-piercing shot for seacoast breech-loading guns, ninety-eight thousand seven hundred and thirty-eight dollars;

In all, three million seven hundred and seventy thousand and seventy-six dollars: *Provided*, That the following sums, to meet payments as they become due for the aforementioned objects under armament of fortifications, are hereby appropriated, namely:

For oil-tempered and annealed steel for high-power coast-defense guns of eight-inch, ten-inch, twelve-inch, and sixteen-inch caliber, in quality and dimensions conforming to specifications, subject to inspection at each stage of manufacture, and including all parts of each caliber, six hundred and fifty thousand dollars;

For carriages for mounting seacoast guns of eight-inch, ten-inch, and twelve-inch caliber, seven hundred and fifty thousand dollars;

For steel breech-loading mortars of twelve-inch caliber, three hundred thousand dollars;

For carriages for mounting steel mortars of twelve-inch caliber, two hundred thousand dollars;

Gun and mortar batteries.

Proviso.
Contracts.

Limit.
Sites, etc.

Preservation, etc.

Plans.
Sea walls.

Torpedoes for harbor defense.

Armament.
New orders.

Steel for guns.

Proviso.
Limit of price.

Carriages.

Mortars.

Carriages.

Steel shells.

Steel shot.

Proviso.
Payments.

Steel for guns.

Carriages.

Mortars.

Carriages.

Steel shell.	For steel deck-piercing and other shells for twelve-inch breech-loading mortars, one hundred and nine thousand two hundred dollars;
Steel shot.	For steel armor-piercing shot for seacoast breech-loading guns, sixty-five thousand eight hundred dollars; in all, two million and seventy-five thousand dollars.
Seacoast guns at Army Gun Factory.	For finishing and assembling eight-inch, ten-inch, and twelve-inch seacoast guns at the Army Gun Factory, three hundred and forty-three thousand one hundred and sixty-eight dollars.
Contract guns. Vol. 26, pp. 319, 770.	For eight, ten, 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, six hundred and fifty thousand dollars.
Expenses of tests.	For necessary expenses, other than for powder and projectiles, incident to the test and inspection of the twenty-five eight-inch, fifty ten-inch, and twenty-five twelve-inch guns provided under the fortifications Acts of August eighteenth, eighteen hundred and ninety, and February twenty-fourth, eighteen hundred and ninety-one, and as provided for by said Act of February twenty-fourth, eighteen hundred and ninety-one, five thousand dollars.
Rapid-fire guns.	For rapid-fire guns, including their mounts and ammunition, one hundred and fifty thousand dollars.
Machine guns.	For machine guns of American manufacture, including fifteen thousand dollars for purchase of machine guns of approved musket caliber, of American manufacture, thirty-five thousand dollars.
Steel field guns.	For steel field guns of three and two-tenths inch caliber, fifty thousand dollars.
Carriages.	For carriages for field-gun batteries, one hundred and twenty-two thousand dollars.
Field mortars.	For steel field mortars of three and six-tenths inch caliber, fifteen thousand and forty dollars.
Carriages, etc.	For carriages and platforms for steel field mortars of three and six-tenths inch caliber, including implements and equipments, six thousand and sixty dollars.
Siege rifles.	For steel breech-loading rifles, siege, of five-inch caliber, thirty thousand two hundred and forty dollars.
Siege howitzers.	For steel breech-loading rifled howitzers, siege, of seven-inch caliber, thirty thousand three hundred and seventy dollars.
Carriages, rifles, and howitzers.	For carriages, limbers, implements, and equipments for steel breech-loading rifles, siege, of five-inch caliber, and for steel breech-loading rifled howitzers of seven-inch caliber, one hundred and fourteen thousand one hundred and forty dollars.
Siege mortars.	For siege breech-loading mortars, steel, of seven-inch caliber, forty thousand six hundred dollars.
Carriages.	For carriages and platforms for siege breech-loading mortars, steel, including implements and equipments, thirty-one thousand eight hundred and eighty dollars.
Sights and fuses.	For sights for cannon, ten thousand dollars. For fuses and primers for cannon, three thousand five hundred dollars.
Inspecting instruments, etc.	For inspecting instruments, gauges, and templets for the manufacture of cannon and projectiles, one thousand dollars.
Powder and projectiles.	For powder for issue to service, including metallic cartridge cases for cannon, thirty-nine thousand seven hundred and fifty dollars. For projectiles, including shrapnel, for issue to the service, fifty thousand dollars.
Plates for tests.	For powders and projectiles for the proof of eight-inch, ten-inch, and twelve-inch guns, thirty-five thousand five hundred dollars. For purchase and erection of armor plates for testing armor-piercing shot, twelve thousand seven hundred dollars.
Investigating smokeless powders, etc.	For the services of a chemist in investigating properties of smokeless powders and high explosives, with a view to improving same for adoption in service, one thousand five hundred dollars. And the ordnance storekeeper now on duty in Washington as disbursing officer and
Ordnance storekeeper to rank as major. Vol. 22, p. 52.	

assistant to the Chief of Ordnance, United States Army, shall hereafter have the rank of major.

PROVING GROUND, SANDY HOOK, NEW JERSEY: For current expenses and maintenance of the ordnance proving ground, Sandy Hook, New Jersey, including 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, twenty-seven thousand dollars.

Sandy Hook proving ground.
Maintenance.

For the necessary expenses of officers while temporarily employed on ordnance duties at the proving ground and absent from their proper stations, 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, eight thousand dollars.

Expenses of officers.

For purchase of ties for repair of railroad tracks, three thousand dollars.

Repairs to track.

WATERTOWN ARSENAL, WATERTOWN, MASSACHUSETTS: For enlargement and improvement of gun-carriage plant, including the purchase and setting up of an additional one hundred and fifty horsepower steam engine, resetting and necessary enlargement of boilers, steam-heating arrangements for new setting-up shop, foundry, and foundry-extension machine shop, and necessary new machine tools and appliances, thirty-one thousand dollars.

Watertown Arsenal.
Gun-carriage plant.

For rebuilding and enlarging the arsenal wharf upon the Charles River, twelve thousand five hundred dollars.

Wharf.

WATERVLIET ARSENAL, WEST TROY, NEW YORK: For increasing the present water-service system to supply post and shops with pure drinking water, three thousand one hundred and five dollars.

Watervliet Arsenal.
Water service.

For filing and grading grounds, construction of necessary roads to shops, and covering the same with granite paving, three thousand five hundred dollars.

Grounds.

BENICIA ARSENAL, BENICIA, CALIFORNIA: For construction of gun platforms, for material, grading, and laying of spur track to platform, and for firing butt, four thousand five hundred dollars.

Benicia Arsenal.
Platform, etc.

BOARD OF ORDNANCE AND FORTIFICATION: 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 and fifty thousand dollars: *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.

Board of Ordnance and Fortification.
Purchases, tests, etc.

Vol. 25, p. 489.
Civilian member.

Expenses.

Tests.

Proviso.
Right to use inventions.

Purchases to be of American manufacture.

Exception.

Counterpoise carriage.

Contract with J. A. Howell for tests, etc.

Proviso.

Nature of tests.

Amount.

Payments.

Emery's elevating gun carriage.

Vol. 27, p. 475.

Manner of payments changed.

Contract for auxiliary loading apparatus.

Payments.

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.

To enable the Board of Ordnance and Fortification, in its discretion, to procure and test one ten-inch counterpoise carriage of the type patented by Commodore J. A. Howell, United States Navy, the Secretary of War is hereby authorized and directed to contract with the licensee of said Howell patents for said carriage, without advertising, which shall be constructed according to the plans and specifications prepared by said J. A. Howell, and said carriage shall be capable of an all-round fire, and the details of said plan may be modified, changed, and improved in the discretion of the contractors: *Provided*, That the ten-inch carriage herein authorized to be contracted for shall be subjected to the same tests that the Buffington-Crozier ten-inch carriage will be subjected to with respect to ease of maneuvering, rapidity of firing, of traversing, and raising to the firing position; and the sum of fifty thousand dollars, or so much thereof as may be necessary, is hereby appropriated for the purchase of said Howell ten-inch carriage, including the erection of foundations and platform, the expense incident to its mounting, and the ammunition for its test. Eighty-five per centum of the amount herein appropriated shall be paid in partial payments as the work progresses, and the remainder upon the completion and test of said carriage by the Board of Ordnance and Fortification, and the work found to be done according to contract.

That in the 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, approved February eighteenth, eighteen hundred and ninety-three, the paragraph beginning with the words "Of the one hundred and ten thousand dollars" and providing for terms of payment for the twelve inch elevating gun carriage to be contracted for with A. H. Emery under the provisions of said Act be, and is hereby, amended to read as follows:

Of the one hundred and ten thousand dollars to be paid for the carriage and its foundations, eighty-five per centum shall be paid in partial payments as the work progresses, in accordance with the proposals submitted by A. H. Emery to the Board in his letter of January twenty-first, eighteen hundred and ninety-three. And no bond shall be required for the return of this money if the carriage is not accepted, nor shall the said Emery be required to return the money paid, and the carriage shall belong to the United States when the tests are completed. The balance of the one hundred and ten thousand dollars shall be paid as soon as said carriage shall have been completed in all respects according to contract and shall also have undergone and endured a test satisfactory to the Board of Ordnance and Fortification. Of the twenty thousand dollars to be paid for the testing of the carriage three-eighths shall be paid the contractor when the preliminary tests are completed, and the other five-eighths shall be paid to him proportionally as the fifty rounds for proof are furnished. And the Secretary of War is hereby authorized and directed to enter into a supplemental contract with the contractor for this carriage, for the supply by him of a loading apparatus to go with and belong to the carriage and to be furnished therewith as a part thereof; and the carriage shall be so constructed that a part of the work of recoil can be used for the horizontal traverse of the carriage and the working of the loading apparatus; and the payment for the work so furnished under this supplementary contract shall be ten thousand dollars, which sum shall be due and payable when said loading apparatus is completed in all respects according to contract, and shall also have undergone and endured said test hereinbefore mentioned, to make which payment the sum of ten thousand dollars is hereby appropriated.

To enable the Board of Ordnance and Fortification to procure and test one eight-inch caliber high-power gun, cast in one piece, on the plan of R. J. Gatling; and the Secretary of War is hereby authorized and directed to contract with said Gatling for said gun, without advertisement, which gun shall be constructed according to the plans and specifications prepared by said Gatling, and under his supervision, and to be subjected to the same test now applied to the built-up gun of the same caliber, and the sum of forty thousand dollars is hereby appropriated to pay for said gun; of which sum eighty-five per centum shall be paid in partial payments as the work progresses, in accordance with the contract to be entered into between the Secretary of War and the said Gatling, and the remainder upon the completion and test of said gun: *Provided*, That before said contract is entered into, the plans and specifications for said gun shall be deposited with the Secretary of War, which plans and specifications may be modified, in the discretion of said Gatling, from time to time as the work progresses: *And provided further*, That the said gun shall conform in general form and dimensions to modern ordnance, and shall not therefor differ materially in form and dimensions from service guns, in order that it may admit of being mounted on a service carriage and in a service emplacement or fortification.

High-power gun,
cast in one piece.
Contract with R. J.
Gatling for tests, etc.

Payments.

Provisos.
Submission of plans,
etc.

Requirements.

FORT MONROE, VIRGINIA: Repair and maintenance of wharf: For twenty fender piles, four hundred dollars; forty thousand feet of docking, three inches by eight feet, laid, one thousand one hundred and twenty dollars; repair freight house, painting house and roof, two hundred dollars; fifty chairs for waiting room, seventy-five dollars; fuel for heating same, forty dollars; oil and supplies for lighting same, twenty-five dollars; six cuspidors for same, six dollars; closet for same with fixtures complete, one hundred dollars; wharfinger, nine hundred dollars; laborer, policing wharf, four hundred and twenty dollars; in all, three thousand two hundred and eighty-six dollars; for one-half of said sum to be supplied by the United States, one thousand six hundred and forty-three dollars.

Fort Monroe, Va.
Repairs, etc., wharf.

Repairs and maintenance of roads, pavements, streets, lights, and general police: For one hundred feet of bulkhead retaining wall, to protect road bed south end of Main street from sea, one thousand dollars; two thousand two hundred and ninety-four square yards vitrified brick pavement, with gutters and drains, complete, for Main street, south end, seven thousand four hundred and fifty-five dollars and fifty cents; six thousand five hundred feet two-inch by twelve-inch by sixteen-foot boards, for sidewalks, ninety-seven dollars and fifty cents; two thousand feet three-inch by four-inch by sixteen-foot scantling, for sidewalks, thirty dollars; three hundred pounds of cut nails, for sidewalks, six dollars; one laborer, driver of cart; policing streets, four hundred and eighty dollars; eight street lamps with posts complete, forty dollars; oil and supplies for street lamps, one hundred and seventy-five dollars; one laborer to care for lamps, three hundred dollars; in all, nine thousand five hundred and eighty-four dollars; for one-half of said sum to be supplied by the United States, four thousand seven hundred and ninety-two dollars.

Repairs of roads, etc.

Maintenance of sewer system: For superintendent, one thousand two hundred dollars; two engineers, at nine hundred dollars each; two firemen, at six hundred dollars each; three laborers, at five hundred dollars each; coal, six hundred dollars; waste, oil, and pump repairs, two hundred and fifty dollars; sewer pipe, cement, brick, and supplies, three hundred dollars; six thousand eight hundred and fifty dollars; for one-half of said sum to be supplied by the United States, three thousand four hundred and twenty-five dollars.

Sewer system.
Post, p. 472.

Approved, June 6, 1896.