

be had upon any person interested, twenty days' notice of the time when the same shall be condemned shall be given, by publication in some newspaper in general circulation nearest said property in the district where said land is situated.

If the referees can not agree, then any two of them are authorized to and shall make the award. Any party to the proceedings who is dissatisfied with the award of the referees shall have the right, within ten days after the filing of the award in the court by which said referees were appointed, to appeal by original petition to the United States court sitting at the place nearest and most convenient to the property sought to be taken, where the question of the damages occasioned by the taking of the land in controversy shall be tried de novo, and the judgment rendered by the court shall be final and conclusive. And upon the payment into court of the amount or amounts awarded as damages, fee simple title to said tract of land shall vest in the United States. If such appeal is not taken as hereinbefore set forth, the award shall be conclusive and final, and shall have the same force and effect as a judgment of a court of competent jurisdiction, and upon the payment of the sum or sums so found due into the court, a fee simple title to said land shall vest in the United States.

Each of said referees shall receive for his compensation the sum of five dollars per day while actually engaged in the appraisement of the property and the hearing of any matter submitted to them under this Act.

That if any party or person other than the United States shall appeal from any award, and the judgment of the court does not award such appealing party or person more than the referees awarded, all costs occasioned by such appeal shall be paid by such appealing party or person. It shall be the duty of the United States court in each district to promptly hear and determine the rights of all parties if any appeal shall be taken under this Act.

Approved, May 27, 1902.

Award.
Appeal from referees.

Pay of referees.

Costs on appeal.

CHAP. 889.—An Act To construct a road to the national cemetery at Dover, Tennessee.

May 28, 1902.
[Public, No. 126.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of eleven thousand five hundred dollars, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of constructing, under the direction of the Secretary of War, a macadamized road, or a road partly of gravel and partly of stone, from the river landing or its vicinity, in the town of Dover, Tennessee, to the national cemetery near Old Fort Donaldson: *Provided,* That the right of way, not less than fifty feet in width, shall first be secured to the United States to any part of the ground over which said road shall run not now owned by the United States.

Dover, Tenn.
Appropriation for road to national cemetery.

Proviso.
Right of way.

Approved, May 28, 1902.

CHAP. 890.—An Act To authorize the construction of a bridge across the Columbia River by the Washington and Oregon Railway Company.

May 28, 1902.
[Public, No. 127.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Washington and Oregon Railway Company, a corporation existing under the laws of the State of Washington, its successors and assigns, be, and is hereby, authorized to construct and maintain a bridge across the Columbia

Columbia River,
Wash.
Washington and Oregon Railway Company may bridge, at Vancouver.

Unobstructed navigation. Litigation.	River at a place suitable to commerce and not interfering with navigation, at a point at or near Vancouver, in the State of Washington, and to lay on or over said bridge a track or tracks for the more perfect connection of any railroad or railroads that are or shall be constructed to said river, on either or both sides thereof at or opposite said point, under the limitations and conditions hereinafter provided; that said bridge shall not interfere with the free navigation of said river, and in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of said river by reason of the construction of said bridge, the cause may be tried before the circuit court of the United States in and for any district in whose jurisdiction any portion of said obstruction or bridge may be. Said bridge shall be constructed to provide for the passage of railroad trains, and, at the option of the said company or corporation, its successors and assigns, for the safe and convenient passage of wagons and vehicles of all kinds, animals, and foot passengers for such reasonable rates of toll as may be fixed from time to time by the Secretary of War.
Railway, wagon, and foot bridge.	<p>SEC. 2. That said bridge shall be provided with two or more draw openings, each having not less than two hundred feet clear channel way, and in addition to said draw openings one or more fixed channel spans, each having not less than three hundred and fifty feet clear channel way; and every part of the superstructure of said bridge shall give a clear headroom of not less than six feet above extreme known high-water mark: <i>Provided</i>, That all spans shall be so located as to afford the greatest possible accommodation to the river traffic, and a draw opening shall, if practicable, be located next or near shore: <i>Provided also</i>, That if the physical characteristics of the locality so require, and the interests of navigation be not injured thereby, the lengths of the fixed spans or the number of draw openings may be reduced: <i>Provided also</i>, That for any two adjacent draw openings of two hundred feet each one draw opening of three hundred feet may be substituted if, in the opinion of the Secretary of War, the interests of navigation be not injured thereby.</p>
Toll.	<p>SEC. 3. That all draw spans authorized by this Act shall be operated by steam or other reliable mechanical power, and shall be opened promptly upon reasonable signal for the passage of boats, except when trains are passing over said span or spans; but in no case shall unnecessary delay occur in opening said draw after the passage of trains; and also that in case the opening of a draw is delayed by reason of the passing of a train after the signal has been given from a boat ready to pass through, the draw shall be opened for the passage of such boat before another train is allowed to pass over the said span or spans; nor shall there be any unnecessary delay in the passage of trains over the bridge.</p>
Draw openings.	<p>SEC. 4. That all piers shall be built parallel with the current of the river at that stage of water which is most important for navigation, and the bridge itself shall be built as nearly as may be at right angles thereto; and that riprapping or other protection for imperfect foundations which will lessen the required waterway shall not be permitted; and also that piers which will produce cross currents or bars dangerous to navigation shall not be constructed; and if, after construction, any piers or accessory works are found to produce the above-mentioned effects, or if any riprapping or other protection prohibited by this section is found to exist, the nuisance shall be abated or corrected under the direction of the Secretary of War, or at the expense of the company or persons owning, controlling, or operating said bridge.</p>
Provisos. Location.	<p>SEC. 5. That the approaches to said bridge shall be so designed and constructed as not to interfere with the free discharge of said river in seasons of flood; and any encroachment on the high-water cross section</p>
Reduction of spans, etc.	
Draws.	
Operation of the draws.	
Construction of piers.	
Approaches.	

by piers, solid embankments, or otherwise which will result in unduly accelerating the high-water current at the site of the bridge shall not be allowed.

SEC. 6. That any corporation, company, or persons owning, controlling, or operating the bridge built under the authority of this Act shall build and maintain at all times, as accessory works to such bridge, such booms, piers, dikes, guard fences, and similar devices as may be necessary to insure at all times a permanent channel for a sufficient distance above and below the bridge site and for the guiding of rafts, steamboats, and other water craft safely under or through said bridge; and if at any time after the construction of the bridge and its accessory works the approaches to draw openings, channel spans, or raft passages in said bridge are found to be dangerous or difficult of access by any important class of river traffic, the Secretary of War may, upon the recommendation of the Chief of Engineers, United States Army, order the corporation, company, or persons owning, controlling, or operating said bridge to construct, under his directions, and to maintain such additional sheer booms, dikes, and other devices as will obviate the difficulty mentioned, which additional sheer booms, dikes, and other devices shall be built and maintained at their own expense by said company or persons; and that said company or persons shall maintain, at their own expense, from sunset to sunrise throughout the season of navigation, such lights and other signals on said bridge as may be required by the Light-House Board for the security of navigation.

Aids to navigation.

Additional booms, etc.

Lights, etc.

SEC. 7. That the bridge authorized to be constructed by this Act shall be located and built under and subject to such regulations for the security of navigation on said river as the Secretary of War shall prescribe; and to secure that object said corporation shall submit for his examination a design and drawings of the bridge, piers, approaches, and accessory works, and a map of the location, giving, for a space of at least three miles above and one mile below the proposed location, the topography of the banks of the river and the shore lines at high and low water. This map shall be accompanied by others drawn on the scale of one inch to two hundred feet, giving, for a space of one-half a mile above the line of the proposed bridge and one-quarter of a mile below, an accurate representation of the bottom of the river, by contour lines two feet apart, determined by accurate soundings, and also showing over the whole width of this part of the river the force and directions of the currents at low water, at high water, and at at least one intermediate stage by triangulated observations on suitable floats. The maps shall also show the location of other bridges in the vicinity, and shall give such information as the Secretary of War may require for a full and satisfactory understanding of the subject; and the construction of the proposed bridge shall not be commenced until the location and plans thereof are approved by the Secretary of War.

Secretary of War to approve plans, etc.

SEC. 8. That any bridge constructed under the authority of this Act shall be built under the general supervision of the Secretary of War, and no changes or alterations in plans shall be made during construction of said bridge or after its completion unless said changes or alterations conform to the provisions of this Act and are authorized by the Secretary of War; that such alterations and changes as may be required by the Secretary of War in said bridge so as to preserve free and convenient navigation shall be made under the direction of the Secretary of War, at their own expense, by the company or persons owning, controlling, or operating said bridge; that during original construction or in carrying out any authorized changes or repairs of said bridge a navigable channel shall be preserved at the site of the bridge at all times, and the waterway of the river shall not be obstructed to a greater

Changes, etc.

Lights, etc., on cofferdams.

extent than is absolutely necessary, and such lights and buoys shall be kept on all cofferdams, piles, and so forth, as may be necessary for the security of navigation.

Use by other companies.

SEC. 9. That all railroad companies desiring the use of the bridge authorized by this Act shall have and be entitled to equal rights and privileges relative to the passage of railway trains or cars over the same, and over the approaches thereto, upon the payment of a reasonable compensation for such use; and in case the owner or owners of said bridge and the several railroad companies, or any one of them, desiring such use shall fail to agree upon the sum or sums to be paid, and upon rules and conditions to which each shall conform in using said bridge, all matters at issue between them shall be decided by the Secretary of War upon a hearing of the allegations and proofs of the parties; and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies.

Compensation.

Telegraph, etc., rights.

Lawful structure and post route.

SEC. 10. That the bridge constructed, maintained, and operated under this Act and according to its limitations shall be a lawful structure, and shall be recognized and known as a post route, upon which also no higher charge shall be made for the transportation over the same of the mails, the troops, and the munitions of war of the United States than the rate per mile paid for the transportation of said mails, troops, and munitions over the railroads and public highways leading to said bridge; and the United States shall have the right of way for postal telegraph and telephone purposes over said bridge.

Time of construction.

SEC. 11. That this Act shall be null and void if actual construction of the bridge herein authorized be not commenced within two years and completed within four years from the date of approval thereof.

Amendment.

SEC. 12. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, May 28, 1902.

May 28, 1902.

[Public, No. 128.]

CHAP. 891.—An Act To authorize the construction of a bridge across the Savannah River from the mainland of Aiken County, South Carolina, to the mainland of Richmond County, Georgia.

Savannah River, S. C. and Ga. Chattanooga, Augusta and Charleston Air Line Railway Company may bridge.

Location.

Unobstructed navigation.

Secretary of War to approve plans, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the assent of the United States of America is hereby given to the Chattanooga, Augusta and Charleston Air Line Railway Company, a corporation incorporated by the laws of the State of South Carolina, its successors and assigns, and such other persons as may be associated with it, to construct and maintain a bridge over the Savannah River from the mainland of Aiken County, in the State of South Carolina, to the mainland of Richmond County, in the State of Georgia.

SEC. 2. That the bridge shall be so constructed, by draw span or otherwise, that a free and unobstructed passage may be secured to all vessels and other water craft navigating said river at said point; that any bridge constructed under this Act shall be built and located under and subject to such regulations for the security of the navigation of said river as the Chief of Engineers and the Secretary of War shall prescribe; and to secure that object the said company shall submit to the Chief of Engineers and the Secretary of War, for their examination and approval, the design and drawings of the bridge, piers, and approaches, and a map of the location, giving, for the space of at least one mile above and one mile below the proposed location, the topography of the banks of the river, the shore lines at high water and low water, and the direction and strength of the currents at all stages, and the