

the Interior is hereby authorized to acquire the same for the United States by purchase or by condemnation under judicial process, and to pay from the reclamation fund the sums which may be needed for that purpose, and it shall be the duty of the Attorney-General of the United States upon every application of the Secretary of the Interior, under this Act, to cause proceedings to be commenced for condemnation within thirty days from the receipt of the application at the Department of Justice.

Irrigation laws of States and Territories not affected.

SEC. 8. That nothing in this Act shall be construed as affecting or intended to affect or to in any way interfere with the laws of any State or Territory relating to the control, appropriation, use, or distribution of water used in irrigation, or any vested right acquired thereunder, and the Secretary of the Interior, in carrying out the provisions of this Act, shall proceed in conformity with such laws, and nothing herein shall in any way affect any right of any State or of the Federal Government or of any landowner, appropriator, or user of water in, to, or from any interstate stream or the waters thereof: *Provided*, That the right to the use of water acquired under the provisions of this Act shall be appurtenant to the land irrigated, and beneficial use shall be the basis, the measure, and the limit of the right.

Interstate streams.

Proviso.
Basis of use.

Expenditure of funds.

SEC. 9. That it is hereby declared to be the duty of the Secretary of the Interior in carrying out the provisions of this Act, so far as the same may be practicable and subject to the existence of feasible irrigation projects, to expend the major portion of the funds arising from the sale of public lands within each State and Territory hereinbefore named for the benefit of arid and semiarid lands within the limits of such State or Territory: *Provided*, That the Secretary may temporarily use such portion of said funds for the benefit of arid or semiarid lands in any particular State or Territory hereinbefore named as he may deem advisable, but when so used the excess shall be restored to the fund as soon as practicable, to the end that ultimately, and in any event, within each ten-year period after the passage of this Act, the expenditures for the benefit of the said States and Territories shall be equalized according to the proportions and subject to the conditions as to practicability and feasibility aforesaid.

Proviso.
Temporary use.

Equalization of benefits.

Regulations, etc.

SEC. 10. That the Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this Act into full force and effect.

Approved, June 17, 1902.

June 18, 1902.

[Public, No. 162.]

CHAP. 1121.—An Act To authorize the Nashville Terminal Company to construct a bridge across the Cumberland River in Davidson County, Tennessee.

Cumberland River, Nashville Terminal Company may bridge, at Nashville.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled; That the Nashville Terminal Company, a corporation created and organized under the laws of the State of Tennessee, be, and is hereby, authorized to construct and maintain, for the passage of railway trains, a bridge, and approaches thereto, over the Cumberland River at any point in the county of Davidson in said State within five miles above or within five miles below the corporate limits of the city of Nashville, in said county, which said company may deem most advantageous, and which may be approved by the Secretary of War.

Secretary of War to approve plans, etc.

SEC. 2. That said bridge shall be located and built under such regulations for the security of navigation as the Secretary of War shall prescribe; and to secure that object the said company shall submit to the Secretary of War for his examination and approval a design and drawing of the bridge, and a map of the location, giving for such

space above and below the proposed location as the Secretary of War shall require the topography of the banks of the river, the shore lines at high and low water, the direction and strength of the current at all stages, and the soundings accurately showing the bed of the stream, and shall furnish such other information as may be required for a full understanding of the subject; and until said plan and location are approved by the Secretary of War the bridge shall not be built; and should any change be made in the plan of said bridge during the progress of construction or after completion such change shall be subject to the approval of the Secretary of War; and the said company shall at its own expense make such changes in said bridge as the Secretary of War may at any time direct in the interest of navigation.

Changes.

SEC. 3. That said bridge shall be a lawful structure, and shall be recognized and known as a post route, and shall enjoy the rights and privileges of other post roads in the United States; and no higher charge shall be made for the transmission over the same of the mails, troops, and munitions of war of the United States than the rate per mile paid for the transportation over the railroad or railroads leading to said bridge. Equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies, and the United States shall have the right of way across said bridge and its approaches for postal telegraph purposes.

Lawful structure and post route.

Telegraph, etc., rights.

SEC. 4. That said bridge shall be constructed either as a drawbridge or as a high bridge with fixed spans, so that a free and unobstructed passageway may be secured to all water craft navigating said river; and if said bridge be constructed as a drawbridge, the draw shall be opened promptly upon reasonable signals for the passage of boats or vessels; and upon whatever kind of bridge is built said company shall maintain at its own expense from sunset to sunrise such lights or other signals as the Light-House Board shall prescribe.

Draw or high bridge. Unobstructed navigation.

Lights, etc.

SEC. 5. That all railroad companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of railway trains over the same and over the approaches thereto upon the payment of 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 in issue between them shall be decided by the Secretary of War upon the hearing of the allegations and proofs of the parties.

Use by other companies. Compensation.

SEC. 6. That the right to alter, amend, or repeal this Act is expressly reserved; and this Act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within two years from the approval of this Act.

Amendment. Time of construction.

Approved, June 18, 1902.

CHAP. 1122.—An Act To authorize the county commissioners of Crow Wing County, in the State of Minnesota, to construct a bridge across the Mississippi River at a point between Pine River and Dean Brook, subject to the approval of the Secretary of War.

June 18, 1902.

[Public, No. 163.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That permission and authority is hereby granted, and consent is hereby given, to the building of a bridge across the Mississippi River by the county commissioners of Crow Wing County, in the State of Minnesota, at a point between the mouths of Pine River and Dean Brook: *Provided,* That the plans for such bridge shall first be submitted to and approved by the Chief of Engineers and the Secretary of War.

Mississippi River. Bridge across by Crow Wing Co., Minn., authorized. Location.

Proviso. Approval of plans.