

July 1, 1902.

[Public, No. 280.]

**CHAP. 1364.**—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.

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

Railroad, wagon,  
and foot bridge.

Secretary of War to  
approve plans, etc.

Provisos.  
Construction.

Pivot draw.

Opening draw.

Lights, etc.

Channel.

Use by other com-  
panies.  
Compensation.

*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.

**SEC. 2.** That said bridge shall 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 till sunrise such lights or other signals on said bridge as the Light-House Board shall prescribe: *Provided also,* That said company shall, at its own expense, build and maintain, under direction and supervision of the Secretary of War, such wing dams and booms or other works necessary to maintain the channel within the draw spans of said bridge, and shall, at their own expense, maintain a depth of water through said draw spans not less than that now existing, as shown by the report of the War Department, at the point where said bridge may be located: *Provided also,* That all railway companies desiring to use said bridge shall have and be entitled to

equal rights and privileges in the passage of the same, and in the use of the machinery and fixtures thereof and of all the approaches thereto under and upon such terms and conditions as shall be prescribed by the Secretary of War, upon hearing the allegations and proofs of the parties in case they shall not agree.

SEC. 3. That the Secretary of War is hereby authorized and directed, upon receiving such plan and map and other information, and upon being satisfied that the bridge built upon such plan, with such accessory works, and at such locality, will conform to the prescribed conditions of this Act, to notify the company that he approves the same; and upon receiving such notification the said company may proceed to the erection of said bridge, conforming strictly to the approved plan and location; and should any change be made in the plan of the bridge or accessory works during the progress of the work thereon such change shall be subject likewise to the approval of the Secretary of War; and if any bridge erected under said authority shall, in the opinion of the Secretary of War, obstruct such navigation, he is hereby authorized to cause such change or alteration of said bridge to be made as will effectually obviate such obstruction, and all such alterations shall be made and all such obstructions be removed at the expense of the said corporation; and in case of any litigation arising from any obstruction, or alleged obstruction, to the free navigation of said river, caused, or alleged to be caused, by said bridge, the case may be brought in any court of the United States of the State of South Dakota in which any portion of said bridge may be located: *Provided*, That nothing in this Act shall be so construed as to repeal or modify any of the provisions of law now existing in reference to the protection of the navigation of rivers or to exempt this bridge from the operation of the same: *Provided further*, That this bridge shall not be opened to traffic until all piling and other false work used in constructing the bridge shall have been wholly removed to the satisfaction of the Secretary of War.

Changes.

Unobstructed navigation.

*Proviso.*  
Protection to navigation.

SEC. 4. That the said bridge and accessory works, when built and constructed under this Act and according to the terms and limitations thereof, shall be lawful structures, and said bridge shall be recognized and known as a post route, upon which also no higher charge shall be made for the transmission 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 over the railroads or public highways leading to such bridge; and said bridge shall enjoy the rights and privileges of other post routes of the United States, and Congress reserves the right at any time to regulate by appropriate legislation the charges for freight and passengers over said bridge.

Lawful structure and post route.

SEC. 5. That the United States shall have the right of way for such postal telegraph lines across said bridge as the Government may construct or control.

Telegraph rights.

SEC. 6. 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.

Time of construction.

SEC. 7. That Congress reserves the right to alter, amend, or repeal this Act at any time.

Amendment.

Approved, July 1, 1902.

July 1, 1902.

[Public, No. 231.]

**CHAP. 1365.**—An Act To authorize the construction of a bridge by the New York, Chicago and Saint Louis Railroad Company and the Chicago and Erie Railroad Company across the Calumet River at or near the city of Hammond, Indiana, at a point about one thousand two hundred feet east of the Indiana and Illinois State line and about one hundred feet east of the location of the present bridge of the New York, Chicago and Saint Louis Railroad Company across said river; also to authorize the construction of a bridge by the Chicago and State Line Railroad Company across said river at the point where said company's railroad crosses said river in Hyde Park Township, Chicago, Illinois, being at the location of the present bridge of said company across said river in said township.

Calumet River.  
New York, Chicago  
and Saint Louis Rail-  
road Company and  
Chicago and Erie Rail-  
road Company may  
bridge at Hammond,  
Ind.

Drawbridge.

Substitute for two  
bridges.Chicago and State  
Line Railroad Com-  
pany may bridge at  
Cummings, Ill.Substitute for old  
bridge.

Opening draw.

Lights, etc.

Secretary of War to  
approve plans, etc.Use by other com-  
panies.  
Compensation.Lawful structures  
and post routes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the New York, Chicago and Saint Louis Railroad Company, a consolidated railroad company organized under the laws of the States of New York, Pennsylvania, Ohio, and Indiana, and the Chicago and Erie Railroad Company, a railroad company organized under the laws of the State of Indiana, their successors and assigns, are hereby authorized to construct, maintain, and operate a drawbridge across the Calumet River at or near the city of Hammond, Indiana, at a point about one thousand two hundred feet east of the Indiana and Illinois State line and about one hundred feet east of the location of the present bridge of the New York, Chicago and Saint Louis Railroad Company over said river. Said bridge shall be a substitute for the two bridges across said river now maintained by said companies, and said two bridges shall be removed when the bridge hereby authorized shall be completed.

**SEC. 2.** That the Chicago and State Line Railroad Company, a railroad company organized under the laws of the State of Illinois, its successors and assigns, is also hereby authorized to construct, maintain, and operate a drawbridge across said Calumet River, at or near a station on said company's railroad known as Cummings, Illinois, at the point where said company's railroad crosses said river in Hyde Park Township, Chicago, Illinois, being at the location of the present bridge of said company across said river in said township. The bridge by this section authorized shall be a substitute for the bridge now maintained across said river by said railroad company, at the place designated, and said bridge shall be removed when the one authorized by this section shall be completed.

**SEC. 3.** That the draws provided for the bridges hereby authorized, when the same is ordered by the Secretary of War, shall be opened promptly upon reasonable signal for the passing of boats, and said companies or corporations shall maintain at their own expense, from sunset to sunrise, such lights or other signals on said bridges as the Light-House Board shall prescribe. Neither of said bridges shall be constructed except in accordance with plans and specifications to be approved by the Secretary of War, and said companies shall submit to the Secretary of War for his approval designs and drawings of each of said bridges and maps of the location thereof, giving sufficient information to enable him to fully and satisfactorily understand the subject.

**SEC. 4.** That all railroad companies desiring the use of the bridges 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 payment of a reasonable compensation for such use; and in case the owner or owners of said bridges 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 bridges, 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.

**SEC. 5.** That the bridges constructed, maintained, and operated under this Act and according to its limitations shall be lawful structures, and