

February 26, 1904.
[S. 3800.]

[Public, No. 30.]

Connecticut.
Donation of gun car-
riages for the Fort
Griswold tract.

Vol. 32, p. 306.

CHAP. 169.—An Act Donating gun carriages to the Connecticut commissioners for the care and preservation of Fort Griswold.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he hereby is, authorized to deliver, if the same can be done without detriment to the Government, to the commissioners appointed by the governor of the State of Connecticut for the care and preservation of the Fort Griswold tract for the purpose of a public park, as provided for in the Act of Congress approved June sixth, nineteen hundred and two (volume thirty-two, part one, Statutes at Large, page three hundred and six), four barbette carriages for eight-inch Rodman gun, front pintle, and one barbette carriage for twenty-four pounder rifle, front pintle.

Approved, February 26, 1904.

February 26, 1904.
[S. 4125.]

[Public, No. 31.]

Ouachita River, La.
Little Rock and
Monroe Railway Com-
pany may bridge.

Location.

Railroad, wagon,
and foot bridge.

Litigation.

Proviso.
Existing laws not
affected.

Drawbridge.

Unobstructed navi-
gation.

CHAP. 170.—An Act To authorize the Little Rock and Monroe Railway Company to construct, maintain, and use a bridge across the Ouachita River, in the State of Louisiana, at a point between Ouachita City and the mouth of Bayou Loutre.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Little Rock and Monroe Railway Company, a corporation existing under the laws of Arkansas, its successors and assigns, be, and is hereby, authorized to construct and maintain a bridge and all approaches thereto across the Ouachita River, in the State of Louisiana, between Ouachita City and the mouth of Bayou Loutre, at a point to be approved by the Secretary of War, and to lay on or over said bridge a track or tracks and use the same for its business as a common carrier. Said company, or its successors and assigns, are hereby authorized to build, construct, maintain, and use any and all trestles, roadbeds, tracts, appurtenances, and things that may be necessary for proper approaches to said bridge and for the use of the same as a railroad bridge, as aforesaid; that said bridge shall be constructed to provide for the passage of railroad trains, to be used by the Little Rock and Monroe Railway Company, its successors and assigns, for the conduct of its and their business as a common carrier, and at the option of said company, or its successors and assigns, may be used for the passage of wagons and all kinds of vehicles, and for foot passengers, for such reasonable rates of toll as may be fixed by said company, or its successors and assigns, and approved by the Secretary of War. 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 the said bridge or the maintenance thereof, 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: *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 thereof.

SEC. 2. That if the bridge herein authorized shall be built as a drawbridge, the draw shall be operated by steam or other reliable 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.

SEC. 3. That all piers shall be built as nearly as may be parallel with the current of the river at that stage of water when it is most important for navigation, and the bridge itself shall be built as nearly

as may be at right angles thereto; and riprapping or other protection for imperfect foundations which will lessen the required waterway shall not be permitted; and 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 at the expense of the company or persons owning, controlling, or operating said bridge.

Approaches.

SEC. 4. 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 by piers, solid embankments, or otherwise which will unduly accelerate the high-water current at the site of the bridge shall not be allowed.

Aids to navigation.

SEC. 5. That the 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 work 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 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 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 direction, 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 said company or persons shall maintain, at their own expense, from sunset to sunrise, such lights and other signals on said bridge as may be required by the Light-House Board.

Lights, etc.

SEC. 6. 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 drawing of the bridge, piers, approaches, and accessory works, and a map of the location, giving for a 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 force and direction of the currents, the location of other bridges in the vicinity, and such further 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. 7. 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 the construction of said bridge or after its completion unless said changes or alterations are authorized by the Secretary of War. That such alterations and changes as may be required by the Secretary of War in said bridge before or after completion, so as to preserve free and convenient navigation, shall be made under the direction of the Secretary of War, at the expense of 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

Changes.

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 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 roads.

Sec. 8. 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 the bridge shall be granted to all telegraph and telephone companies.

Telegraph, etc., rights.

Lawful structure and post route.

Sec. 9. 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 of war 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.

Proviso.
Extension of time.

Sec. 10. That this Act shall be null and void unless actual construction of said bridge shall be commenced within one year and completed within three years from the date hereof: *Provided, however,* That the Secretary of War may, on showing of good faith in construction of said bridge, extend the time for completion of the same.

Amendment.

Sec. 11. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, February 26, 1904.

February 26, 1904.

[H. R. 9640.]

[Public, No. 32.]

CHAP. 171.—An Act To amend an Act granting to the Keokuk and Hamilton Water Power Company right to construct and maintain a dam, and so forth, approved February eighth, nineteen hundred and one.

Mississippi River.
Time extended for dam, etc., by Keokuk and Hamilton Water Power Company.
Vol. 31. p. 764, amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act granting to the Keokuk and Hamilton Water Power Company right to construct and maintain wing dam, canal, and power station in the Mississippi River in Hancock County, Illinois, approved February eighth, nineteen hundred and one, be, and it is hereby, amended as follows: In section two of said Act strike out the word "three" and insert the word "four" in lieu thereof; also strike out the word "six" and insert the word "seven" in lieu thereof.

Approved, February 26, 1904.

February 29, 1904.

[H. R. 7287.]

[Public, No. 33.]

CHAP. 387.—An Act To authorize the Mobile and West Alabama Railroad Company to construct and maintain a bridge across the Tombigbee River between the counties of Clarke and Choctaw, Alabama, in section seven, township nine, range one west of Saint Stephens meridian.

Tombigbee River.
Mobile and West Alabama Railroad Company may bridge.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Mobile and West Alabama Railroad Company, a corporation created and existing under an act of the general assembly of the State of Alabama, be, and is