

PUBLIC ACTS OF THE FIFTY-NINTH CONGRESS

OF THE

UNITED STATES

Passed at the first session, which was begun and held at the city of Washington, in the District of Columbia, on Monday, the fourth day of December, 1905, and was adjourned without day on Saturday, the thirtieth day of June, 1906.

THEODORE ROOSEVELT, President; CHARLES W. FAIRBANKS, Vice-President; WILLIAM P. FRYE, President of the Senate *pro tempore*; JOHN KEAN, Acting President of the Senate *pro tempore*, June fifteenth and sixteenth, 1906; JOSEPH G. CANNON, Speaker of the House of Representatives.

CHAP. 1.—An Act To authorize the Rock Island, Arkansas and Louisiana Railroad Company to construct bridges across Ouachita River and other navigable rivers in the State of Arkansas.

December 15, 1905.
[S. 410.]

[Public, No. 1.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Rock Island, Arkansas and Louisiana Railroad Company, a consolidated corporation created and existing by virtue of the laws of the States of Arkansas and Louisiana, its successors and assigns be, and is hereby, authorized to construct and maintain bridges across the Ouachita River and such other navigable rivers in the State of Arkansas as may be necessary for the crossing of said rivers with its railroad line, at such points as may be selected by said railroad company and approved by the Secretary of War. Said bridges shall be constructed to provide for the passage of railroad trains, and, at the option of said railroad company by which they may be built, may be used for the passage of wagons and vehicles of all kinds, for the transit of animals and for foot passengers, for such reasonable rates of toll as may be fixed by said railroad company and approved by the Secretary of War.

Ouachita, etc., rivers, Ark.
Rock Island, Arkansas and Louisiana Railroad Company may bridge.

Railroad, wagon and foot bridge.

SEC. 2. That the bridges constructed, maintained, and operated under this Act and according to its limitations shall be lawful structures, and shall be recognized and known as post routes, 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 bridges, and the United States shall have the right of way for postal telegraph and telephone purposes over said bridges.

Lawful structure and post route.

Telegraph, etc., rights.

SEC. 3. That all railroad companies desiring the use of said bridges 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 a reasonable compensation for such use; and in case the owner or owners of said bridges and the several railroad companies, or any of them, desiring such use shall fail to agree upon the sum or sums to be paid and upon the 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 allegation and proofs of the parties.

Use by other roads.

Secretary of War to
approve plans, etc.

SEC. 4. That all bridges authorized to be constructed under this Act shall be built under and subject to such regulations for the security of the navigation of the rivers over which they may be built as the Secretary of War shall prescribe; and to secure that object the said company or corporation shall submit to the Secretary of War for his examination and approval designs and drawings of the bridges and maps of locations selected; and until the said plans and locations are approved by the Secretary of War the bridges shall not be commenced or built; and should any changes be made in the plans of said bridges, or any of them, during the progress of construction, such changes shall be subject to the approval of the Secretary of War, and all changes in said bridges, or any of them, required by the Secretary of War at any time, or their entire removal, shall be at the expense of the corporations or persons owning or operating said bridges.

Changes.

Amendment.

SEC. 5. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Time of construction.

SEC. 6. That this Act shall be null and void if actual construction of the bridges herein authorized is not commenced within one year and completed within three years from the date thereof.

Approved, December 15, 1905.

December 21, 1905.
[H. R. 299.]

CHAP. 2.—An Act To authorize the construction of a bridge across the Columbia River by the Portland and Seattle Railway Company.

[Public, No. 2.]

Columbia River.
Portland and Seattle
Railway Company
may bridge, at Van-
couver, Wash.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Portland and Seattle 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 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.

Unobstructed navigation.
Litigation.

Railroad, wagon,
and foot bridge.

Drawbridge.

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: *Provided*, 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: *Provided also*, 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: *Provided also*, That for any two adjacent draw openings of two hundred feet each

Provisions.
Location of spans.

Length of spans, etc.

Substitution of
draws.