

CHAP. 174.—An Act Granting the El Paso and Rock Island Railway Company a right of way for its pipe lines and reservoir upon the Lincoln National Forest for the carrying and storage of water for railroad purposes.

March 4, 1915.
[S. 2278.]

[Public, No. 323.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a right of way is hereby granted to the El Paso and Rock Island Railway Company, a corporation organized under the laws of New Mexico, its successors and assigns, over, through, across, and upon the Lincoln National Forest, in the State of New Mexico, subject to the conditions herein contained, for the construction, maintenance, and operation of its present pipe lines now located thereupon, and such additions and extensions as it may make thereto, for the purpose of enabling it to carry water owned or in the future acquired by it to and along its railroad right of way situated outside of such national forest for use in its locomotive engines, cars, trains, railroad shops, and tanks, and other railroad purposes, together with a right of way over and right to improve, construct, maintain, use, and occupy the present reservoir site now used and occupied by such railroad company for the storage of water for such purposes: *Provided*, That the Secretary of Agriculture may upon abandonment or nonuse of the same for the purpose for which it is granted for a period not less than one year declare said right of way or any part thereof forfeited and annul the same.

Lincoln National Forest, N. Mex. El Paso and Rock Island Railway Company granted pipe line right of way, etc., upon.

Proviso. Forfeited for non-user.

SEC. 2. That the right of way hereby granted for such pipe lines shall be so much as may be necessary only for such purposes, not to exceed, however, twenty-five feet on each side of the present center thereof where the same is already constructed, and an equal width for all extensions thereof, or additions thereto; and maps of the location of any such extensions or additions to such pipe lines shall be prepared by the company and submitted to the Secretary of Agriculture, in accordance with his directions with reference thereto, for his approval, and the right of way as to the same shall take effect from his approval thereof only.

Area granted.

SEC. 3. That the company shall conform to all and singular the regulations adopted or prescribed by the Secretary of Agriculture governing such national forest, or the use or users thereof, and shall not take, cut, or destroy any timber within the same except such as it may be actually necessary to remove to construct its said pipe lines and the structures pertaining thereto, and it shall pay to the proper officer of the Forest Service the full value of all timber and wood cut, used, or destroyed by it within the said national forest.

National forest regulations to be observed.

Payment for timber.

SEC. 4. That no private right, title, or interest owned by any person, persons, or corporation in such national forest shall be interfered with or abridged except with the consent of the owner or owners or by due process of law and just compensation to said owner or owners; nor shall the privileges herein granted be construed to interfere with the control of water for any purpose under the laws of the United States or of the State of New Mexico.

Rights, etc, not impaired.

SEC. 5. That the enjoyment of the rights hereby granted shall be subject at all times to all laws relating to the national forests and to all rules and regulations authorized and established thereunder. For infraction of such laws, rules, or regulations the owner or user of such right of way shall be subject to all fines and penalties imposed thereby, and shall also be liable in a civil action for all damages that may accrue from such breach, and if such infractions are continuous and willful, or if there is continued failure on the part of such company to pay any amount due the forest service from said company, for a period of sixty days after notice of the continuance of such infraction or of the amount so due, the rights herein granted shall be and become forfeitable in accordance with law.

Conditions.

Penalty for infraction of laws, etc.

Watering troughs to be maintained.

SEC. 6. That the company shall continue to maintain the present watering troughs and supply water as at present for the use of animals lawfully grazing upon such national forest or at such other place along such pipe line, in lieu thereof, as the officer in charge of such national forest shall from time to time direct.

Time for construction.

SEC. 7. That all right of way hereunder for such pipe line not constructed and in use within three years from the date hereof shall cease and determine at the expiration of such period.

No recognition of claims to water, etc.

SEC. 8. That this Act shall not be construed as a recognition of any claim of the El Paso and Rock Island Railway Company, or of concerning water rights in the Hondo River or its tributaries, or of any claim of right to divert water from the watersheds of said streams, or as a waiver of any stipulation heretofore agreed to by the said company for use in the litigation concerning water rights pending in the United States district court for the district of New Mexico in which the United States and the said company are parties.

Approved, March 4, 1915.

March 4, 1915.
[S. 3362.]

[Public, No. 324.]

CHAP. 175.—An Act To authorize the Secretary of Commerce, through the Coast and Geodetic Survey and the Bureau of Fisheries, to make a survey of natural oyster beds, bars and rocks, and barren bottoms contiguous thereto in waters along the coast of and within the State of Texas.

Texas.
Natural oyster beds, etc., to be surveyed, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Commerce be, and he is hereby, authorized, in his discretion, upon the request of the governor of the State of Texas, to assign such officers, experts, and employees of the Coast and Geodetic Survey and of the Bureau of Fisheries as may be necessary to make a survey of natural oyster beds, bars and rocks, and barren bottoms contiguous thereto in waters along the coast of and within the State of Texas, including the compilation of the results of said survey for publication, at a total limit of cost of \$10,000, and for this purpose he is authorized to employ in the District of Columbia and elsewhere such technically qualified persons as may be necessary to carry out the purpose of this Act.

Approved, March 4, 1915.

March 4, 1915.
[S. 4522.]

[Public, No. 325.]

CHAP. 176.—An Act To amend an Act entitled "An Act to amend an Act entitled 'An Act to regulate commerce,' approved February fourth, eighteen hundred and eighty-seven, and all Acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," approved June twenty-ninth, nineteen hundred and six.

Interstate commerce regulations.
Vol. 34, p. 595, amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of section seven of an Act entitled "An Act to amend an Act entitled 'An Act to regulate commerce,' approved February fourth, eighteen hundred and eighty-seven, and all Acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," approved June twenty-ninth, nineteen hundred and six, as reads as follows, to wit:

Issue of bills of lading.
Carmack amendment.

"That any common carrier, railroad, or transportation company receiving property for transportation from a point in one State to a point in another State shall issue a receipt or a bill of lading therefor, and shall be liable to the lawful holder thereof for any loss, damage, or injury to such property caused by it or by any common carrier, railroad, or transportation company to which such property may be delivered, or over whose line or lines such property may pass, and no contract, receipt, rule, or regulation shall exempt such common carrier, railroad, or transportation company from the liability hereby imposed: *Provided,* That nothing in this section shall