

March 3, 1875.

CHAP. 134.—An act making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes.

- Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums of money be, and are hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of War, for the repair, preservation, and completion of the following public works hereinafter named :
- Duluth. For dredging the inside harbor at Duluth, thirty-five thousand dollars.
- Ontonagon. For the improvement of the harbor at Ontonagon, twenty-five thousand dollars.
- Eagle Harbor. For the improvement of Eagle Harbor, ten thousand dollars.
- Marquette. For the improvement of the harbor at Marquette, fifteen thousand dollars.
- Fox and Wisconsin Rivers. For the improvement of the Fox and Wisconsin Rivers five hundred thousand dollars.
- Green Bay. For the improvement of the harbor at Green Bay, ten thousand dollars.
- Menomounee. For the improvement of the harbor at Menomounee, twenty-five thousand dollars.
- Ahnapee. For the improvement of the harbor at Ahnapee, Wisconsin, twenty-five thousand dollars.
- Two Rivers. For the improvement of the harbor at Two Rivers, Wisconsin fifteen thousand dollars.
- Manitowoc. For the improvement of the harbor at Manitowoc, Wisconsin, ten thousand dollars.
- Sheboygan. For the improvement of the harbor at Sheboygan Wisconsin, twelve thousand dollars.
- Port Washington. For the improvement of the harbor at Port Washington, Wisconsin, ten thousand dollars.
- Milwaukee. For the improvement of the harbor at Milwaukee, twenty-five thousand dollars.
- Racine. For the improvement of the harbor at Racine, Wisconsin ten thousand dollars.
- Kenosha. For the improvement of the harbor at Kenosha, Wisconsin fifteen thousand dollars.
- Chicago. For the improvement of the harbor at Chicago, Illinois seventy-eight thousand dollars.
- Calumet. For the improvement of the harbor at Calumet, Illinois, twenty-five thousand dollars.
- Michigan City. For the improvement of the harbor at Michigan City, Indiana fifty thousand dollars.
- Frankfort. For the improvement of the harbor at Frankfort, Michigan, ten thousand dollars.
- Manistee. For the improvement of the harbor at Manistee, Michigan twenty-five thousand dollars.
- Ludington. For the improvement of the harbor at Ludington, Michigan ten thousand dollars.
- White River. For the improvement of the harbor at White River, Michigan ten thousand dollars.
- Muskegon. For the improvement of the harbor at Muskegon, Michigan twenty-five thousand dollars.
- Black Lake. For the improvement of the harbor at Black Lake, Michigan fifteen thousand dollars.
- Saugatuck. For the improvement of the harbor at Saugatuck Michigan, ten thousand dollars.
- South Haven. For the improvement of the harbor at South Haven, Michigan, ten thousand dollars.
- Saint Mary's River, &c. For the improvement of Saint Mary's River and Saint Mary's Falls Canal, two hundred thousand dollars : of which sum not to exceed forty thousand dollars may be used in the settlement of such claims of the

contractors, Barker Williams and Bangs, and Barker and Williams, for damages and delays in the time of commencing work on said canal during the existence of their contracts, as the Secretary of War, on the report of the Engineer Department, shall judge to be just and equitable.	Barker Williams and Bangs, and Barker and Williams.
For the improvement of the harbor at Cheboygan Michigan fifteen thousand	Cheboygan.
For the improvement of Saint Clair River, at the mouth of Black River, Michigan, ten thousand dollars.	Saint Clair River.
For the improvement of the Harbor of Refuge, Lake Huron, one hundred thousand dollars.	Harbor of Refuge.
For the improvement of the harbor at Monroe, Michigan, ten thousand dollars.	Monroe.
For the improvement of Saginaw River, Michigan, thirty thousand dollars.	Saginaw River.
For the improvement of the harbor at Toledo, Ohio, seventy-five thousand dollars	Toledo.
For the improvement of the harbor at Sandusky City, Ohio, twenty-five thousand dollars.	Sandusky City.
For the improvement of the harbor at Huron, Ohio, one thousand dollars.	Huron.
For the improvement of the harbor at Vermillion, Ohio, ten thousand dollars.	Vermillion.
For the improvement of the harbor at Black River, Ohio, ten thousand dollars.	Black River.
For the improvement of the harbor at Grand River, Ohio, fifteen thousand dollars.	Grand River.
For the improvement of the harbor at Ashtabula, Ohio, twenty-five thousand dollars.	Ashtabula.
For the improvement of the harbor at Conneaut, Ohio, one thousand dollars.	Conneaut.
For the improvement of the harbor at Erie, Pennsylvania, eighty thousand dollars.	Erie.
For the improvement of the harbor at Port Clinton, Ohio, five thousand dollars.	Port Clinton.
For the improvement of the harbor at Rocky River, Ohio, fifteen thousand dollars.	Rocky River.
For the improvement of the harbor at Dunkirk, New York thirty-five thousand dollars.	Dunkirk.
For dredging the mud bars in the Hudson River in front of Jersey City, twenty-five thousand dollars.	Hudson River.
For the improvement of the harbor at Buffalo, New York one hundred thousand dollars; and out of this appropriation the Chief of Engineers may pay Daniel E. Bailey, the sum of twenty-three thousand two hundred and eighty-seven dollars and seventy-six cents for work done by him upon such improvement in eighteen hundred and seventy-three and eighteen hundred and seventy-four, and for which he has not been paid, in full satisfaction thereof.	Buffalo. Daniel E. Bailey.
For the improvement of the harbor at Olcott, New York ten thousand dollars.	Olcott.
For the improvement of the harbor at Oak Orchard, New York, ten thousand dollars.	Oak Orchard.
For the construction of an additional pier in the ice harbor at New Castle, Delaware, twenty thousand dollars.	New Castle.
For the continuation of the construction of the United States pier at Lewes, Delaware, twenty-five thousand dollars.	Lewes.
For the improvement of the harbor at Charlotte, New York, five thousand dollars.	Charlotte.
For the improvement of the harbor at Crisfield, Maryland, thirty-seven thousand three hundred and seventeen dollars and fifty cents.	Crisfield.
For the improvement of the harbor at Pultneyville New York, ten thousand dollars	Pultneyville.

- Great Sodus Bay. For the improvement of the harbor at Great Sodus Bay, New York ten thousand dollars.
- Little Sodus Bay. For the improvement of the harbor at Little Sodus Bay, New York, ten thousand dollars.
- Oswego. For the improvement of the harbor at Oswego, New York, ninety thousand dollars.
- Ogdensburgh. For the improvement of the harbor at Ogdensburgh, New York, five thousand dollars.
- Burlington. For the improvement of the harbor at Burlington, Vermont twenty-five thousand dollars.
- Swanton. For the improvement of the harbor at Swanton, Vermont ten thousand dollars.
- Otter Creek. For the improvement of Otter Creek, Vermont, five thousand dollars.
- Falls of Saint Anthony. For the improvement of the Falls of Saint Anthony, Minnesota, one hundred thousand dollars: and twenty-five thousand dollars of said amount may be expended for the improvement of the Mississippi River above the Falls of Saint Anthony.
- Minnesota River. For the improvement of the Minnesota River, ten thousand dollars.
- Upper Mississippi River. For the improvement of the Upper Mississippi River twenty-five thousand dollars.
- Illinois River. For the improvement of the Illinois River, seventy-five thousand dollars.
- Des Moines Rapids. For the improvement of the Des Moines Rapids, Mississippi River, four hundred and eighty thousand dollars.
- Rock Island Rapids. For the improvement of the Rock Island Rapids, Mississippi River, fifty thousand dollars.
- Mississippi, Missouri, and Arkansas Rivers. For the improvement of the Mississippi, Missouri, and Arkansas Rivers, one hundred thousand dollars.
- Mississippi River. For the improvement of the Mississippi River, between the mouths of the Illinois and Ohio Rivers, two hundred thousand dollars: fifteen thousand dollars of said amount shall be expended between the mouths of the Illinois and Missouri Rivers; and fifteen thousand dollars of said amount may be expended at Liberty Bar.
- Falls of the Ohio River and Louisville Canal. For completing the improvement of the Falls of the Ohio River and Louisville Canal, one hundred thousand dollars.
- Ohio River. For the improvement of the Ohio River, three hundred thousand dollars; that one hundred thousand dollars of this amount shall be used for and applied toward the construction of a "movable dam", or a dam with adjustable gates for the purpose of testing substantially the best method of improving permanently the navigation of the Ohio River and its tributaries; the location of this work with the plan of construction and the application of the amount hereby appropriated to be submitted to the Secretary of War, for his approval.
- Part may be expended, how.
- Wabash River. For the improvement of the Wabash River, forty thousand dollars.
- Upper Monongahela River. For the improvement of the Upper Monongahela River, near Morgantown, West Virginia, twenty-two thousand dollars.
- Great Kanawha. For the improvement of the Great Kanawha River, West Virginia, three hundred thousand dollars.
- Tennessee River. For the improvement of the Tennessee River, above Chattanooga, forty thousand dollars, and below Chattanooga, including the Muscote Shoals, three hundred and sixty thousand dollars.
- Cumberland River. For the improvement of the Cumberland River, below Nashville, twenty-five thousand dollars.
- Yazoo River. For the improvement of the Yazoo River, twelve thousand dollars.
- Mississippi River. For the improvement of the mouth of the Mississippi River, two hundred and fifty thousand dollars, *provided*: That this appropriation shall cease to be available when its necessity is superseded by any other work of improvement authorized by law.
- When appropriation shall cease to be available.
- Red Fish Bar. For the improvement of Red Fish Bar, in Galveston Bay, Texas, ten thousand two hundred dollars.

For removing the Raft in Red River, twenty thousand dollars.	Removing raft in Red River.
For the improvement of the harbor at Mobile, Alabama, twenty-six thousand dollars.	Mobile.
For the improvement of the harbor at Cedar Keys, Florida, fifteen thousand dollars.	Cedar Keys.
For the improvement of the Chattahooche and Flint Rivers, Georgia, twenty five thousand dollars.	Chattahooche and Flint Rivers.
For the improvement of the Apalachicola River, Florida, ten thousand dollars	Apalachicola River.
For the improvement of the Choctawhatchie River, Florida and Alabama, five thousand dollars.	Choctawhatchie River.
For the improvement of the harbor at Charleston, South Carolina, ten thousand dollars.	Charleston.
For the improvement of the harbor at Savannah, Georgia, seventy thousand dollars.	Savannah.
For the improvement of the Oostanoola and Coosawattee Rivers, Georgia, five thousand dollars.	Oostanoola and Coosawattee Rivers.
For the improvement of Elk River, Maryland, five thousand dollars.	Elk River.
For the improvement of the harbor at Baltimore, Maryland, seventy-five thousand dollars.	Baltimore.
For the improvement of the Wicomico River, Maryland, five thousand dollars.	Wicomico River.
For the improvement of Occoquan River, Virginia, five thousand dollars.	Occoquan River.
For the improvement of Aquia Creek, Virginia, two thousand dollars.	Aquia Creek.
For the improvement of the mouth of Nomini, Virginia, five thousand dollars	Nomini.
For the improvement of the Rappahanock River, Virginia, five thousand dollars.	Rappahanock River.
For the improvement of the James River. Virginia, fifty thousand dollars.	James River.
For the improvement of the South Branch of Elizabeth River, Virginia, five thousand dollars.	Elizabeth River.
For the improvement of the Nansemond River, Virginia, five thousand dollars.	Nansemond River.
For the improvement of the Appomattox River, Virginia, thirty thousand dollars.	Appomattox River.
For the improvement of Cape Fear River, North Carolina, one hundred and fifty thousand dollars.	Cape Fear River.
For constructing United States Pier in Delaware Bay, near Lewes, Delaware, fifteen thousand dollars.	Pier in Delaware Bay.
For the improvement of Delaware River at Fort Mifflin Bar, twenty thousand dollars; and that any unexpended balance of the amount mentioned in the act making appropriations for the repair, preservation, and so forth, of certain public works, and so forth, approved March third, eighteen hundred and seventy-three, for the improvement of the channel of the Delaware River, at and near the Horse Shoe Shoals, be, and is hereby, appropriated, to be expended for the improvement of said river, at such places between Petty's Island and its mouth as the Chief of Engineers of the Army may order and direct.	Delaware River. Unexpended balance appropriated. 1873, c. 233, v. 17, p. 564.
For the improvement of the Delaware River, New Jersey, between Trenton and White Hill, ten thousand dollars.	Delaware River.
For the improvement of the harbor at Wilmington, Delaware, ten thousand dollars.	Wilmington.
For the improvement of the Schuylkill River, twenty thousand dollars.	Schuylkill River.
For the improvement of the Hudson River, New York, forty thousand dollars.	Hudson River.
For the improvement of the Passaic River, New Jersey, twenty thousand dollars.	Passaic River.

- East River and Hell Gate. For removing obstructions in the East River and Hell Gate, New York, two hundred and fifty thousand dollars.
- East Chester Creek. For the improvement of the East Chester Creek, New York, twelve thousand dollars.
- Fort Jefferson. For a harbor at Fort Jefferson, New York, fifteen thousand dollars.
- Wareham. For the improvement of the harbor at Wareham, Massachusetts, ten thousand dollars.
- Taunton River. For the improvement of Taunton River, Massachusetts, ten thousand dollars.
- Fall River. For the improvement of the harbor at Fall River, Massachusetts, ten thousand dollars.
- Block Island. For the improvement of the breakwater at Block Island, Rhode Island, twenty thousand dollars.
- Newport. For the improvement of the harbor at Newport, Rhode Island, ten thousand dollars.
- Pawcatuck River. For the improvement of Pawcatuck River, Rhode Island and Connecticut, ten thousand dollars.
- Stonington. For the improvement of the harbor at Stonington, Connecticut, twenty-five thousand dollars.
- Connecticut River. For the improvement of the Connecticut River, below Hartford, Connecticut, twenty thousand dollars.
- Milford. For the improvement of the harbor at Milford, Connecticut, thirteen thousand dollars.
- Housatonic River. For the improvement of the Housatonic River, Connecticut, five thousand dollars.
- Bridgeport. For the improvement of the harbor at Bridgeport, Connecticut, fifteen thousand dollars.
- Norwalk. For the improvement of the harbor at Norwalk, Connecticut, seven thousand dollars.
- Machias River. For the improvement of the Machias River, Maine, ten thousand dollars.
- New Haven. For the improvement of the harbor at New Haven, Connecticut, ten thousand dollars.
- Penobscot River. For the improvement of the Penobscot River, Maine, twenty-five thousand dollars; and out of this appropriation ten thousand dollars shall be expended at or near Bucksport Narrows.
- Camden. For the improvement of the harbor at Camden, Maine, ten thousand dollars.
- Kennebec River. For the improvement of the Kennebec River, Maine, fifteen thousand dollars.
- Portland, Me. For the improvement of the harbor at Portland, Maine, twenty thousand dollars.
- Richmond Island. For the improvement at Richmond Island, Maine, fifteen thousand dollars.
- Cochico River. For the improvement of the Cochico River, New Hampshire, twenty-five thousand dollars.
- Merrimack River. For the improvement of the Merrimack River, Massachusetts, twelve thousand dollars.
- Boston Harbor. For the improvement of Boston Harbor, Massachusetts, one hundred thousand dollars; ten thousand dollars of said amount may be expended for the improvement of Hingham Harbor.
- Hingham Harbor. For the improvement of the harbor at Hingham Harbor.
- Plymouth. For the improvement of the harbor at Plymouth, Massachusetts, ten thousand dollars.
- Provincetown. For the improvement of the harbor at Provincetown, Massachusetts, five thousand dollars.
- Willamette and Columbia Rivers. For the improvement of the lower Willamette and Columbia Rivers, from Portland, Oregon, to the sea twenty thousand dollars.
- Upper Willamette River. For the improvement of the Upper Willamette River, Oregon, twenty-five thousand dollars.
- Upper Columbia River. For the improvement of the Upper Columbia River, thirty-five thousand dollars.

For the improvement of the breakwater at Wilmington, California, thirty thousand dollars.	Wilmington.
For the improvement of Oakland Harbor, California, one hundred thousand dollars.	Oakland Harbor.
For the improvement of the harbor at San Diego, California, eighty thousand dollars.	San Diego.
For a breakwater in five fathoms of water, to protect the commerce of Cleveland, Ohio, fifty thousand dollars.	Cleveland.
For the improvement of the harbor at Galveston, Texas, one hundred and fifty thousand dollars.	Galveston.
For the improvement of the Sebawaing River, Michigan, eight thousand dollars.	Sebawaing.
For dredging the bar at the junction of Pine and Saint Clair Rivers, Michigan, five thousand dollars.	Pine and Saint Clair Rivers.
For the improvement of the harbor at New Bedford, Massachusetts, ten thousand dollars.	New Bedford.
For the improvement of the harbor at Wilson, New York, ten thousand dollars.	Wilson.
For the improvement of the Sacramento and Feather Rivers, California, fifteen thousand dollars.	Sacramento and Feather Rivers.
For the improvement of the ship-channel between the mouth of San Jacinto River, to Bolivar Channel, in Galveston Bay, Texas, twenty-five thousand dollars.	San Jacinto River.
For the improvement of Sabine Pass, Texas, twenty thousand dollars.	Sabine Pass.
For the improvement of the Harlem River, New York, ten thousand dollars.	Harlem River.
For the improvement of the harbor and river at Saint Joseph's, Michigan, thirty-five thousand dollars.	Saint Joseph's.
For the improvement of the Warrior and Tombigbee Rivers, Alabama, below Tuscaloosa and Demopolis, twenty-five thousand dollars, in addition to any unexpended balance remaining from the appropriation for the harbor of Mobile, hereby transferred to this improvement.	Warrior and Tombigbee Rivers.
For the repair of the breakwater and piers at the harbor of Southport, Connecticut, five thousand dollars.	Southport.
For completing the improvement of the harbor at Waddington, New York, five thousand dollars.	Waddington.
For examination and surveys of rivers and harbors, and for incidental repairs at harbors for which there is no special appropriation, fifty thousand dollars.	Examinations, &c., and incidental repairs.
It shall be the duty of the Secretary of War to apply the moneys herein appropriated as far as may be by contract, except when specific estimates cannot be made for the particular work, or where, in the judgment of said Secretary, the work cannot be contracted at prices advantageous to the Government, and except the appropriations made for examinations and surveys; and such contracts shall be made after sufficient public advertisement for proposals in such form and manner as the Secretary of War shall prescribe; and such contracts shall be made with the lowest responsible bidders therefor, accompanied by such securities as the Secretary of War shall require.	Moneys appropriated; how to be applied.
For completing the survey and estimates of the route from the mouth of the Youghiogheny River to continue the slackwater navigation up said river, to the head waters at the foot of the Allegheny mountains, thence by canal to Cumberland, intersecting there the Chesapeake and Ohio Canal, ten thousand dollars.	Youghiogheny River
SEC. 2. That the Secretary of War is hereby directed to cause examinations, or surveys, or both, to be made at the following points, namely:	Secretary of War to cause examinations and surveys to be made at certain points.
Alabama River, from Wetumpka to its mouth.	
East Branch of Potomac River, from the navy-yard to Bladensburg, District of Columbia.	
North and South Branches of the Shrewsbury River, New Jersey.	
Puyallup River, from the Coal Mines to its mouth, Washington Territory.	

Monongahela River, from Morgantown to Fairmount, West Virginia.
 French Broad River, from its junction with the Holston at Knoxville to Leadvale, Tennessee.

Port Henry, Lake Champlain, for a breakwater.

Rouse's Point, Lake Champlain, for a breakwater.

Lower Pier, Chester, Pennsylvania.

Monterey, California.

Mouth at Nehalem River, Oregon, Alsea River and bar, Oregon.

For examination for a route for a canal sufficient to allow the passage at ordinary high tide, of steamers drawing ten feet, connecting the waters of Shoal Water Bay with the waters of the Columbia River: *Provided*, That no more than five hundred dollars shall be expended in making such survey and estimate.

Alleghany River, below Freeport, Pennsylvania.

Thunder Bay River, Lake Huron.

Little Narragansett Bay, between Dennison Rocks and Rhode's Folly, Rhode Island and Connecticut.

For examination for a route for a canal from Lake Michigan to the Wabash River, Indiana, not exceeding the expense of two thousand dollars.

Clinch River, below the mouth of Emory River, and Emory River above its mouth, for removal of bars, Tennessee.

Clinton River, from Mount Clemens to its mouth, Michigan.

For estimate of cost to obtain thirteen feet of water on the outer bar at the mouth of Saginaw River, Michigan.

Waddington, New York, for the purpose of ascertaining the practicability and cost of constructing a canal and locks around the rapids in the Saint Lawrence River at that point.

Survey of the channel of West Haven Harbor, near New Haven, Connecticut.

Pamlico River from its mouth to the town of Washington, North Carolina.

Neuse River from its mouth Goldsboro, North Carolina.

Pasquotank River, from Albemarle Sound to Elizabeth City, North Carolina.

Puquunnaus River from its mouth to the town of Hartford, North Carolina.

Belfast Bay and harbor, Maine.

Harbor Matinicus Island, Maine.

Alleghany River, near Pittsburg, Pennsylvania.

Ocmulgee River, Georgia, from the city of Macon to the city of Covington.

Catawba River, from South Carolina line to Old Fort, North Carolina.

For surveys to ascertain the most eligible line on which a canal across the Isthmus of Florida can be constructed, and whether a safe land-locked navigation between the waters of the Mississippi and the Gulf along the coasts of Alabama, Louisiana, and Florida, and through the latter State to the Atlantic coast, can be had. To estimate the probable cost and practicability of construction of such works, and of any artificial water-routes found necessary to provide a safe inland navigation between the Mississippi River and one of the seaports on the east coast of Florida.

Continuing survey of French Broad River, from the Henderson County line to its junction with the Holston, Tennessee.

The harbor at Edenton, North Carolina.

A line between the Neuse and Cape Fear Rivers, in North Carolina, with a view to connect the waters of the same. And a like line with a view to connect the waters of Norfolk harbor, in Virginia, with the waters of the Cape Fear River, at or near Wilmington, North Carolina.

Louisa Fork of Sandy, from the mouth of Dismal, in Buchanan County, Virginia, to Piketon, Kentucky.

Powell's River, from the three forks in Wise County, Virginia, to the mouth of Clinch River, Tennessee.

Clinch River, from the mouth of Indian, in Tazewell County, Virginia, to the junction of Clinch and Powell Rivers, Tennessee.

Elk River, from its mouth to Braxton Court-House, West Virginia.

Missouri River, at the point where it is cutting into the Kansas shore above Saint Joseph's, Missouri.

For breakwater off the mouth of Au Sable River, Lake Huron.

The piers at Marcus Hook, Pennsylvania.

Tennessee River, from the Chilhowee Mountains to the Georgia line, in Macon County, North Carolina.

Ipswich River and harbor, Massachusetts, and estimates of cost for dredging the river as to give nine feet depth at low water.

Mouth of Big Sandy Creek, New York.

Chippewa River, Wisconsin.

Echo Harbor, New Rochelle, New York.

SEC. 3. That the Secretary of War shall convene a board of engineers to examine, and report at the next session of Congress, a plan for the improvement of the channel between Staten Island and New Jersey.

Board of engineers to report plan for improvement of channel between Staten Island and New Jersey.

SEC. 4. That James B. Eads, of Saint Louis, Missouri, be, and he is hereby, authorized, with such others as may be associated with him, on the conditions hereinafter mentioned, to construct such permanent and sufficient jettées, and such auxiliary works as are necessary to create and permanently maintain, as hereinafter set forth, a wide and deep channel between the South Pass of the Mississippi River and the Gulf of Mexico, and for that purpose he may construct, in the river, outlet, or pass, and likewise in the Gulf of Mexico, such walls, jettées, dikes, levees, and other structures, & employ such boats, rafts, and appliances, as he may, in the prosecution of said work deem necessary: *Provided*, That no such structures or means employed shall hinder, delay, or materially interfere with the free navigation of said pass; and, to protect his said works, he may build, and maintain such levees, or embankments as may be necessary to secure their permanency along the banks of the river or South Pass: *Provided further*, That unless the construction of the proposed work shall be substantially commenced within eight months from the date of the approval of this act, and prosecuted with due diligence, the provisions contained herein in relation to the said South Pass shall be null and void; and unless the said Eads and his associates shall secure a navigable depth of twenty feet of water through said pass within thirty months after the date of the approval of this act, Congress may revoke the privileges herein granted in relation to the said South Pass, and cancel the obligations herein assumed by the United States. And Congress may revoke the privileges herein granted in relation to the said South Pass, and cancel the obligations herein assumed by the United States, unless the said Eads and his associates shall, after securing twenty feet of water, secure an additional depth of not less than two feet during each succeeding year thereafter, until twenty-six feet shall have been secured: and in case said Eads and his associates shall fail to comply with the foregoing conditions, as to depth of water, and time for and period of twelve months in excess of the time fixed, as aforesaid, then the privileges herein granted, and the obligations herein assumed in relation to the said South Pass, shall absolutely become absolutely null and void without action by Congress.

James B. Eads, and others, to construct jettées, &c., to maintain channel between South Pass of Mississippi River and Gulf of Mexico.

Navigation not to be impeded.

Work, when to be commenced.

Depth of water.

SEC. . . That the conditions herein prescribed being fully complied with, the United States hereby promise and agree to pay to said Eads, or to his assigns or legal representatives, five million two hundred and fifty thousand dollars for constructing said works and obtaining a depth of thirty feet in said channel, and the annual sum of one hundred thousand dollars for each and every year that said depth of thirty feet shall be maintained by the jettées and auxiliary works aforesaid in said South

Amount to be paid.

Payments, how made.

Pass during twenty years after first securing the said depth. Payments shall be made on certified statements of an engineer-officer, who shall be detailed by the Secretary of War, and whose duty it shall be to report the depth of water and width of channel secured and maintained from time to time in said channel, together with such other information as the Secretary of War may direct. When a channel of twenty feet in depth, and of not less than two hundred feet in width, shall have been obtained by the action of said jetties and auxiliary works, five hundred thousand dollars shall be paid; and when a channel of twenty-two feet in depth and two hundred feet in width shall have been obtained by the action of said jetties and auxiliary works, five hundred thousand dollars shall be paid. When a channel twenty-four feet in depth, and not less than two hundred and fifty feet in width, shall have been obtained, there shall be paid five hundred thousand dollars; and after said depth and width shall have been maintained during twelve consecutive months, there shall be paid, there shall be paid two hundred and fifty thousand dollars with five per centum per annum interest from the date when said twenty-four feet were first obtained. When a channel twenty six feet in depth, and not less than three hundred feet in width shall be obtained, there shall be paid five hundred thousand dollars; and when a channel of said depth and width shall have been maintained for twelve months consecutively, two hundred and fifty thousand dollars shall be paid with interest at five per centum per annum from the date when said channel was first obtained.

When a channel twenty-eight feet in depth and not less than three hundred and fifty feet in width shall be obtained, there shall be paid five hundred thousand dollars; and after said depth and width shall have been maintained for twelve months consecutively, two hundred and fifty thousand dollars shall be paid with interest at six per centum per annum from the date when said twenty-eight feet were first obtained. When a channel thirty feet in depth and not less than three hundred and fifty feet in width shall be obtained, there shall be paid five hundred thousand dollars; and after such depth and width shall have been maintained for twelve months consecutively, there shall be paid five hundred thousand dollars with interest at five per centum per annum from the date when a channel of said depth and width was first obtained; making a total aggregate of four million two hundred and fifty thousand dollars for the aforesaid payments, the respective depths and widths of channel being measured at average flood-tide, as ascertained and determined by the Secretary of War. When a channel thirty feet in depth and three hundred and fifty feet in width, shall have been obtained by the effect of said jetties and auxiliary works aforesaid, the remaining one million dollars shall be deemed as having been earned by said Eads and associates; but said amount shall remain as security in the possession of the United States for the purposes hereinafter set forth, interest at five per centum per annum on the same being payable to said Eads, his assigns, and legal representatives, semi-annually, from the date when a channel of thirty feet in depth and three hundred and fifty feet in width shall have been first secured, so long as said money, or any part thereof, is held by the United States.

SEC. . That after said channel of thirty feet in depth and of not less than three hundred and fifty feet in width shall have been secured, one hundred thousand dollars per annum shall be paid in equal quarterly payments during each and every year that said channel of thirty feet in depth and three hundred and fifty feet in width shall have been maintained by said Eads and his associates by the effect of said jetties and auxiliary works aforesaid in said pass, for a period of twenty years, dating from the date on which said channel of thirty feet in depth and three hundred and fifty feet in width shall be first secured: *Provided, however,* That no part of such annual compensation shall be paid for any period of time during which the channel of said pass shall be less than thirty feet in depth and three hundred and fifty feet in width, as hereinbefore specified.

Proviso.

SEC. . That the said channel of thirty feet in depth and three hundred and fifty feet in width having been maintained for ten years, one-half of the one million dollars hereinbefore mentioned shall be released and paid to said Eads, his assigns, or legal representatives; and said depth and width having been maintained for ten additional year, the remaining half of the said one million dollars shall be released and paid as aforesaid. And if any of said money shall have been paid under the provisions of this act as hereinafter provided, then the residue shall be paid at the times above stated.

SEC. . That in case said Eads and associates in order to maintain a channel of thirty feet in depth and three hundred and fifty feet in width, shall deem it necessary to expend on said works, during any one or more of said twenty years, any money in excess of the annual payments received by them during said year or years under this act, the Secretary of War shall, on satisfactory proof of such expenditures, authorize, as often as such extra expenditures may require the payment of the same from the said money in pledge, to said Eads or his legal representatives. And such payments shall be made from the five hundred thousand dollars to be released at the end of ten years before any payment shall be made from the five hundred thousand dollars to be released at the end of twenty years; and if any failure to maintain said channel of thirty feet in depth and three hundred and fifty feet in width shall occur, the date for releasing the said money held in pledge shall be postponed for an equal period of time, and the compensation for maintaining said channel shall cease until said depth and width shall be again restored, the maintenance of a channel of thirty feet in depth and three hundred and fifty feet in width for twenty years, exclusive of all such periods of failure, being intended by this act. And at any time after said jetties shall have been completed, and said channel of thirty feet in depth and three hundred and fifty feet in width shall have been obtained, that the United States may elect to pay the said one million dollars, and stop the payment of said interest and said annual sum of one hundred thousand dollars for the maintenance of said depth and width, said United States shall have the right to do so on payment of said money held as security and in pledge as aforesaid, together with the interest and annual compensation for maintenance which may be earned at the date of such final payment; and on such payment being made by the United States the supervision and maintenance of said jetties and auxiliary works by said Eads and associates, and all liability on their part, shall cease and determine.

Expenditures in excess of annual payments.

SEC. . That in order to facilitate the proper location of said jetties, which shall not be less than seven hundred feet apart, and to correctly determine such effects as may be produced by them, the Chief of the Coast Survey shall, as soon as practicable, cause a careful topographic and hydrographic survey to be made of said pass and bar, and shall submit the same to the Secretary of War, who shall furnish to said Eads the results of any such survey. And the sum of five thousand dollars is hereby appropriated out of any money in the Treasury not otherwise appropriated for said survey and examination

Location of jetties.

SEC. . That any person maliciously or intentionally injuring said works, or interfering with the construction thereof, shall be deemed guilty of a misdemeanor, and may be tried for such offense before the district court of the United States for the district wherein such offense may be committed; and, if found guilty, he shall be liable to a fine not exceeding one thousand dollars, or to imprisonment for not more than two years, or to both fine and imprisonment as aforesaid, for each offense.

Maliciously, &c., injuring works.

Penalty.

SEC. . That the said Eads and his associates shall have the right under such regulations as the Secretary of War shall prescribe, to use any materials on the public lands of the United States that shall be suitable for, and may be needed in, the construction of said works.

Use of materials on public lands.

SEC. . That in case of death or other disability of said Eads before the completion of said works, the same shall be prosecuted and con-

Death or disability of contractor.

pleted by his legal representatives and his associates aforesaid, with the same powers, rights, obligations, and compensations as if done by him in person:

Secretary of War
to carry into effect
provisions of act.

SEC. . That the Secretary of War be, and he is hereby authorized and directed to carry into effect the provisions of this act on behalf of the United States, and, when the said Eads and his associates shall, from time to time, have fulfilled on their part the several foregoing conditions of this act, to draw his warrants upon the Treasurer of the United States in favor of said Eads, or his legal representatives, in payment of the aforesaid amounts as they respectively become due by the provisions of this act. And it shall be the duty of the Secretary of War to embody in his annual reports the payments made from time to time under this act, and the probable times when other payments will become due, and to report during the construction of the works herein authorized all important facts relating to the progress of the same, the materials used, and the character and permanency with which the said jettées and auxiliary works are being constructed, to the end that the Congress of the United States may be kept fully advised as to the faithfulness and efficiency with which the said works are being executed by the said Eads and associates, it being expressly understood that while said Eads shall be entrammeled in the exercise of his judgment and skill in the location, design, and construction of said jettées and auxiliary works, the intent of this act is not simply to secure the wide and deep channel first above named, but likewise to provide for the construction of thoroughly substantial and permanent works by which said channel may be maintained for all time after their completion. And in case the Secretary of War shall be of the opinion that this work is not being constructed according to the spirit and intent of this act, he shall report the same to the President, who shall appoint a commission, consisting of an officer of the Army, an officer of the Navy, and a competent person from civil life, to inspect and examine the works being constructed by said Eads and his associates; and in case the said commission shall report that the works are being constructed upon a design that will not be of a substantial and permanent character when completed, all the facts in the case shall be laid before Congress at the earliest possible moment, and payments upon said works shall be suspended until Congress shall otherwise order.

Reports.

Commission.

Obligations to
be discharged in
money or bonds.

SEC. . That the option of discharging the obligations herein assumed by the United States, either in money or bonds, is expressly reserved; and the Secretary of the Treasury is hereby directed to issue the bonds of the United States, bearing five per centum interest, of the character and description set out in the act entitled "An act to authorize the refunding of the public debt," approved July fourteenth, eighteen hundred and seventy, to said Eads or his legal representatives, in payment at par of the aforesaid warrants of the Secretary of War, unless the Congress of the United States shall have previously provided for the payment of the same by the necessary appropriations of money: *Provided*, That in no case shall the Government of the United States be liable for any losses incurred by said Eads and his associates in the performance of the work herein mentioned, nor shall any payments thereon be made in excess of the sums nor contrary to the terms hereinbefore prescribed.

United States
not liable for losses,
&c.

Approved, March 3, 1875.

March 3, 1875.

CHAP. 135.—An act making appropriations for the support of the Military Academy for the year ending June thirtieth, eighteen hundred and seventy-six.

Military Academy,
appropriation
for year ending
June 30, 1876.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the support of the Military Acad-