

Proviso.

Injunctions.

heard and disposed of by said court of appeals at the terms of court held in the city of New Orleans, in the State of Louisiana: *Provided*, That nothing herein contained shall prevent the court from hearing appeals or writs of error wherever the said court shall sit in cases of injunctions and in all other cases which under the statutes and the rules or in the opinion of the court are entitled to be brought to a speedy hearing.

Approved, March 4, 1904.

March 5, 1904.
[H. R. 13290.]

[Public, No. 39.]

District of Columbia.
Appropriation to
clear Potomac River
of ice.
Ante, p. 6.

CHAP. 396.—An Act Making an appropriation for clearing the Potomac River of ice.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of three thousand dollars is hereby appropriated, payable from any money in the Treasury not otherwise appropriated and from the revenues of the District of Columbia, in equal parts, for clearing the Potomac River of ice within the District of Columbia.

Approved, March 5, 1904.

March 7, 1904.
[H. R. 19.]

[Public, No. 40.]

Indian Territory.
Southern judicial
district.
Terms of court at
Marietta.
Vol. 28, p. 694.

CHAP. 405.—An Act Establishing a United States court at Marietta, Indian Territory.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in addition to the places now provided by law for holding courts in the southern judicial district of Indian Territory court shall be held in the town of Marietta, and all laws regulating the holding of courts in the Indian Territory shall be applicable to the said court hereby created in the said town of Marietta.

Recording district
No. 26.

Marietta.

SEC. 2. That the territory described in this section shall be known as recording district numbered twenty-six.

“Beginning at a point where range line between ranges two and three west reaches Red River, being the corner of district numbered twenty; thence down Red River with all of its meanderings to the range line between ranges three and four east, being corner of district numbered twenty-one; thence north on said range line to township line between numbers five and six south; thence west on said township line to where it intersects township line between townships two and three west, same being east line of district numbered twenty; thence south on said township line to Red River.” The place of recording in such district shall be at the town of Marietta, and the provisions of the Act of Congress approved February nineteenth, nineteen hundred and three, shall apply to this district where applicable.

Vol. 32, p. 841.

Repeal.

SEC. 3. That all laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Approved, March 7, 1904.

March 9, 1904.
[S. 3780.]

[Public, No. 41.]

Missouri River.
Yankton, Norfolk
and Southern Rail-
way may bridge, at
Yankton, S. Dak.

CHAP. 501.—An Act Authorizing the Yankton, Norfolk and Southern Railway Company to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River at or near the city of Yankton, South Dakota.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be lawful for the Yankton, Norfolk and Southern Railway Company, a corporation organized for that purpose under the general corporation laws of the

State of Nebraska, and authorized to operate and transact business in the State of South Dakota, or its assigns, to construct, under and subject to the conditions and limitations hereinafter provided, a combined railroad, wagon, and foot-passenger bridge across the Missouri River at or near the city of Yankton, South Dakota, and to lay on and over said bridge railway tracks for the more perfect connection of any and all railways that now are, or which may hereafter be, constructed to the Missouri River at the city of Yankton, or to the river on the opposite side of the same, near the city of Yankton, and, if the said railway company so chooses, also to build, erect, and lay on and over said bridge ways for wagons, vehicles of all kinds, and for the transit of animals, and to provide ways for foot passengers, and to maintain and operate said bridge for the purposes aforesaid; and that when said bridge is constructed all trains of railroads terminating at said river, and on the opposite side thereof, at the city of Yankton, South Dakota, shall be allowed to cross said bridge for reasonable compensation to be made to the owners of the same; and if the amount of said compensation can not be agreed upon by the parties, the same shall be fixed by the Secretary of War. And if the owners elect to build, erect, and lay on and over said bridge roadway for wagons, vehicles, and animals, the owners of said bridge may also charge and receive reasonable compensation or tolls for the transit over said bridge of all wagons, carriages, vehicles, animals, and foot passengers: *Provided*, That the Secretary of War may at any time prescribe such rates of toll for such transit over said bridge as may be deemed proper and reasonable.

Railroad, wagon and foot bridge.

Use by other roads.

Compensation.

Proviso.
Toll.

Construction.

Proviso.
Height.

SEC. 2. That any bridge built under the provisions of this Act may, at the option of the corporation building the same, be built as a draw-bridge, or with unbroken and continuous spans: *Provided*, That if the same shall be made of unbroken continuous spans it shall not be in any case of less elevation than fifty feet above extreme high-water mark, as understood at the point of location, to the lowest part of the superstructures; nor shall the spans of said bridge be less than three hundred feet in the clear at low-water mark; and the piers of said bridge shall be parallel with the current of the river at high water, and the main spans shall be over the main channels of the river: *And provided also*, That if a bridge shall be built under this Act as a draw-bridge, the same shall be constructed as a pivot drawbridge, with one or more draws, as the Secretary of War may prescribe, and with spans of not less than two hundred feet in length in the clear on each side of the central or pivot piers of the draws, and the next adjoining spans over the river to the draws shall not be less than two hundred and fifty feet in the clear, measured at low water; and said spans shall not be less than ten feet above extreme high-water mark, measuring to the lowest part of the superstructure of the bridge; and the piers of said bridge shall be parallel with the current of the river at high water: *And provided also*, That said draw shall be opened promptly, upon reasonable signal, for the passage of boats and other water craft; 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, and such sheer booms or other structures as may be necessary to safely guide vessels, rafts, or other water craft safely through said channel span, or draw openings, and as shall be designated and required by the Secretary of War: *And provided further*, That the corporation building said bridge may, subject to the approval of the Secretary of War, enter upon the banks of said river, either above or below the point of location of said bridge, and confine the flow of the water to a permanent channel, and to do whatever may be necessary to accomplish said object, but shall not impede or obstruct the navigation of said river, and shall be liable

Drawbridge.

Length of spans.

Opening draw.

Lights, etc.

Permanent channel.

- in damages for all injuries to private property; and all plans for such works or erections upon the banks of the river shall first be submitted to the Secretary of War for his approval: *And provided further*, That any bridge built under the provisions of this Act shall be at right angles to the current of the river at high water: *And provided further*, That the bridge herein authorized to be constructed shall not be built within less than one mile of any other bridge across said Missouri River.
- SEC. 3.** That said bridge shall be built and located under and subject to such regulations for the security of navigation 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, 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 high and low water lines upon the banks of the river, the direction and strength of the current at all stages of the water, with the soundings, accurately showing the bed of the stream and the location of any other bridge or bridges, such map to be sufficiently in detail to enable the Secretary of War to judge of the proper location of said bridge, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until the said plans and location are approved by the Secretary of War the bridge shall not be commenced or built; and any change in the plan of its construction or any alteration in the bridge after its construction shall be subject to the like approval; and whenever said bridge or its accessory works shall, in the opinion of the Secretary of War, unreasonably obstruct the free navigation of said river, he is hereby authorized to cause such change or alteration of said bridge or its accessory works to be made as will effectually obviate such obstruction; and all such alterations shall be made and all such obstructions be removed by the owner or owners of said bridge, or the persons operating or controlling the same, at their own expense; and in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of the Missouri River, at or near the crossing of said bridge, caused or alleged to be caused thereby, the cause shall be commenced and tried in the circuit courts of the United States of either judicial district of South Dakota or Nebraska in which the said bridge or any portion of such obstruction touches: *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 said bridge from the operation of same. And the bridge shall not be open 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.
- SEC. 4.** That any bridge built 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 munitions of war of the United States than the rate per mile paid for their transportation over the railroad or public highways leading to such bridge. The United States shall also have the right to construct, without charge therefor, telegraph or telephone lines across said bridge, and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies.
- SEC. 5.** That the right to alter, amend, or repeal this Act is hereby expressly reserved.
- SEC. 6.** That this Act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date hereof.
- Approved, March 9, 1904.
- Aids to navigation.
- Location restricted.
- Secretary of War to approve plans, etc.
- Map.
- Changes.
- Litigation.
- Proviso. Existing laws not affected.
- Protection to navigation.
- Lawful structure and post route.
- Telegraph, etc., right.
- Amendment.
- Time of construction. Post, p. 621.