

CHAP. 857.—An Act To provide for an additional judge of the district court of the United States for the eastern district of Pennsylvania.

April 1, 1904.
[S. 3015.]

[Public, No. 79.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President, by and with the advice and consent of the Senate, shall appoint an additional judge of the district court of the United States for the eastern district of Pennsylvania, who shall reside in said district and who shall possess the same powers, perform the same duties, and receive the same salary as the present district judge of said district.

United States courts.
Pennsylvania eastern district.
Additional judge.

Approved, April 1, 1904.

CHAP. 858.—An Act Authorizing the Winnipeg, Yankton and Gulf Railroad Company to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River at or near the city of Yankton, South Dakota.

April 5, 1904.
[S. 270.]

[Public, No. 80.]

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 Winnipeg, Yankton and Gulf Railroad Company, a corporation organized for that purpose under the general corporation laws of the State of South Dakota, or its assigns, to construct, under and subject to the conditions and limitations hereafter 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 railroad 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.

Missouri River.
Winnipeg, Yankton
and Gulf Railroad
Company may bridge,
at Yankton, S. Dak.

Railroad, wagon,
and foot bridge.

Use by other roads.

Toll.

Provido.
Rates.

Construction.

Providos.
Continuous spans.

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 super-structures; 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 drawbridge, 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

Pivot draw.

Opening draw.	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: <i>And provided also</i> , 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: <i>And provided further</i> , 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 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: <i>And provided further</i> , That any bridge built under the provisions of this Act shall be at right angles to the current of the river at high water: <i>And provided further</i> , 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.
Lights, etc.	
Permanent channel.	
Damages.	
Aids to navigation.	
Restriction.	
Unobstructed navigation.	SEC. 3. That no bridge shall be erected or maintained under the authority of this Act which shall at any time substantially or materially obstruct the free navigation of said river; and no bridge shall be commenced or built under this Act until the location thereof and the plans and specifications for its construction shall have been submitted to and approved by the Secretary of War; 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: <i>Provided</i> , 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.
Secretary of War to approve plans, etc.	
Changes.	
Litigation.	
Proviso. Existing laws not affected.	
Removal of piling, etc.	
Lawful structure and post route.	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,
Telegraph, etc., rights.	

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, April 5, 1904.

CHAP. 859.—An Act To authorize the Buckhannon and Northern Railroad Company, a corporation under the laws of the State of West Virginia, to build a bridge across the Monongahela River near the town of Rivesville, in the State of West Virginia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Buckhannon and Northern Railroad Company, a corporation created and existing under the laws of the State of West Virginia, its successors and assigns, be, and the same is hereby, authorized to construct, maintain, and operate a railroad bridge and approaches thereto over the Monongahela River, in the State of West Virginia, at a point just above the mouth of Big Pawpaw Creek, a northern tributary of the said river, and near the town of Rivesville. Said bridge shall be constructed for the passage of railway trains, and, at the option of the corporation for which it is built, may be used for the passage of wagons and vehicles of all kinds, for the transit of animals, and for foot passengers, for reasonable rates of toll, to be fixed by the said company and approved by the Secretary of War.

SEC. 2. That the said bridge to be constructed under this Act and subject to its limitations shall be a lawful structure, and shall be recognized and known as a post road, and shall enjoy the rights and privileges of other post roads in the United States; that no higher charges shall be made for the transmission over the same of the mail, troops, and munitions of war of the United States, or for through railway passengers or freight passing over said bridge, than the rate per mile for their transmission over the roads leading to said bridge; and the United States shall have the right of way across said bridge for postal telegraph purposes; and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies; that the said bridge shall be constructed so that a free and unobstructed passage may be secured to all water craft navigating said river at the point aforesaid; and the said corporation shall maintain, at its own expense, from sunset to sunrise such lights or other signals on the said bridge as the Light-House Board shall prescribe: *Provided*, That other railroad companies desiring the use of said bridge and approaches shall have and be entitled to equal rights and privileges relative to the passage of trains over the same upon 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 of them, desiring such use shall fail to agree upon the sum or sums to be paid or upon rules and conditions to which each shall conform in using said bridge and approaches, 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.

SEC. 3. That the bridge authorized to be constructed under this Act shall be built and located under and subject to such regulations for the security of navigation of said river as the Secretary of War shall prescribe; and to secure that object the said company shall submit to the Secretary of War, for his examination and approval, designs and

Amendment.

Time of construction.
Post, p. 715.

April 5, 1904.
[S. 3430.]

[Public, No. 81.]

Monongahela River.
Buckhannon and Northern Railroad Company may bridge, at Rivesville, W. Va.

Railroad, wagon, and foot bridge.

Toll.

Lawful structure and post route.

Telegraph, etc., rights.

Unobstructed navigation.

Lights, etc.

Proviso.
Use by other roads.

Secretary of War to approve plans, etc.